

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

February 2021

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.

The current unassessed short break offer in Lancashire is called Lancashire Break Time. The proposed new short break offer discussed below will be called Break Time. The day time and night time short break service will be called Day Time and Night Time.

Break Time

Eligibility Criteria

- Children will be able to access Break Time from the start of the academic year (September) in which they turn age 5 to the end of the academic year in which they turn 18 (July).

- Parents and carers will need to demonstrate that their child or young person has special educational needs and/or disabilities meaning they are unable to access universal services and activities; and the parent and carers are in receipt of child benefit for that child or young person.

- Children will live in Lancashire (excluding Blackburn with Darwen and Blackpool council areas).

- Children are not eligible to attend Break Time if:
 - They are looked after children and live with their parents, in a foster family or in a children's home (however children living with special guardians or someone who is in receipt of carers allowance for that child, are eligible)
 - They have had a social care assessment and receive Day Time or Night Time short breaks following this, through a social care plan of support.
 - They attend a residential school or receive short breaks as part of school support to families.

Break Time short break offer

- Each eligible child or young person can access up to 78 hours of Break Time activity within a year.
- 78 hours equates to one and a half hours of activity every week of the year, two hours a week in term time or a six-hour activity every week of the school holidays. The duration of after school, weekend and holiday activity and clubs varies dependant on the provider and families will be able to use the hours flexibly to meet their needs.
- Families will need to apply for Break Time on an annual basis.
- Families can purchase additional Break Time hours if required and this will form part of new commissioning arrangements.
- Families can request a social care assessment of need if they do not feel the new Break Time offer meets their needs.
- The allocation of a Break Time offer to those children who are eligible will be prioritised by date order of application where demand for the Break Time offer exceeds the availability of the service. Where families do not receive a Break Time offer in one year they will be prioritised the following year.
- There will be a minimum contribution towards Break Time by families of £2 per hour. This is in addition to any specific costs for activities, entrance fees or transport costs to activities which will not be provided by the Council.
- A limited number of hours will be protected at the beginning of each year so that eligible families who move into Lancashire will be able to receive a level of short break support during the year they move into the area. In subsequent years it is anticipated they will apply in the usual way alongside all other families.
- Subject to Cabinet's decision, Break Time commissioning activity will start following the decision with the new Break Time Service to start on 1 April 2022.

Day Time and Night Time

- There is no change to the eligibility criteria.
- Day Time and Night Time short breaks will be provided if identified as a need following a social care assessment.
- Day Time and Night Time short breaks, along with personal care support will be recommissioned, with commissioning activity starting following Cabinet's approval. Contracts will be awarded to approved providers in 2021

Break Time Plus

- Children and young people with a social care plan of support will be able to access Break Time activities and groups where this is assessed as a need following a social care assessment of need. Access to activities will be funded through their social care plan of support. This will be called Break Time Plus.
- Break Time Plus is intended to offer another option to meet the short break needs of children and young people and their families. Break Time Plus may be identified as able to meet all assessed short break needs of a child or young person or may be accessed in addition to other types of short breaks.
- It is proposed that Break Time Plus will be a separate contract to Break Time and subject to Cabinet's decision it is proposed that commissioning activity for Break Time Plus will start once Break Time is established, to start by 1 September 2022.
- Break Time Plus will not impact on access to activities through the Break Time hours and the Break Time budget.

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 proposed new short break offer will have an impact on and affect parents, carers, children, young people, families and short break providers across Lancashire and it will impact on some groups differently.

The current Lancashire Break Time short break provision is not equitable across Lancashire. The criteria to access the service is not consistently adhered to. Families are currently able to access as many Lancashire Break Time hours as they want or need, subject to availability. Therefore, there is a discrepancy across the county in the number of hours accessed by individuals and between geographical areas.

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. Current commissioning arrangements do

not support forward planning by providers and for families. Data regarding attendance submitted by providers to the Council does not support the monitoring and review of the service to ensure it meets needs.

There are gaps in provision of day time and night time short breaks geographically and in relation to meeting certain types of need.

The lower age range for Break Time will change slightly to reflect that children will be able to access Break Time from the start of the academic year (September) in which they turn age 5. Currently the lower age is 4. This means that whereas children can currently access Lancashire Break Time activities from their 4th birthday, under the new proposed criteria for Break Time, they will be able to access activities from age 4 but only from the start of the academic year in which they turn 5, not from the child's 4th birthday. For example, if a child turns 5 in April 2022, they will only be able to access Break Time activities from September 2022, rather than from their birthday. The impact of this change to the criteria will depend when a child's birthday is and will have a greater impact on some children than others. However, should families feel they need more support than is available from universal and targeted services then they can request a social care assessment of need. The upper age range at which young people can no longer attend Break Time has changed to reflect the academic year in which they turn 18 (July).

The offer of 78 hours per year per child will provide a more equitable short break offer across Lancashire. This will enable some children to access more unassessed activities and groups than they have previously been able to access. Based on 2018-19 Lancashire Break Time attendance data, this offer of 78 hours should meet the needs of 75% of children and young people. 25% attended more than 78 hours and therefore the new offer may have a negative impact on this group of children and young people and their families. However where a child, young person or family needs more than 78 hours of short break support then the family can request a social care assessment of needs. It is considered that where more support than 78 hours is needed, that an assessment should be undertaken to enable needs to be fully assessed and understood and to identify the best way to meet those needs.

However, the data for both 2018-19 and 2019-20 also indicates that a proportion of children and young people attended activities who did not meet the criteria for Lancashire Break Time. In 2018-19, 43 of the 1204 attendees (4%) were not eligible because of their age. A further 391

children and young people (32%) were potentially not eligible because they were in receipt of a social care package of support in that year. Combining these 2 groups means that a total of 434 children and young people accessing Lancashire Break Time and a range of hours were not eligible for the service. The removal of this cohort of children and young people from the total number of children and young people accessing support from Lancashire Break Time leaves a total of 771. Further scrutiny of Lancashire's education and social care case management systems indicates that 714 of these 771 children and young people have some identified special educational needs or disability and therefore were eligible for Lancashire Break Time. No additional information is available within the council systems about the remaining 57 children and young people who are not accounted for above. It is possible that some or all of these children and young people have special educational needs or disabilities but equally it may be that they do not. There is some concern, based on the geographical areas they are accessing services in, that some may not live in Lancashire which may be the reason they do not appear within the Lancashire's case management systems.

Therefore, it has been identified that the proposals will have an impact on up to 714 children and young people based on the attendance of eligible children and young people in 2018-19

The proposed increase to the minimum parent carer contribution to £2 per hour for Break Time will apply to all attendees. This will have a greater impact on those families less able to afford it.

Break Time funding will not include the cost of specific activities, entrance fees and transport costs which is the current position. Providers are currently able to charge families for these costs however the position in relation to activities and trips which incur these additional costs varies across Lancashire.

It is proposed that parents and carers will be able to purchase additional Break Time hours where they feel this is needed, benefiting positively this group of families who want to access more Break Time hours and can afford to purchase these.

The proposed new Break Time Plus offer will enable children and young people who previously were not eligible to benefit from Break Time group activities and clubs to attend these, funded through their social care plan of support if this is assessed as a need. This will

create an opportunity for these children and young people that currently isn't open to them.

The proposed new short break offer and new commissioning arrangements are aimed at improving the sufficiency of short breaks and providing a better quality and more equitable service across Lancashire.

The new application process and commissioning arrangements for Break Time will provide data on needs which will enable the Council to have a clearer understanding of the needs of children and young people attending Break Time and geographically, where this need is, supporting more effective commissioning and the targeting of the short break service. This will help address some of the geographical gaps in the service. The new commissioning arrangements for Break Time and Break Time Plus, alongside the increased parent carer financial contribution are intended to support providers to meet the needs of children and young people more effectively and provide a better quality service, enabling providers to invest in staffing, training and facilitating forward planning

The commissioning of new Break Time activities will take into account the feedback from children and young people about the sorts of activities and groups they would like to take part in.

The proposed new Break Time offer has been informed by the feedback gathered as part of the review and redesign and all the consultation and engagement, from parents and carers, children, young people and providers.

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

Children will be able to access the proposed new Break Time offer from the start of the academic year (September) in which they turn age 5 to the end of the academic year in which they turn 18 (July). The criteria for the current Lancashire Break Time service is aged 4 to 18 years.

2018-19 Lancashire Break Time attendance data analysed as part of the review and redesign identified that there were 6 users aged under 5 and 63 aged 19-25 who would be unable to use the unassessed short break offer under the new criteria. The 19 to 25 year-olds should not have been accessing Lancashire Break Time as they do not fit the criteria and the under 5 year olds at that time will now be old enough to attend Lancashire Break Time. 2018-19 attendance data has been used as it is considered to be more accurate and representative of Lancashire Break Time uptake than the 2019-20 data. Attendance data for 2019-2020 and 2020-21 has been affected by COVID-19 and the lockdown restrictions meaning Lancashire Break Time was unable to be delivered and then delivered differently. As referred to in the Cabinet report, there are limitations to the accuracy of some of the data.

Disability

Break Time, Day Time and Night Time short breaks are a service for children and young people with a disability. The eligibility criteria to access Break Time relating to disability is that a child or young person has special educational needs and/or disabilities meaning they are unable to access universal services and activities. Eligibility for day time or night time short breaks is following an assessment of need. Disabled children are children in need under the Children Act 1989. It follows that all the recommendations about these services have an impact on those with disability.

Sex / Gender

It is anticipated that the new commissioning arrangements will provide clarity to providers with the intention that it will support forward planning and their recruitment, retention and development of staffing to support high quality short break services. This is likely to impact positively on women, who make up the majority of the workforce in these services.

Whilst age and disability are the main protected characteristics affected by this proposal, people affected will come from a range of other protected characteristics groups (for example, ethnicity, religion or belief, etc). Whilst age and disability are the main protected characteristics impacted by this proposal, people affected will come from a range of other protected characteristics groups.

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 November 2020 which has 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.
- Consultation with parents and carers took place through an online questionnaire live between 1 September 2020 and 14 October 2020. This questionnaire was for parents and carers of children and young people with special educational needs and disabilities who are currently using Lancashire's Short Break Service, have used it in the past or who haven't used it before. 205 responses were received.
- Consultation with short break providers was also undertaken between 10 November 2020 and 30 November 2020 through an online questionnaire. 25 responses were received.
- Engagement with short break providers took place on 10 November 2020 through a 2 hour online presentation and opportunity for providers to ask questions.

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

The key themes from the consultations are identified highlighted in the Cabinet reports and appendices of 12 March 2020 and 4 March 2021 and these have informed the proposed new short break offer.

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.
- Information about short breaks could be improved as information is not reaching all families that would benefit, there needs to be

methods of communicating information other than digitally, , schools and other professionals should have a better knowledge about services available, knowledge about local activities is not known

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

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.
- The majority of responses noted that they liked being able to socialise with their friends.
- 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. They also wanted more sensory activities, music clubs and opportunities for quiet activities.

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."

Feedback from the consultation that took place with parents and carers and providers between September 2020 and November 2020, in relation to specific aspects of the proposed new Break Time offer:

- The majority of respondents agreed with the proposed age range for Break Time although some respondents expressed concerns about services for children and young people outside of the age range and that services for over 18 year-olds may not match the developmental age of young people. Some respondents expressed the view the Break Time age range should be the same age range for education, health and care plans (0-25).
- The majority of respondents disagreed with the proposal that a child can attend a minimum of 10 hours and a maximum of 50 hours of activities or groups per year as part of the Break Time Offer. The majority of respondents who disagreed with the proposal expressed the view that 50 hours was not enough. Respondents commented that 50 hours would restrict the activities children and young people would be able to access and would not support regular attendance and consistency. Respondents compared the offer to the unlimited number of activities available to children and young people without special educational needs and disabilities. Respondents questioned why there was a minimum offer and expressed the view that most people would want 50 hours. Some respondents suggested that the number of hours should be led by the needs of the parents and that different families had different needs. There was reference to the provision being needed for childcare.
- In relation to the maximum number of hours proposed, 22% of respondents felt the offer should be up to 100 hours and 59% of respondents felt the offer should be more than 100 hours.
- The majority of respondents agreed with the proposal that the minimum parent/carer contribution towards Break Time activities and groups is increased from £1 per hour to £2 per hour. Parents and carers who responded and who agreed with the proposed increase commented that they felt the increase was a fair and reasonable cost, good value for money, that they were in agreement to pay the increase for a quality service and that they would need to pay more for mainstream activities. Respondents who disagreed with the proposal commented that it was a 100% increase and that some families would be unable to afford this. Some respondents commented about the impact of the COVID-

19 pandemic on the abilities of families to be able to afford the contribution. Some respondents queried whether the parental contribution could be means-tested

- In relation to the proposal that the costs of specific Break Time activities, entrance fees and transport should be paid by parents and carers and not through Break Time funding (the current position); the majority of providers agreed with the proposal but the majority of parents and carers disagreed. Respondents who agreed with the proposal commented that they felt this was fair and were willing to pay these costs, and that they would need to pay these costs for a child accessing mainstream activities or if they took their own child. It was also commented on that direct payment recipients have to pay these costs. Respondents who disagreed with the proposals were concerned that families would not be able to afford for their children to go on trips and activities if they had to cover these costs and commented on the limited income of families with disabled children meaning these costs would be prohibitive. Respondents commented on the role of Break Time activities and providers in widening opportunities for disabled children and providing them with experiences they otherwise wouldn't have. Some respondents commented that they thought all activities and costs should be free
- Regarding the proposal that children with a plan of care and support following a social care assessment will be able to access Break Time activities and groups through Break Time Plus the majority of providers agreed with the proposal however the majority of parents and carers who responded did not express a specific view. 29% of parents and carers agreed with the proposal, 24% disagreed. Respondents commented on the benefits to children of attending group activities and that children with a social care package of support shouldn't lose out. Respondents also commented that they would like to use direct payments flexibly to access Break Time activities. Some respondents commented that they agreed with the proposal if there were enough places for all children irrespective of whether they were funded through Break Time or Break Time Plus. Comments from parents and carers who disagreed appear to relate to the limited information and detail provided regarding Break Time Plus and how it would work. Some providers commented that this could be a complicated model for providers,

but some responses indicated strong agreement and interest in this.

- The majority of respondents agreed with the proposal that allocation of a Break Time Offer is prioritised for children with an education, health and care plan by date order of application. Respondents who agreed felt that this was fair and that children with an education, health and care plan were most in need of the service and should therefore be prioritised. There were a greater number of comments shared by parents and carers who disagreed with the proposal. Respondents who disagreed felt that some children who didn't have an education, health and care plan were more in need of Break Time support and would benefit from this, than those that did and that getting an education, health and care plan was a lengthy process. Some comments related to prioritising access based on assessment and taking into account the needs of a child and family. Others commented that the proposals were not fair. One respondent commented that an education, health and care plan is about the child and short breaks are about the whole family's circumstances.
- Some respondents who disagreed with the proposal did not feel allocation of a Break Time offer should be prioritised by date order of application as this disadvantages parents and carers experiencing difficulties and those who struggle to complete forms.

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:

- Data analysis of Lancashire Break Time attendees considered as part of the formulation of the new short break offer has identified that there is a cohort of children who have attended between 1 April 2018 up to December 2020 who did not meet the criteria as they were receiving short breaks through a social care package of support. In 2018-19, 43 of the 1204 attendees (4%) were not eligible because of their age. A further 391 children and young people (32%) were potentially not eligible because they were in receipt of a social care package of support in that year. Combining these 2 groups means that a total of 434 children and young people accessing Lancashire Break Time were not eligible for the service. The removal of this cohort of children and young people from the total number of children and young people accessing support from Lancashire Break Time leaves a total of 771. Further scrutiny of Lancashire's education and social care case management systems indicates that 714 of these 771 children and young people have some identified special educational needs or disability and therefore were eligible for Lancashire Break Time. No additional information is available within the council systems about the remaining 57 children and young people who are not accounted for above. It is possible that some or all of these children and young people have special educational needs or disabilities but equally it may be that they do not. There is some concern, based on the geographical areas they are accessing services in, that some may not live in Lancashire which may be the reason they do not appear within the Lancashire's case management systems. Therefore, whilst there will be an impact on children and young people who are accessing more than 78 hours of activities, a proportion of these were not eligible to access the service.
- Going forwards, the consistent application of the criteria for Break Time will ensure that only eligible children and young people can access the service, excluding those who previously attended despite not meeting the criteria. As above, a proportion of these children are receiving support through a

social care plan which can be reviewed to consider how needs that were previously met through Lancashire Break Time, can be met. Once established, Break Time Plus can be considered, enabling children and young people to access Break Time activities and groups, funded through their social care plan of support.

- In order to access Break Time, parents and carers will need to demonstrate that their child or young person has special educational needs and/or disabilities. As referenced above, the 24.5% children in 2018-19 identified as not having a special educational need may have a disability meaning they do meet the criteria if disability can be demonstrated
- However, for those children that fall outside of the criteria, their attendance will need to cease.
- As a result of considering feedback from the consultation with parents, carers and providers between September – November 2020, the proposed new Break Time offer is now proposed as a maximum offer of 78 hours. This equates to one and a half hours of activity every week of the year, two hours a week in term time or a six-hour activity every week of the school holidays. The duration of after school, weekend and holiday activity and clubs varies dependant on the provider and families will be able to use the hours flexibly to meet their needs.
- Whilst the offer of 78 hours meets the needs of 75% of families based on 2018-19 attendance data, it is acknowledged that it may not meet the needs of 25% of families who have previously accessed more than 78 hours of Lancashire Break Time.
- Some of these young people as referenced above, have been identified as having a social care plan of support over that same period and therefore did not fit the criteria to access the service but their short break needs can be considered through their social care plan of support. Some of these young people were not eligible to attend due to their age.
- The proposal of 78 hours is a short break offer that is in addition to other groups available for children and young people run by other services and organisations. These groups may be suitable for children and young people who need more than the 78 hour Break Time Offer.
- There is a concern that Lancashire Break Time, a service accessed without an assessment of need, is meeting the needs of a number of children, young people and families with a high level of need where providers are providing 1:1 or 2:1 staffing to

meet needs or manage behaviours in a group setting. The Council needs to understand why this is happening, and whether that is indicative of a wider need. It is therefore an indicator for a social care assessment.

- Families will be able to purchase additional Break Time hours if they want to access more than 78 hours per year and this will form part of new commissioning arrangements. This reflects feedback from parents and carers gathered during the consultation which has taken place.
- Where a child, young person or family needs more than 78 hours of short break support then the family can request a social care assessment of needs. It is considered that where more support is needed, that an assessment should be undertaken to enable needs to be fully assessed and understood and to identify the best way to meet those needs. Where a family request a social care assessment of need, the assessment will explore what other support is available to meet the identified needs, including from universal and targeted services. A social care assessment of need may not identify a need for more than 78 hours of short breaks.
- The current Lancashire Break Time service and the proposed new Break Time offer is not a service designed to provide support for parents and carers who work (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). However feedback gathered through engagement and has identified the need for childcare and the use of Lancashire Break Time as childcare as a concern for parents and carers. Feedback gathered has indicated that some parents are willing to pay for Break Time activities to enable them to work, valuing the service in this respect. Therefore, the ability of parents and carers to purchase more Break Time hours would potentially benefit parents who want to use Break Time as childcare.
- The proposed increase in parent carer contribution towards Break Time from £1 per hour to £2 per hour will have a greater impact on families with a lower income or those whose income is affected by COVID-19. The proposed offer of 78 hours will mean families will have to contribute £156 per year towards accessing Break Time.

- Families will also have to pay the cost of any specific activities, entrance fees or transport costs. This is the current position, but it is not applied consistently across providers who offer trips and activities that incur additional costs. Not all providers offer these, however. This will therefore impact more on families who have children who are used to going on specific trips and activities and where families have not been funding these costs themselves.
- The parent carer hourly contribution to Break Time and the costs of any specific activities, entrance fees or transport will have a greater impact on families who have more than one child attending Break Time.
- Families will need to apply for a Break Time offer once a year and the allocation of a Break Time offer to those children who are eligible will be prioritised by date order of application where demand for a Break Time offer exceeds the availability of the service. Where families do not receive Break Time offer in one year they will be prioritised the following year. This arrangement for accessing the Break Time offer will disadvantage those families that may find it difficult to complete application forms or who aren't aware of services available and arrangements for access. There will be an impact on children, young people and families if they apply for Break Time but do not receive an allocation of hours due to demand. This may have a particular impact on children and young people who need continuity and consistency.
- The Break Time Plus offer will provide an opportunity for children who don't fit the eligibility criteria for Break Time because they receive short breaks through a social care plan of support, to attend a Break Time group or activity funded through their social care plan, if this meets their needs. This will increase options available to these children and young people and they will be able to benefit from a group activity.
- Tendering for the new Break Time offer will result in additional work for providers as the offer is different to Lancashire Break Time however commissioning arrangements for Break Time and Break Time Plus and the increased parent carer financial contribution will support providers to meet the needs of children and young people more effectively and an increased level of stability for providers, enabling investment in in staffing, training and facilitating forward planning.

- The proposed new short break offer is intended to provide a better quality and more equitable service for children and families across Lancashire which offers more flexibility and supports better forward planning for children and families.
- Improved information about short breaks on the Local Offer should advance equality of opportunity for parents and carers. It is intended that a greater range of activities will be commissioned as part of Break Time aimed at giving greater choice to children and young people about what they do and taking into account where possible, the interests expressed by children and young people through the engagement and consultation. The tendering process for Break Time will include information about the activities and groups young people said they were interested in for providers to take into account when bidding to deliver the new Break Time contract. 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 in the consultation and engagement. For those who are able to access short break services this opportunity will be available through Break Time, Day Time and Night Time.

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?

The proposed new short break offer may result in an increased demand for social care assessments, particularly where children and young people have accessed a higher number of Lancashire Break Time activities than proposed by the new Break Time offer (over the maximum 78 hours per year).

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.

The COVID-19 pandemic has had an impact nationally on the financial situation of many families and therefore the impact of an increased parental contribution from £1 to £2 per hour and maintaining the current position in relation to costs of specific activities, trips and transport being funded by families will have a greater impact on those families who have limited financial resources. The numbers who may be affected is not known but is likely to have increased arising from the impact of COVID-19.

It is anticipated that COVID-19 will have an impact on the ability of providers to deliver a short break offer, the risks to children, young people through accessing short breaks and the needs of families for short breaks. The changing risks of infection; roll out of the vaccination programme, guidance for providers to manage risks and the position in relation to school attendance will also impact on this. It is difficult therefore, to predict demand for the new Break Time offer. Since March 2020, some families supported through a social care plan of support have needed more or different support for various reasons relating to COVID 19.

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.

Feedback from the proposals consulted on with parents and carers and providers between 1 September and 30 November 2020 has been considered and as a result, the proposals being presented for consideration by Cabinet on 4 March 2021 has been changed.

- The minimum offer of 10 hours and maximum offer of 50 hours has been changed as a result of considering the feedback. The maximum Break Time offer has been increased to 78 hours (consistent with the number of hours accessed by 75% of families who used Lancashire Break Time in 2019-20 (although it has been identified that not all of the 75% of attendees were eligible to access the service). It is now proposed there will be no minimum offer, however applicants will be asked to indicate if

they do not want 78 hours so another family can be allocated the hours.

- In considering feedback, there is a change proposed to how applications for a Break Time offer are prioritised where demand exceeds availability. It is no longer proposed that prioritisation will be given to children and young people with an education, health and care plan. However there needs to be a way of allocating the Break Time offer that is as fair, transparent and equitable as possible. It is proposed that the allocation of a Break Time offer to those children who meet the criteria is prioritised by date order of application only, where demand for a Break Time offer exceeds the availability of the service. Where families do not receive Break Time hours because of a late application, they will be prioritised the following year.

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 for Break Time 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.
- Under the changed age range criteria, children aged 4 and under will be affected. Data analysis suggests the number of children who would be eligible for the proposed new Break Time service is currently small. There are universal and targeted services available to support and meet the needs of these children and their parents and carers including those provided by Lancashire County Council as well as other organisations. Should families feel that these universal and targeted services do not meet their needs or they require more support than can be provided through these services, families can request a social care assessment of their needs. It is also acknowledged that whilst a very limited number of young people may continue to attend school over the age of 18, there are other targeted services for

young adults such as those provided by the Child and Family Wellbeing Service.

- If parents and carers do not feel the 78 hour maximum offer meets their needs and/or they need more support, they will be able to fund additional hours themselves. The Break Time offer is in addition to short break activities provided through the Early Help Offer for children with special educational needs and disabilities; and other activities provided by various charities and organisations across Lancashire.
- Families are also able to request a statutory children's social care assessment to identify their needs and how they should be met if they feel the Break Time offer does not meet their needs. 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 intended that the new commissioning arrangements for the Break Time offer will 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 Break Time offer 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.
- The implementation of the proposed Break Time Plus offer will provide an opportunity for children who would benefit from a group activity but are not eligible for Break Time due to receiving a social care plan of support, to access this funded through their plan.
- There will be information about the new Break Time offer and application process published in the Local Offer. This will be promoted through a number of ways including face book, the FIND newsletter (disabled children's database), parent carer forum and through schools. Support to make an application and meet the deadline for application will be available for those parents and carers who need this.
- Provider engagement by Lancashire County Council prior to the retendering of short break contracts will support providers with the changes to the tendering process and new short break offer. 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 through 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, parents and carers and families 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. Feedback from consultation and engagement has been taken into account in the formulation of the proposed new model.

Delivering the proposed new Break Time offer will cost £1.174m per year. 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. This will contribute to the financial offer to providers as part of new commissioning arrangements for the Break Time offer which will support the provision of a better quality, equitable service which supports providers to meet the needs of children and young people more effectively and an increased level of stability for providers, enabling investment in staffing, training and facilitating forward planning.

The £2 minimum contribution will also go directly to providers and consideration will be given to this being a form of a deposit at the time of booking a place on groups activities. The purpose of this is to try to reduce the number of wasted places, which currently occurs at a financial detriment to providers, and makes management of a limited resource more difficult. Arrangements will need to be in place to minimise the impact on this for providers and enable the maximum attendance levels on groups and activities. This will ensure the most

effective use of the Break Time offer and support forward planning for families.

Whilst it is acknowledged that the increase in parent carer financial contribution will be an increase for some families and will have a greater impact on 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. New arrangements for the Break Time offer including the application process should ensure that only eligible children access the Break Time offer. However, it is acknowledged that this will adversely impact children and young people who have been accessing Lancashire Break Time despite not meeting the eligibility criteria. 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. However as referred to above, there is time for planning and support to take place on an individual basis to help them prepare for this.

There are elements of the proposed new Break Time offer and the proposed new methods 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 (particularly in relation to the impact of COVID-19) and whether the range of activities available will match the demand. However, the proposed new short break offer 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 the implementation of the new short break offer and how the service is meeting needs going forward.

For children, young people and families who are currently using Lancashire Break Time and will use it up to the implementation of the new Break Time model; and for providers there will be changes for all. For some children, young people and families the changes will improve the offer they are able to access and how they access it, for others their access will be less. In relation to Day Time and Night Time short breaks, accessed following a social care assessment of need the recommissioning of these services is intended to improve the sufficiency of provision and how individual social care packages of support are commissioned.

Question 10 – Final Proposal

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

The final proposals are outlined below. The groups affected are children and young people aged 0 to 18 and disabled children and young people.

The new criteria for Break Time will mean that some children who would have been able to access Lancashire Break Time will not be able to access the new offer. These will be children aged 4 and under and young people over 18 years old. There are other services targeted at meeting the needs of these children, young people and their families. For the children and young people who have been accessing a high number of Lancashire Break Time activities who will not be able to access Break Time activities to the same extent families can request a social care assessment of needs if they feel the offer of 78 hours does not meet their needs. The arrangements for applying for Break Time will ensure that children and young people who do not meet the criteria are not able to access the service, ensuring the service is targeted towards those whose needs it is designed to meet. The application process will also support the collection of data and a better understanding of the needs of children and young people, enabling better commissioning of the service going forward.

In summary, therefore, the redesigned Break Time service should be better directed towards those for whom it is intended. Families with children and young people accessing the highest number of hours will need to consider whether they feel they need a social care assessment of needs if they need more than the 78 hour Break Time offer. There may be a cost to this as it may lead to an increase in the number of social care assessments and support required following this. It is also intended that there will also be other improvements to the service with a reduction in wasted places. The Break Time service has been historically underspent, and the Council wishes to bring that to an end to ensure the Break Time service most effectively meets needs.

Break Time

Eligibility to access Break Time:

- Children will be able to access Break Time from the start of the academic year (September) in which they turn age 5 to the end of the academic year in which they turn 18 (July).
- Parents and carers will need to demonstrate that their child or young person has special educational needs and/or disabilities meaning they are unable to access universal services and activities; and the parent and carers are in receipt of child benefit for that child or young person.
- Children will live in Lancashire (excluding Blackburn with Darwen and Blackpool council areas).
- Children are not eligible to attend Break Time if:
 - They are looked after children and live with their parents, in a foster family or in a children's home (however children living with special guardians or someone who is in receipt of carers allowance for that child, are eligible)
 - They have had a social care assessment and receive Day Time or Night Time short breaks following this, through a social care plan of support.
 - They attend a residential school or receive short breaks as part of school support to families.
- Each eligible child or young person can access up to 78 hours of Break Time activity within a year.
- Families can purchase additional Break Time hours if required and this will form part of new commissioning arrangements from September 2022.
- Families can request a social care assessment of need if they families do not feel the new Break Time offer meets their needs.
- The allocation of a Break Time offer to those children who are eligible will be prioritised by date order of application where demand for a Break Time offer exceeds the availability of the

service. Where families do not receive Break Time offer in one year they will be prioritised the following year.

- There will be a minimum contribution towards Break Time by families of £2 per hour. This is in addition to any specific costs for activities, entrance fees or transport costs to activities which will not be provided by the Council.
- Subject to Cabinet's decision, Break Time commissioning activity will start following the decision with the new Break Time Service to start on 1 April 2022.
- Subject to Cabinet's decision it is proposed that commissioning activity for Break Time Plus will start once Break Time was established, to start by 1 September 2022.

Day Time and Night Time Short Breaks

- It is proposed that Lancashire's new Short Break Offer will provide Break Time, Day Time and Night Time short breaks alongside the Early Help Offer for children with special educational needs and disabilities; and other activities provided by various charities and organisations across Lancashire.
- It is proposed that there will be no changes to how children and families access Day Time and Night Time short breaks. These will be accessed through a social care assessment of need. Day Time and Night Time short breaks, along with personal care support will be recommissioned, with commissioning activity starting following Cabinet's approval. Contracts will be awarded to approved providers in 2021.

Question 11 – Review and Monitoring Arrangements

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

It is proposed that a group is established to support and monitor the implementation of the new Break Time offer and once implemented, support the ongoing review of the service and how this is meeting

needs on a regular basis. This would involve parents and carers, partners and children and young people.

In relation to the budget for Break Time, regular monitoring will be undertaken to ensure that any projected underspend resulting from either lower than anticipated take up or lower charges is highlighted as soon as it is identified. The impact of the new service on the number of requests for assessed short breaks will also be reviewed regularly. Significant changes in the demand and cost of the service will be reported to Cabinet in the quarterly Money Matters reports.

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Decision Signed Off By

Cabinet Member or Director

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