

Meeting CABINET

date 14 September 2011

agenda item number 11

REPORT OF THE CABINET MEMBER FOR CHILDREN AND YOUNG PEOPLE'S SERVICES

Short Break Duty: Short Break Service Statement

Purpose of report

1. To seek approval of the attached Short Break Duty Statement (**Appendix 1**), to be published on Nottinghamshire County Council's public website.

Information and advice

Background

2. Since 1 April 2011, under Section 25 of the Children and Young Persons Act 2008, every local authority has a duty to provide short breaks:

"Duty to make provision

1.—(1) Every local authority must provide services designed to assist carers in their area by giving them breaks from caring in accordance with these Regulations.

(2) In performing their duties under paragraph (1), a local authority must have regard to the needs of those carers who would be unable to continue to provide care unless a break from caring was given to them.

(3) In performing those duties, a local authority must also have regard to the needs of those carers who would be able to continue to provide care more effectively if breaks from caring were given to them to allow them to:

- (a) undertake education, training or any regular leisure activity; or
- (b) carry out day to day tasks which they must perform in order to run their household."

3. A requirement of the duty is that local authorities must, by 1 October 2011, prepare a statement for carers in their area setting out details of the short breaks available to disabled children and young people and their families.
4. A draft statement (**Appendix 1**) has been produced by the Short Breaks Project team, taking account of the previous short breaks pathfinder work, national and local legislation, policy and guidance.

Professionals from across the local authority and health services and parents, children and young people have been involved in this process.

Public Engagement Policy

5. The Short Breaks Pathfinder Project has supported the establishment of several parent forums and groups and the development of services is based on consultation with disabled children and young people. They have been involved in the Task Group which produced the draft statement.

Statutory and policy implications

6. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, crime and disorder and those using the service. Where such implications are material, they have been described in the text of the report.

Human Resources implications

7. The Short Break Service Statement describes current services available and how families access those services in line with the Pathway to Provision guidance.

Financial implications

8. The Statement refers to existing services which are funded through existing financial systems. The newest community short break services are funded through the Early Intervention and Early Years Grant.

Equal opportunities implications

9. This statement describes how the Nottinghamshire County Council will meet its duty to provide Short Breaks for disabled children by enhancing opportunities for disabled children and young people to make a choice to participate and experience a range of play, leisure and sports activities, whilst carers have an opportunity to take a break from the caring role, within or close to their community.

Implications for service users

10. In a consultation with disabled children and young people they said they wanted to have opportunities to do what other children and young people do. Parents wanted to have more ordinary family lives. The Short Break Service Statement supports this and ensures Nottinghamshire County Council meets its Short Break Duty.

Human Rights Act implications

11. The Short Break Service Statement supports disabled children, young people and their family to achieve:
 - Article 8 Right to respect for private and family life
 - Article 10 Freedom of expression

- Article 11 Freedom of assembly and association
- Article 14 Prohibition of discrimination.

RECOMMENDATION

12. That the Short Break Service Statement is approved and published on Nottinghamshire County Council's website by 1 October 2011.

COUNCILLOR PHILIP OWEN

Cabinet Member for Children and Young People's Services

Reasons for recommendation

13. The Short Break Duty came in to effect as of 1 April 2011 and the Short Break Service Statement is a requirement under section 25 of the Children and Young Persons Act 2008.

Other options considered

14. Given the time frame available, the recommendations proposed are the most appropriate way of Nottinghamshire County Council meeting its duty.

Legal Services' comments (LM/17.08.11)

15. Cabinet has the delegated authority under the Scheme of Delegation to approve the recommendations in the report.

Financial comments of the Service Director – Finance (NDR)

16. The financial implications are set out in paragraph 8 of the report.

Background papers available for inspection

The Short Breaks Pathfinder Project logged an Equality Impact Assessment (to be revised to ensure it reflects the new duty)

Consultation reports

Parent & Provider Events consultation report 2009

Aiming High for Disabled Children & Young People, Special Schools Consultation Report 2009

Electoral division(s) affected

Nottinghamshire

M19C2867