



# **Report on Commissioning for Children with Disabilities – including Short Break Services**

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## Context

Over the last 5 years, there has been a national drive to support the development of flexible and responsive support for children with disabilities, including increased funding for short breaks associated with the 'Aiming High for Disabled Children' Programme. The Aiming High Programme also emphasised the importance of accessible information for families; transparency about how resources are allocated and commissioned; holistic assessments for children with disabilities; participation and choice in decisions about local service development; and more dialogue about what's working and what's not.

Many councils have also become increasingly transparent about the range of services available and the eligibility for them. However, a recent report examining the short break criteria of 60 councils found that over a quarter have been using banding or other forms of criteria 'illegally' to limit access to services<sup>1</sup>. The research followed a judicial review in March 2009 that found that the London Borough of Islington's criteria didn't meet legal requirements. In particular, the judgement concluded that councils must not put blanket limits on the amount or type of services offered – rather they must assess individual child needs and make individual decisions on that basis.

Council-based commissioners and their advisers have been seeking to affect change in a number of ways including through:

- Shaping and facilitating the market to deliver more and more acceptable services.
- Making the best use of physical resources such as residential and other units.
- Developing partnership arrangements with their PCT colleagues to make best use of the total resource for children with more complex needs.
- Developing a more 'personalised' approach to service provision, including use of direct payments and personal budgets.
- Supporting improved transitions to adulthood.
- Understanding the costs and impact of short break provision.

Examples of these activities are:

### Shaping and Facilitating the Market - Plymouth

Under the auspices of 'Aiming High' Plymouth adopted a 'grow your own' approach to market facilitation to provide more and better short break services for children with disabilities. Instead of adopting a blanket procurement approach, they made a number of small grants to grass roots, including parent-led organisations in order and in doing so stimulated the voluntary and community sector market to deliver creative and value for money services. They also tapped into existing locality commissioning and used these mechanisms to broker additional out of school including holiday activities for children with disabilities. Some voluntary sector organisations were also commissioned directly to deliver very specialist holiday and other services, as they could demonstrate very particular expertise for priority groups such as children with autism. An over-arching short breaks advice service provided the link between families and services.

Post-election, Plymouth commissioners describe being in a good position with regard to sustainability, having already transformed the way in which services are delivered for children with disabilities.

### **Making Best Use of Physical Resources - Kent**

As part of their Aiming High initiative, Kent developed a 'hub and spoke' model central to their commissioning of disabled children's services. This was underpinned by a belief that children from across the county should receive equitable services, based in their local community, which promote inclusion into the mainstream wherever possible. Central to their commissioning intentions was a programme to build or adapt multi-agency assessment centres and day facilities.

Other areas have sought to emulate this hub and spoke approach, including by making best use of the local Children's Centre resources<sup>ii</sup>.

### **Developing Partnership Arrangements - Cornwall**

Although Aiming High had helped to develop more and better quality short break services for children with disabilities, some gaps and issues remained. In particular, it was considered that more effective and more flexible residential short breaks were required for children and young people with complex needs or life limiting illnesses using the following budgets:

- A PCT budget of approximately £1.3 m for short break provision currently committed to a single service specification with The Cornwall Foundation Trust.
- Local authority residential short break budget comprising a total budget of £3.6m.

It is proposed that the local authority will become the lead commissioner for these two budgets which will be pooled using a Children Act S75 agreement. The local authority will undertake the ongoing management of:

- The combined budget.
- The service agreement with Cornwall Foundation Trust for the provision of the Short Break Service.
- Arrangements and service level agreements with local authority provider services for short break services.
- Contracts with private and voluntary sector providers for short break services.
- The Aiming High Action Plan and a Commissioning Strategy for short breaks to deliver improvements in services for children with complex needs as part of this plan.

The management of the combined resources will require additional resources to those currently allocated by the local authority to:

- Monitor the budget, contract and contract performance of the PCT SLA from April 2011.
- Review commissioning intentions and renegotiate contracts and performance where required by April 2012.
- Ensure that the arrangements take account of emerging NHS commissioning arrangements through to March 2012.

It is proposed therefore that to ensure a successful handover the PCT allocate a specific individual to work with the local authority for a nominal 2 days per month over the period to March 2012.

The Disabled Children's Commissioning Group will continue to maintain an overview of the arrangements and their impact. It will be advised by the multi-agency steering group for the Aiming High programme, and the ongoing high level of engagement and consultation with disabled children and their families which has been a characteristic of the programme to date.

Other areas such as BathNES have a more established pooled budget for complex needs, and tested mechanisms for monitoring its use including the proportionate contributions to the budget over time.

### **Developing a Personalised Approach - Gloucestershire**

Gloucestershire was an Aiming High 'pathfinder' area. Very early in the life of the Programme, a person-centred approach was agreed, including use of approaches such as budget holding lead professionals and individual budgets. In theory at least, this should provide families with the support that suits them rather than shoehorning them into traditional services.

The budget holding lead professional pilot has used as its starting point the common assessment framework (CAF). Children and families subject to the CAF process have been offered budgets in the region of £1000 to achieve agreed outcomes. The process is facilitated by a number of trained lead professionals dedicated to making it work. Younger personal assistants have also been recruited and trained to help disabled young people use and administer their budgets. A strong outcomes-focused approach has helped to achieve clarity about the intended impact of budgets.

Individual budgets are in the process of being trialled in Gloucestershire, contributing to the national evaluation. Intelligence in advance of the full evaluation suggests that Gloucestershire have been able to take this initiative forward more successfully than many of the other pilot areas. Many of these other areas have struggled to attract Health and Education funding to be included in the budgets.

### **Supporting Transitions - Devon**

Most local authorities across the country have been seeking to improve their services for children with disabilities in transition to adulthood. Devon has established a virtual transition team to share information in a timely way, has supported the involvement of young people in their individual transition plans through advocacy and other services, and has put person-centred planning centre stage. They have also targeted supporting learning disabled young people into employment.

Other areas have gone about similar activities, including also preparing young people and their families for the world of adults services – including restricted eligibility criteria and personal budgets.

## Understanding the Costs and Impact of Short Breaks

A recent evaluation of parental experience of short breaks since the introduction of Aiming High has identified that, whilst levels and the quality of provision has improved, more still needs to be done to ensure the availability of regular, reliable and appropriate short breaks<sup>iii</sup>. The DCSF sponsored review looking at the 'Impacts of Short Break Provision on Disabled Children and Families' found that existing research doesn't identify a 'best' type of provision, although some for example hospital ward type is unlikely to meet the needs of most children. Different types suit different children and young people, and each is likely to have a distinct profile of advantages and limitations. Highly valued short breaks are the ones which best suit the needs of individual disabled children and their families, requiring a 'family centred' approach to provision<sup>iv</sup>.

The accompanying report entitled 'The Costs of Short Break Provision' compiled by Loughborough University calculated service type costs as follows:

- Residential overnight £69.97 – £373.00 per child per night (24 hour period)
- Family based overnight £140.36 - £226.26 per child per night (24 hour period)
- Day care £99.21 – £204.83 per child per session (8 hours)
- Domiciliary home care £16.74 – £25.60 per family per hour
- Home support £17.54 – £25.60 per family per hour
- Home sitting £10.98 – £26.07 per family per hour
- General groups £296.68 - £430.61 per session
- Afterschool clubs £239.77 - £331.17 per session
- Weekend clubs £296.68 - 324.17 per session
- Activity holidays £113.38 (for a 2 day break) - £3,701.15 (7 day break)

## Post Election

Post-election, the Coalition Government's policy in this area has been hard to discern at times. However, an emerging agenda seems to include a particular focus on children with special educational needs.

The following questions, and some reflections on these, seem to be relevant:

**1. How will short break services, particularly the increased demand for and provision of services generated by the Aiming High Programme, be funded in the future?**

Despite the economic downturn, the Coalition government has given some degree of commitment to the short break agenda, indeed signalling over the summer of this year that it intended to provide 'additional' support for children with disabilities and their families from 2011-12 (in July, Nick Clegg announced £20 million a year more for short break-style support starting in 2011-12).

However, although Aiming High money continues to be ring-fenced until the end of March next year, there is uncertainty about whether and how current levels of funding can continue thereafter. In the comprehensive spending review settlement, the Government talked about the development of a £2bn early intervention fund or grant, which in effect picks up elements of Sure Start. The concern in some quarters is that, as Aiming High was delivered through the Sure Start mechanism, any funding for its continuation will need to be drawn from this Early Intervention Grant. Whilst we wait for clarification about the exact amount of money that will be available, it appears that

a number of councils are already actively considering cutting 'Aiming High' services or contracts<sup>v</sup>.

## 2. What are the priorities of the Coalition Government to date?

The recent DfE Business Plan has identified children with disabilities as a priority 'area' for service improvement, including:

- increased parental choice and control over services;
- improved coordination of services; and
- better transition arrangements.

With regard to the 'Choice and Control' element, the Government has also confirmed its commitment to rolling out personal budgets, including for children and families where appropriate.

Individual budgets (including health, social care and education elements) are still in the process of being piloted for children with disabilities in 6 areas across the country including Gloucestershire. Although some participants in the pilot areas are reported to have struggled to secure funding from Education and Health, the pilots will continue through to March 2011, when they could be promoted more widely.

## 3. What else is planned by the Government?

The Coalition Government stated its intention to publish a Green Paper relating to special educational needs and disability (SEND) this Autumn, although it now looks like the paper will be published at end December 2010 / early January 2011. The minister Sarah Teather has articulated a desire to reform the SEN system (to make it more family friendly and 'less of a battle' to get support). There is also a stated intention to identify needs earlier, develop fairer and more transparent funding arrangements, and streamline assessments. Community Care recently reported that: "Insiders have indicated ... the Green Paper will focus on educational and employment opportunities for disabled children and young people" and that "the Government's commitment to personal budgets for disabled adults would 'also certainly apply for children'"<sup>vi</sup>.

Although there is currently no central government guidance on eligibility criteria, from April 2011 further duties will be placed on councils to provide short breaks for families with disabled children under the 2008 Children and Young Person's Act. The Children Act 1989 gave local authorities the power to offer short breaks, now they will have a statutory duty to provide them. The Government also plans to force local authorities to publish clear eligibility criteria for families with disabled children looking to access short break funding<sup>vii</sup>.

## 4. What else is relevant to commissioners in this field?

Commissioners in this field will also need to have an eye to the ongoing and proposed Health sector reforms, including the White Paper and Transforming Community Services agenda. These two have combined in many areas to create uncertainty about how health services for children with disabilities, particularly those which overlap with council-commissioned services, will be provided and commissioned in the future.

All PCTs are in the process of divesting themselves of provider services including a number of relevance to children with disabilities. A range of provider models are in the process of being tested including social enterprises or alignment with acute trusts. Meanwhile, the question of who will commission particularly more specialist services for children, including those with disabilities, is still unclear.

However, at the very least the proposed Health and Wellbeing Boards should allow councils to take a strategic approach to promoting integration across health and social care services.

## Commissioning Support Programme

### December 2010

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<sup>ii</sup> Calling for Clarity (2010) Every Disabled Child Matters

<sup>ii</sup> Including Oxfordshire and Bristol

<sup>iii</sup> No Going Back – Parents' Expectations of Short Breaks (July 2010) EDCM

<sup>iv</sup> (2010) DCSF

<sup>v</sup> Including Cumbria reported to have included Aiming High services in the list of those at risk of losing funding in response to the CSR

<sup>vi</sup> Community Care (18<sup>th</sup> November 2010 edition)

<sup>vii</sup> Reported in 'Children and Young People Now' 30 Nov – 6 Dec 2010. This edition reports that the Government has asked parliament to approve regulations that will require all councils to publish information on short break service and their eligibility criteria including on-line, by October 2011.