

Section 4

Equality

Analysis Toolkit

**Review and Redesign of Lancashire's Short Break Offer
for Children and Young People with Disabilities**

For Decision Making Items

March 2020

Question 1 - What is the nature of and are the key components of the proposal being presented?

The proposals follow a review of Lancashire's short break services for children and young people with special educational needs and disabilities and their parents and carers. The review has considered the current services on offer that can be accessed without a social care assessment and the criteria that applies to this; and the services that can be accessed following an assessment. These are:

- Lancashire Break Time – unassessed short break service
- Day time short breaks and overnight short breaks – assessed short break service

The proposals represent a change to all of these services as follows:

Eligibility

- Much of the eligibility criteria for both Lancashire Break Time, day-time short breaks and night-time short breaks will remain unchanged. This means that for:
 - Lancashire Break Time (to be known as Break-time), children and young people will have some form of learning difficulty or physical or sensory difficulty, live in Lancashire, not live with or be supported by paid carers and be able to attend from the start of the academic year in which they will turn 5, up until the end of the academic year they become 18.
 - Day-time and night-time short breaks will be provided if identified as a need following a social care assessment.
- Where a child is in a residential school placement then they cannot access Break-time
- Break-time activities can be identified as part of the package for children and young people following a social care assessment.

Previously children and young people with a social care package of support were only eligible for direct payments, day-time and night-time short breaks and could not access Lancashire Break Time.

Ensuring the effective and equitable use of resources

- This model will introduce changes to the current approach in that a child or young person will receive a minimum offer of 10 hours up to a maximum offer of up to 50 hours of Break-time activities per year.

This is a change in that the current number of hours that can be accessed is unlimited (subject to availability)

- Where the financial costing of demand exceeds the budget envelope, priority will be given to children and young people with the greatest level of needs, for example, those with an education, health and care plan.
- Families will be able to purchase additional time with providers if they wish
- Children and young people will be able to access Break-time activities through their assessed short break support if this meets their needs.
- The contribution by families will be increased from £1 to £2 per hour per Break-time activity. Specific activity costs or entrance fees would be an additional cost (current position).
- Children and young people could access Break-time for more than the maximum offer if this was identified as a need following a social care assessment

Commissioning Framework

- A dynamic purchasing system will be used to commission providers for Break-time, day-time and night-time short breaks rather than the existing 'preferred provider' commissioning framework. This will mean a change for providers.

Question 2 - Scope of the Proposal

Is the proposal likely to affect people across the county in a similar way or are specific areas likely to be affected – e.g. are a set number of branches/sites to be affected?

The current Lancashire Break Time short break provision is not equitable across Lancashire. The access criteria are not fully adhered to. Families are able to access as many Lancashire Break Time hours as they want/need, subject to availability. Therefore there is a discrepancy across the county in the number of hours accessed by individuals and between geographical areas. This is part is due to the number of providers. There is not the same amount and type of provision in each area. The commissioning framework has gaps in it and different providers operate in different areas.

In relation to day-time and night-time short breaks to meet assessed needs, there are also gaps in provision geographically and in relation to meeting certain types of need.

The proposals are aimed at positively impacting on children and young people and their families by providing a more equitable and consistent short break offer across Lancashire.

Question 3 – Protected Characteristics Potentially Affected

Could the proposal have a particular impact on any group of individuals sharing protected characteristics under the Equality Act 2010, namely:

- Age
- Disability including Deaf people
- Gender reassignment
- Pregnancy and maternity
- Race/ethnicity/nationality
- Religion or belief
- Sex/gender
- Sexual orientation
- Marriage or Civil Partnership Status

And what information is available about these groups in the County's population or as service users/customers?

In relation to protected characteristics the proposals will have a particular impact in relation to age (children and young people) and disability. The proposals affect a service for children and young people aged 0-18 with special educational needs and disability.

Age

From 1 April 2018 to 31 March 2019 1,204 children and young people used the Lancashire Break Time Service.

Whilst Lancashire Break Time would be available to children and young people aged 5 to 18 (from the start of the academic year in which they turn 5, up until the end of the academic year they become 18) the information for 2018/19 indicates there were 6 users aged under 5 and 29 aged 20-25 who would be unable to use Break-time

going forward. There is also a higher usage by those aged 10-19 which may mean that this group of children and young people is affected more by some elements of the proposals, for example, the increase in contribution for activities or if the offer is oversubscribed. Whereas under the current arrangements for Lancashire Break Time, some children and young people who didn't fit the criteria have been attending activities, this will not be the case going forward.

On 12 February 2020 there were approximately 500 children and young people aged between 0 and 18 who were eligible to receive day time or overnight short breaks

Disability

Those eligible to apply for Lancashire Break Time, day-time and night-time short breaks will have a learning difficulty, physical disability or sensory disability and are therefore included within the Equality Act's definition of disability.

Question 4 – Engagement/Consultation

How have people/groups been involved in or engaged with in developing this proposal?

There has been a period of engagement with parents and carers, children and young people and providers between September 2019 and February 2020 which have informed the proposals.

Activity has involved the following:

- Parent and carer short break survey - An online survey for parents and carers who had used a short break service from April 2018 until October 2019 was undertaken. The survey was designed in collaboration with the Parent Carer Forum. The survey was live between 24 September 2019 and 21 October 2019. 325 responses were received.
- Face to face meetings with parents and carers - 14 Face to Face Meetings were arranged to take place at a range of venues across Lancashire. These meetings were attended by 50 parents in total

- Providers - Two provider workshops were held on 18 November 2019 attended by 33 providers of Lancashire Break Time and the Chair of the Parent Carer Forum.
- Short Break Service Offer Redesign Workshops - Two workshops were held on 26 November 2019 and 11 December 2019. There were 65 attendees in total including representatives from schools, providers, parent and carers, health services, Children's Services, wider Lancashire County Council partners and Lancashire Parent Carer Forum.
- Children and young people's questionnaire - An online questionnaire for children and young people went live on 29 November 2019 until 31 December 2019. 44 responses from young people were received.
- Face to face meetings with children and young people - engagement sessions took place in January and February 2020 which involved two hour workshops led by Barnardos, Lancashire Parent Carer Forum and the Special Educational Needs and Disability Partnership Team. They were hosted in 5 different settings to cover primary, secondary, mainstream and special schools and 90 children and young people participated.

Engagement internally with officers from other Lancashire County Council services has also taken place as appropriate.

The key themes from engagement has been:

Lancashire Break Time

- Lancashire Break Time meets the needs of many families and is valued.
- Families and providers want short break services that enable them to plan ahead.
- Families want choice and flexibility, with activities near their home
- Families want their children to be involved in meaningful activities, aimed at their interests and which help them to gain skills and independence whilst promoting inclusion.
- Families value skilled, experienced staff who know their children, can communicate with them and manage their needs and behaviours.
- A number of families indicated they were willing to pay more for holiday clubs and after school clubs if these met their needs
- Suggestions for specific activities were made by children and young people and parents and carers.

- Providers identified challenges in meeting complex needs

There were a range of views and conflicting perspectives shared in relation to a number of aspects of Lancashire Break Time:

- how to ensure a fair and equitable offer
- the priorities – for example, short breaks in holidays or after school clubs
- provision of transport to short breaks
- age range
- school based activities

There was consistency in the view that Lancashire Break Time activities should be accessible to children who have had a statutory social care assessment of need.

Day-time and night-time short breaks

Points raised in feedback were:

- The current criteria for Lancashire Break Time prevented access by children and young people who received short breaks following an assessment
- Challenges in managing direct payments and finding a carer
- Lack of flexibility allowed in the use of direct payments
- Increased access to night-time short breaks.
- Lack of clarity about access to night-time short breaks

Lancashire Break Time, day-time and night-time short breaks

- Families want services and opportunities for their children that are equitable and similar to those that can be accessed by children and young people who do not have disabilities.
- The information offer could be improved as:
 - Information about short breaks is not reaching all families that would benefit.
 - Methods of communicating information other than digitally should be considered.
 - Schools and other professionals should have a better knowledge about what is available.
 - There are activities on a local basis which are not widely known.

- There isn't sufficiency of appropriate child care to enable families to work.

The feedback demonstrates the diverse range of views and the challenge of providing short break services which meet everyone's needs. There was no consensus in the feedback about the priorities or the operating model. The aim is to ensure that the short break offer meets the needs of as many families as possible.

Specific feedback from the children and young people's questionnaire was:

- Young people reported to enjoy a range of indoor and outdoor activities including sports, dance, arts and crafts and trips to a variety of venues. Trips were reported to be fun enabling children and young people to do things they normally wouldn't have the opportunity to. One young person said *'Going to the seaside, parks, the cinema, the space centre. Doing activities that I wouldn't normally get to do (canoeing, den building, camp fires).'*
- The majority of responses noted that they liked being able to socialise with their friends: *'I get to do things with my friends, without my parents in a suitable and safe environment.'*
- Several comments did not want change as they are happy with current provision. Majority of children and young people would like more availability, offered in more locations. Improved advertisement was also suggested.
- Young people suggested lots of activities they would enjoy. The majority involved trips out, for example, bowling, cafes, cinema, swimming, horse-riding, trampolining and trips to the seaside. Also more sensory activities, music clubs and opportunities for quiet activities.
- There was further praise for the current provision. Concerns that if the activities stop they won't be able to see their friends and will become isolated. One young person said *'I love seeing my friends and feeling included'*.

The key themes from the face to face sessions were that children and young people wanted:

- to take part in outdoor activities, such as sports, gardening and fishing.

- to go to clubs where they would feel active, explore and have fresh air, meet new people and have a break away from their families.
- computer based and gaming clubs were a popular suggestion
- clubs where they could talk to people and express their worries or concerns
- Many young people felt that having a safe place to go to, amongst others their age, would be something that they would like in the future. Clubs or activities like this, in the past, have helped them to feel "confident," "included" and "appreciated."

The feedback from children and young people will be used to inform the recommissioning of short break services going forwards.

Question 5 – Analysing Impact

Could this proposal potentially disadvantage particular groups sharing protected characteristics and if so which groups and in what way? This pays particular attention to the general aims of the Public Sector Equality Duty:

- To eliminate unlawful discrimination, harassment or victimisation because of protected characteristics;
- To advance equality of opportunity for those who share protected characteristics;
- To encourage people who share a relevant protected characteristic to participate in public life;
- To contribute to fostering good relations between those who share a relevant protected characteristic and those who do not/community cohesion;

This proposal will impact on individuals with protected characteristics as outlined below.

- Consistent application of the criteria for Break-time (unassessed short breaks) may mean that some children and young people with special educational needs and disabilities may no longer be

able to access this service. This could happen where they previously accessed this despite not meeting the criteria; for example, current information suggests that 6 children were aged under 5 who accessed Lancashire Break Time in 2018/19 and 29 were aged 20-25 and they are not within the specified age range for the new model.

- However under the new Break-time criteria children and young people who receive short breaks as part of an assessed support plan will now be able to access Break-time.
- The offer of a minimum of 10 hours up to a maximum of 50 hours of Break-time activities per year will mean that children and young people who previously accessed more than this will no longer be able to do so through this offer. Information on the 2018/19 usage indicates that 61% of children and young people used up to 50 hours of Lancashire Break Time services whilst 39% used more than 50 hours each year. Average usage was 61 hours each year although this varied from 36-96 hours in different parts of the county. Based on this information the majority of children and young people would have their needs met by the up to 50 hours offer but there is a significant proportion for whom that would not meet their current usage.
- Although it is recognised that Lancashire Break Time is not a service designed to provide support for parents and carers who work (and the short breaks duty of local authorities under the Children Act 1989 and the Breaks for Carers of Disabled Children Regulations 2011 does not relate to providing short breaks to enable parents and carers to work); the engagement feedback has identified this as a significant concern. It is possible that an offer of up to 50 hours maximum per year could adversely impact some parents and carers who work in terms of it providing insufficient availability for them to work. This could be particularly difficult as the offer may not be sufficient to meet needs during school holidays which was an issue highlighted in a number of parent and carer responses.
- Improved information about short breaks should advance equality of opportunity for parent and carers and the redesigned service does have the potential to provide a generally fairer and

more geographically equitable service allocation. On the whole this should advance equality of access to this service.

- It is also anticipated that the range of activities potentially available will give greater choice to children and young people about what they do. Whilst many consultation respondents expressed an interest in doing outdoor, sporting, dance or music activities others preferred computer or gaming sessions. It is anticipated that the new Break-time model will offer increased choice which was identified by both children and young people and parent and carers as a desired outcome from the service redesign. Sufficient availability of a range of activities to meet demand will be an important consideration and at this stage it is not possible to predict how fully this element of advancing equality to such a range of activities will be met for all service users.
- The importance for children and young people of having time away from their parents and carers, gaining independence skills and having an opportunity to socialise was emphasised by many respondents. For those who are able to access short break services this opportunity will be available though it is accepted that for some this opportunity could reduce or be lost under the new model.
- A number of providers, parents and carers and children and young people have commented that there has been uncertainty about the availability of provision under the current model. It is envisaged that the new model will provide greater ability for providers, parents and carers and children and young people to plan their use of short breaks with more confidence about availability although it is recognised that there may be changes during each year.
- Although some parents and carers in the engagement process indicated they would be willing to pay a little more for Break-time sessions, it is recognised that the proposed increase in contribution to a minimum £2 per hour for Break-time activities could adversely impact some families and reduce their equality of opportunity to use the service. Although the charge has not risen for 10 years, some parents and carers may find the

increase difficult to budget for. This minimum £2 per hour cost is in addition to the cost of any specific activity or entrance fees

- The current model of Lancashire Break Time did mean that children and young people with packages of social care were ineligible to use the service which could have been felt to discriminate against that group. In the redesigned service those children and young people will be eligible to access Break-time therefore advancing equality of opportunity for them and their families.
- Some may no longer meet other parts of the criteria or may not be a priority for allocation of a 50 hour maximum offer where the offer is over-subscribed. This may prove particularly difficult where the child or young person struggles to deal with a change in their routine as part of their disability or special educational need which was an issue raised by some consultation respondents.

Question 6 –Combined/Cumulative Effect

Could the effects of this proposal combine with other factors or decisions taken at local or national level to exacerbate the impact on any groups?

There is a possibility of an increased demand for social care assessments, particularly where children and young people have had a greater level of funded provision than proposed in the new model (over the maximum 50 hours per year offer).

The impact of this redesign may also be affected by the outcomes of other ongoing considerations within the Education and Children's Directorate at this time such as the review of the Early Help offer and 'Where Our Children Live' work on the availability of night-time short breaks.

More generally, increased prices and concerns around elements such as the roll out of Universal Credit may combine with the proposed increase in contributions for Break-time sessions to adversely affect some families' finances.

Question 7 – Identifying Initial Results of Your Analysis

As a result of the analysis has the original proposal been changed/amended, if so please describe.

On 8 December 2018 the Cabinet agreed that a period of consultation should be undertaken to assess the impact on parents and carers, children and young people and providers in relation to the proposal to cease the Lancashire Break Time Service. After considering the outcome of the consultation, Cabinet made the decision August 2019, to review the full short breaks offer alongside Lancashire Break Time. At the same time, Cabinet determined that Lancashire Break Time should continue in its current form until the review and redesign of the full short breaks offer was completed. This proposal has emerged from that review.

Question 8 - Mitigation

Will any steps be taken to mitigate/reduce any potential adverse effects of the proposal?

In mitigation of some of the impact above:

- Adherence to the criteria will mean the service will be able to meet the needs of the maximum number of children and young people and parents and carers it was designed for.
- If parents and carers do not feel the 50 hour maximum offer meets their needs and/or they need more support, they will be able to fund additional hours themselves and/or request a statutory children's social care assessment to identify their needs and how they should be met. This includes children under the criteria age. Young people over the criteria age may be able to access services through adult social care.
- It is expected that the new commissioning model would result in a more equitable service across the county for children and young people with disabilities, their families and greater certainty for providers and their employees than current arrangements.

- For children and young people that will experience a change as part of the new model and who particularly struggle with change, there is time for planning and support to take place on individual basis to help them prepare for this.
- Provider engagement by Lancashire County Council prior to the retendering of short break contracts can support providers through the change process. This may be particularly useful for smaller provider organisations.

Question 9 – Balancing the Proposal/Countervailing Factors

This weighs up the reasons for the proposal – e.g. need for budget savings; damaging effects of not taking forward the proposal at this time – against the findings of the analysis.

The original proposal emerged as part of the County Council's response to meeting financially challenging conditions whereby there were changes in central government funding arrangements alongside increased costs of delivering services and increased demand for services.

Consultation and engagement has shown the value of short break services to children and young people, their siblings and parents and carers but has also shown that although valued by a lot of children, young people and families; the existing Lancashire Break Time provision was not operating in a consistent way across the county and was not always able to offer the availability, flexibility or range of activities that participants needed. These elements have been reflected in the proposed new model.

Delivering the new model will cost around £765,000 per annum and given the financial pressures which remain within the County Council it has been proposed to increase the minimum contribution per hour of Break-time activity to £2 from £1 which has been the cost for the last 10 years. Whilst it is acknowledged that this will present difficulties for some families it is hoped that it is not a substantial barrier to access.

The redesign process has also shown that there are some inconsistencies in how the eligibility criteria have been applied. The new model and monitoring arrangements associated with it should ensure that this is not the case moving forward. However, it is acknowledged that this will adversely impact children under 5 who use the service and those who are over 18, their families and their parents and carers. This will be particularly difficult for those whose disability means that they struggle to deal with change to their routine and/or who have used Lancashire Break Time for a number of years.

There are elements of the proposed new model and method of commissioning which are currently unknown such as the numbers of providers who will engage with the process, how demand might be increased by improved information and booking processes, what demand might be going forward and whether the range of activities available will match the demand. However, the redesign is intended to deliver a more flexible, better quality and better value service with greater potential for choice. Monitoring arrangements will be in place to oversee how the redesign is operating and adjust it where practicable.

Question 10 – Final Proposal

In summary, what is the final proposal and which groups may be affected and how?

The proposals follow a review of Lancashire's short break services for children and young people with special educational needs and disabilities and their parents and carers.

A new holistic offer, made up of three elements – Break-time, Day-time and Night-time is proposed:

Break-time: Children and young people aged 5-18 (from the start of the academic year in which they turn 5, up until the end of the academic year they become 18) will be able to access the Break-time offer if they have a learning difficulty or physical or sensory difficulty; live in Lancashire and do not live with or be supported by paid carers.

A minimum of 10 hours and a maximum of 50 hours of activities a year will be offered with the ability to purchase additional time if required and/or if it is identified as a need following a social care assessment. Families will contribute a minimum £2 per hour per Break-time activity, along with specific activity costs or entrance fees.

Day-time and night-time: Children and young people aged 0 to 18 will be able to access Day-time and Night-time short breaks if this is identified as a need following a social care assessment

A different approach to commission will be applied to commission providers for Break-time, Day-time and Night-time which is intended to deliver a more flexible and better quality service with greater potential for choice.

It is believed that the proposed new short break model will provide a generally fairer and more equitable offer which will should advance equality of access to this service. However it is acknowledged that for some children and young people and their families that there will be an adverse impact of these proposals which have been described above.

Question 11 – Review and Monitoring Arrangements

What arrangements will be put in place to review and monitor the effects of this proposal?

Implementation of the new model will be monitored and reviewed on an ongoing basis.

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Position/Role: Inclusion Service Senior Manager / Equality and Cohesion Manager

Equality Analysis Endorsed by Line Manager and/or Service Head: Sally Richardson, Head Of Service, Inclusion Service

Decision Signed Off By

Cabinet Member or Director

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