

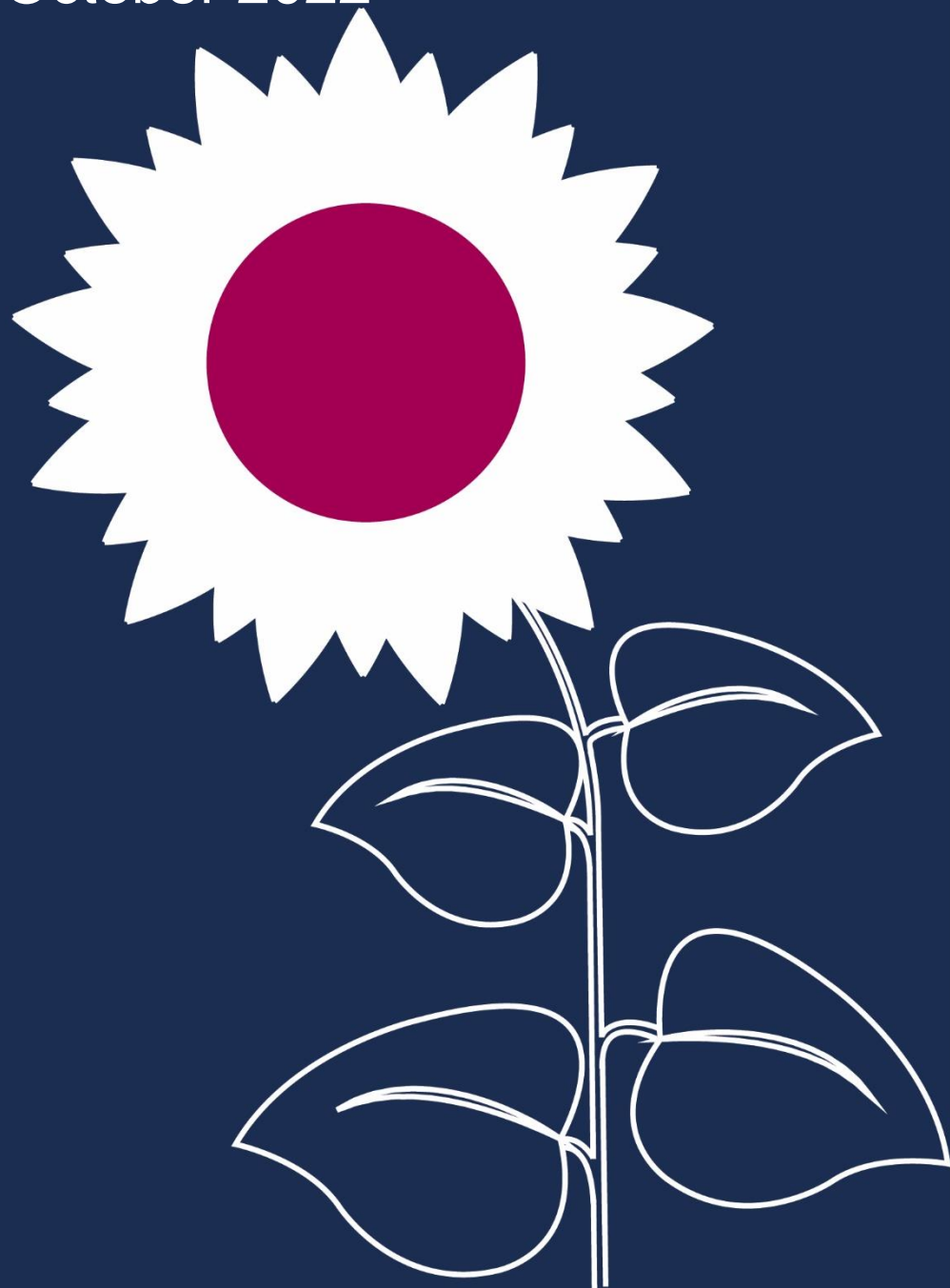


City of
Stoke-on-Trent

Guidance for Workers re Provision of Overnight Short Breaks

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Review date October 2022



PRACTICE GUIDANCE

Guidance for workers within Stoke-on-Trent Local Authority in relation to the provision of overnight short breaks:

Statutory Guidance can be found by consulting the document to be found at the following link:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/271205/Short breaks -
_how to safeguard and promote the welfare of disabled children.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/271205/Short_breaks_-_how_to_safeguard_and_promote_the_welfare_of_disabled_children.pdf)

Decisions about the legal basis on which overnight short breaks are provided

Short breaks can be provided by local authorities through the use of their powers **Section 17** (6) under the 1989 Act which grants local authorities a power to provide accommodation as part of a range of services in order to discharge their general duty to safeguard and promote the welfare of children in need; and **Section 20**(4) of the 1989 Act, which grants local authorities a power to provide accommodation 'for any child within their area (even though a person who has parental responsibility for him is able to provide him with accommodation) if they consider that to do so would safeguard or promote the child's welfare'.

The decision to provide a short break under section 17(6) or under section 20(4) should be informed by an updated holistic Child and Family Assessment of the child's needs and at the end of this assessment Children With Disabilities managers will take account of parenting capacity and wider family and environmental factors, the wishes and feelings of the child and his/her parents and the nature of the service to be provided. The Child and Family Assessment should address the following considerations; all of the below points (detailed within paragraph 2.8) will need to be evidenced within the assessment:

- particular vulnerabilities of the child, including communication method;
- parenting capacity of the parents within their family and environmental context;
- wider family and environmental factors;
- the length of time away from home and the frequency of such stays
– *the less time the child spends away from home the more likely it is to be appropriate to provide accommodation under section 17(6);*
- whether short breaks are to be provided in more than one place
– *where the child spends short breaks in different settings, including residential schools, hospices and social care placements, it is more likely to be appropriate to provide accommodation under section 20(4)*
- potential impact on the child's place in the family and on primary attachments;

- observation of the child (especially children who do not communicate verbally) during or immediately after the break by a person familiar with the mood and behaviour of the child (for example the parent or school staff);
- views of the child and views of parents:
 - *some children and parents may be reassured by, and in favour of, the status of a looked after child, while others may resent the implications and associations of looked after status;*
- extent of contact between short break carers and family and between the child and family during the placement;
- distance from home; and
- the need for an independent reviewing officer (IRO) to monitor the child's case and to chair reviews.

Provision of breaks under section 20:

Para 2.12:

There will be some children whose package of short breaks will be such that their welfare will be best safeguarded by being a looked after child for the periods in which s/he is away from home i.e. by providing the services under section 20(4) rather than 17(6). This will include children:

- who have substantial packages of short breaks sometimes in more than one setting; and
- whose families have limited resources and may have difficulties providing support to their child while s/he is away from home or monitoring the quality of care s/he is receiving.

If short breaks are to be provided under section 20, local authorities need to determine whether regulation 48 applies.

Section 20(4) regulation 48 applies:

Accommodation is provided in one setting

Accommodation does not include a single episode of 17 days or more

Accommodation is provided for not more than 75 days in a year

Care Planning and Review:

As set out in chapter 2 of the statutory guidance, where a child is receiving overnight short breaks under section 20 of the Children Act 1989, there will be a requirement for either a care plan or a short break care plan.

The statutory guidance states (para 3.19) that reviews for children who are receiving short breaks but who are not looked after (ie section 17) should take place at least

every six months. Reviews for looked after children must take place in accordance with the Care Planning, Placement and Case Review Regulations 2010.

Section 20 - When regulation 48 applies:

A Short Break Care Plan will be formulated

An IRO will be allocated

A statutory review will be held within 3 months and at 6 monthly intervals thereafter.

Visits by the allocated worker must take place at regular intervals, be agreed with the child's IRO and the child's parent, and be recorded in the short break plan before the start of the placement. The first visit must take place as far as is practicable within three months of the first placement day. Subsequent visits should be at intervals of no more than six months. The visit is an important opportunity for a representative of the authority to ensure that the placement is meeting the child's needs.

Section 20 - When regulation 48 does not apply:

A looked after Care Plan will be formulated.

An IRO will be allocated

A statutory review will be held within 1 month of the start of the first placement, the second no more than three months after the first and subsequent reviews no more than six monthly intervals thereafter.

Statutory Visits should be undertaken on the first overnight stay, and at 6 weekly intervals thereafter.

Section 17:

A Child in Need plan and a Short Break Care Plan will be formulated.

A Child in Need and Short Break Care Plan review will take place at intervals of no longer than 3 months. This could be either a meeting or a phone call review if the child is settled and the parents are in agreement. A face to face meeting will be held at least 12 monthly. Child in need review meetings may take place more frequently if required. Visits should take place to the placement at intervals of no more than six months.