

# Short Breaks Guidance

**LONDON BOROUGH OF CAMDEN**

**Supporting People  
Version 1 – January 2018**

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Appendix 1: Camden Care Choices

# Short Breaks Guidance

## 1. Introduction

### 1.1 Purpose

This guidance sets out a framework for staff supporting informal carers to access short breaks from their caring role.

This guidance must be followed by all staff within Supporting People including Camden Learning Disability Service (CLDS), Children and Young People with Disability Service (CYPDS) 18-25 and LBC & Islington Mental Health Trust (C&I).

This guidance to be read in conjunction with The Care Act 2015, The Children and Families Act 2014, The Mental Capacity Act 2005, London Multi- Agency Adult Safeguarding Policy and Procedures 2016, Human Rights Act 1988, The Equality Act 2010 and all other legislation applicable to adults in England and Wales. Also any relevant policy guidance within housing, LBC and Islington Mental Health Foundation Trust and the NHS Clinical Commissioning Groups (CCGs).

### 1.2 Scope

This guidance will support staff to determine the type of support required and the level of need so appropriate short break can be identified.

The assessment process will not be addressed in this guidance. This information can be found in the [ASC Practice Guide](#).

### 1.3 Definition

Various terms are used to describe a break for carers; respite, replacement care, short stays and short breaks. In this guidance, the term short breaks will be used.

Short breaks is defined as a break for a carer who meets the eligible needs.

### 1.4 Principles

- The Care Act 2014 emphasises the duty to consider an individual's wellbeing and to actively work towards improvements in aspects of wellbeing as set out in [section 1](#)
- The Assessment of Need or Carers Assessment must be completed and outcomes agreed with the carer and the cared for person. Short breaks are an integral part of the support plan and process and must not be treated as a separate service.

- The Mental Capacity Act 2005 principles and capacity process must be followed.
- Direct payments must be offered for short break services. This gives people choice and control to purchase services best suited to meet their individual outcomes and family settings
- All options for a free short break must be considered including short break at home, family or community resources. A short stay in a residential or nursing home can be considered where there is evidence that this is the only option that can meet the agreed outcomes.

### 1.5 Legal framework for Adults

The Care Act 2014 places a duty on local authorities to provide an assessment for a person aged over 18. This includes both the cared for person and the informal carer.

LBC also has a duty to produce a Care and Support plan for anyone over 18 where eligible needs are identified.

### 1.6 Legal framework for Young People

The Care Act 2014 places a duty to:-

- Carry out a Child's Needs Assessment (CNA) if there is likely to be care and support needs post-18
- Carry out a CNA at a time when it is of significant benefit to the young person's preparation for adulthood.

The Children and Families Act 2014 place a duty to:-

- Prepare for adulthood outcomes from Year 9 (age 14): employment, health, Independent living, friends, relationships and community participation
- Ensure integration of services across education, health and care, in particular where it promotes the wellbeing or improves the special educational provision that is available
- Focus on the importance of the involvement of parents and young people in decision making

- Have regard to the wellbeing duty in the Care Act 2014 when providing support to parent carers<sup>1</sup>
- Both pieces of legislation emphasis outcome focused support, partnership working between children's/adult services and a whole family approach.



## 2 Procedure

### 2.1 Meeting agreed outcomes

Following assessment, the support planning process must consider a strength based approach and identify resources available to the person and their family. These resources must be explored and documented prior to considering options for paid care.

### 2.2 Types of support to Carers

Carers can access various forms of support, these are set out in the table below-

Least restrictive option 	1. Information, advice and guidance.	 Most restrictive option
	2. Signposting to free and universal resources (e.g. the SEND Local Offer).	
	3. Support to identify alternative sources of support within the carers own family, friends, neighbours and wider community network (an asset based approach to support planning).	
	4. Equipment or telecare.	
	5. Short breaks in the home funded by the Council or the NHS.	
	6. Short Breaks in the community funded by the Council or the NHS.	
	7. Overnight Short Breaks staying with a foster carer (child) or shared lives carer (adult or child 16 or over) funded by the Council or the NHS.	
	8. Overnight Short Breaks in a short stay Supported Living flat or similar.	
	9. Overnight Short Breaks in a residential or nursing home funded by the Council or the NHS.	

### 2.3 Home/Community based short breaks

The allocation of support will be based on the level of need. This ensures an equitable service for all families and a fair use of LBC limited resources.

All effort must be made to provide a short break in the home or the community.

<sup>1</sup> Department of Education, February 2017, Preparing for Adulthood programme, Factsheet: 'The Links Between The Children and Families Act 2014 and The Care Act 2014' <https://www.preparingforadulthood.org.uk/downloads/young-people-and-family-participation/factsheet-the-children-and-families-act-and-the-care-act.htm>

Where a person presents behaviours that challenge others, action needs to be taken to reduce these behaviours using specialist support e.g. Learning Disabilities Psychologist and Psychiatrist, Mental Health Teams.

The level of need is set out as follows-:

<b>Level of need</b>	<b>Allocation guide</b>
<p><b>The cared for person does not attend school or college, is not employed nor undertaking voluntary work or other meaningful activity.</b></p> <ul style="list-style-type: none"> <li>• <b>The carer is a lone carer AND</b></li> <li>• <b>The carer is caring for more than one disabled person</b></li> </ul>	1 break per week of 4 to 8 hours
<p><b>The cared for person does not attend school or college, is not employed nor undertaking voluntary work or other meaningful activity.</b></p> <ul style="list-style-type: none"> <li>• <b>The carer is a lone carer OR</b></li> <li>• <b>The carer is caring for more than one disabled person</b></li> </ul>	1 break per week of 2-4 hours
<p><b>The cared for person does not attend school or college, is not employed nor undertaking voluntary work or other meaningful activity.</b></p> <ul style="list-style-type: none"> <li>• <b>The carer is a lone carer AND</b></li> <li>• <b>The carer is caring for more than one disabled person</b></li> </ul>	1 break per fortnight of 2-4 hours
<ul style="list-style-type: none"> <li>• <b>The carer is a lone carer OR</b></li> <li>• <b>The carer is caring for more than one disabled person</b></li> </ul>	1 break per fortnight of 2-4 hours
<ul style="list-style-type: none"> <li>• <b>The carer is a lone carer OR</b></li> <li>• <b>The carer is caring for more than one disabled person</b></li> </ul>	1 break per month of 2-4 hours

#### 2.4 Residential based short breaks

All other options for a short break must be considered before a residential short break is explored.

A short break in a residential home can only be offered when the circumstances demonstrate that the agreed outcomes can only be met if the person spends the night away from their family home.

In order to access a residential break, workers must collate relevant behavioral information on ABC charts, daily logs or use a system such as Just Checking to evidence the level of disturbance. The allocated worker will need to share this information as evidence when presenting to the Quality Assurance Panel (QAP).

<b>Level of sleep disturbance</b>	<b>Allocation guide amount</b>
<b>Nightly, significant disturbance</b>	1 nights break per week
<b>Nightly, moderate disturbance</b>	1 night per fortnight
<b>Weekly significant disturbance</b>	1 night per month
<b>Lower levels of disturbance</b>	Day or evening community short breaks

## 2.5 Young People preparing for adulthood

Transition planning is completed between children services and the relevant adult teams. All Core and Enhanced offers for short stays<sup>2</sup> are assessed by a Social Worker when the young person is 13/14 years old. A transition assessment is completed to identify if they will meet the adult social care criteria. If the criteria is not met, children's services will reduce the care package and support the young person to access universal services.

When the young person is 16, the transitions assessment is updated to assess what progress has made towards developing the relevant life skills and what areas of independent living as defined in the Care Act 2014 they are likely to need support with. Following this repeated assessment, the transitions team makes a decision if the young person meets the eligibility criteria for an adult social care service. A referral is made to the most appropriate service for the young person when they reach 18 years old<sup>3</sup>.

Children services can provide support to young people up to the age of 25, if they remain in education and have complex needs. However, Supporting People have budgetary responsibilities, consequently all support plans are presented to the Quality Assurance Panel (QAP).

For young people who are preparing for adulthood or for a person preparing to move out of the family home, Shared Lives short breaks and short breaks flat must be considered as the first option, rather than residential homes. This will give the person an opportunity to develop independent skills and offer insight into the type of support plan they may require when they move into Shared Lives or supported living.

## 2.6 Emergency Short Break

All short breaks must be planned and part of the supporting planning process. However, an emergency situation may arise which requires workers to consider a short break in a residential home.

The following are emergency circumstances-;

- Safeguarding Concern which requires cared for person to be placed outside their home immediately
- A carer who requires a break from the caring role due to their own hospital admission or other reason to leave the family home

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<sup>2</sup> Children's Safeguarding and Social Work (Undated), Children and Young People's Disability Service policy and procedures, London Borough of Camden Children's Services

<sup>3</sup> Supporting People Directorate (April 2016), Joint transitions protocol between Children's Safeguarding and Social Care division and Adult Social Care division

- Where formal care is required but a specialist service provider has not been identified

Due to the nature of emergencies, a residential home in London Borough of Camden may not have a vacancy. Individuals and families must be advised that an emergency short break may be outside of the London Borough of Camden.

The allocated worker must present all evidence to the Team Manager and funding authorisation must be given by the Service Manager in writing either email or case note. The worker must ensure a purchase order is completed respectively and an end date of service provision agreed with the individual, their network and the purchasing team.

Where there are safeguarding concerns, environmental issues or a serious risk to the person, a short break of up to 7 days can be agreed without any care charge. After 7 days, a financial assessment must be completed.

## 2.7 Direct payments

Direct payments can be made to enable people to purchase a short stay in a care home, provided that the stay does not exceed a period of 4 consecutive weeks in any 12-month period.

This criteria is set out in government regulations-;

‘6.—(1) A local authority may not make a direct payment for the provision of accommodation in a care home for an adult for a period of more than 4 consecutive weeks in any 12 month period

(2) In calculating the period of 4 weeks mentioned in paragraph (1), a period of accommodation in a care home of less than 4 weeks shall be added to any succeeding period in such accommodation where the two periods are separated by a period of less than 4 weeks but not otherwise’.<sup>4</sup>

The time limit is imposed to avoid inappropriate use of residential accommodation.

In addition, where the respite care is longer than 4 weeks or periods that accumulate to over 28 days without a 28-day break in between will be classed as residential care and this will remove the Direct Payments and elements of Disability Living Allowance/Attendance Allowance<sup>5</sup>. People must be informed of the impact on their benefit entitlement.

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<sup>4</sup> Social Care England, (2014) No. 2871, The Care and Support (Direct Payments) Regulations 2014, No 2871  
[http://www.legislation.gov.uk/ukxi/2014/2871/pdfs/ukxi\\_20142871\\_en.pdf](http://www.legislation.gov.uk/ukxi/2014/2871/pdfs/ukxi_20142871_en.pdf)

<sup>5</sup> Age UK (August 2017), Factsheet 58, Paying for short-term and temporary care in a care home  
[https://www.ageuk.org.uk/globalassets/age-uk/documents/factsheets/fs58\\_paying\\_for\\_short-term\\_and\\_temporary\\_care\\_in\\_a\\_care\\_home\\_fcs.pdf](https://www.ageuk.org.uk/globalassets/age-uk/documents/factsheets/fs58_paying_for_short-term_and_temporary_care_in_a_care_home_fcs.pdf)



## 2.8 Charging

This guidance recognises that a reasonable charge will be applied for the provision of Supporting People funded services. Such a charge will be calculated in accordance with the factsheet on 'Paying for Care in Camden'. <https://camdencarechoices.camden.gov.uk/information-and-advice/care-options/paying-for-care/>

If a person does not wish to disclose or fails to disclose their finances then they will be charged the full cost of their total services.

If a person with capacity declines a financial assessment, the carer is still able to access support if they have eligible needs. The cared for person will be charged the full cost of the service.

## 2.9 Funding authorisation

The Quality Assurance Panel (QAP) will be used for all funding decisions :[Link here](#)

## 3. Best Practice

### 3.1 Strength based practice

Strengths-based practice is a collaborative process between the person and those supporting or signposting. The process supports working together to determine an outcome that draws on the person's strengths and assets.

The term 'strength' refers to different elements that help or enable the individual to deal with challenges in life in general and in meeting their needs and achieving their desired outcomes in particular. These elements include:

- their personal resources, abilities, skills, knowledge, potential, etc.
- their social network and its resources, abilities, skills, etc.
- community resources, also known as 'social capital' and/or 'universal resources'.

When working with young people, focus on what is positive and possible in their lives rather than merely exploring the transition options. Young people must be encouraged look at both strengths and challenges that will support them to reach their full potential.

### 3.2 Whole Family Approach

The Care Act 2014 and The Children and Families Act 2014 emphasis in law the importance of a whole family approach as an effective way to understand and address the needs of an individual in the context of their family.

There are a number of components that make up the 'Whole Family Approach', these are-;

- whole family assessments
- support for adults and other family members within the family, such as parenting support; provision of practical and emotional support
- building support networks including engaging the wider family through for example, Family Group Conferences
- relationship building within the family, such as support with building roles, routines and responsibilities and engaging families in positive activities (such as planning a menu, cooking together or a family picnic)<sup>6</sup>.

### 3.3 Partnership working

Partnership working is essential when considering a short break, especially during a transition period, such as hospital to community or children to adult's services.

The Care Act 2014 states, Local Authorities must-

- Ensure the integration of care and support provision with health provision and health-related provision
- Co-operate with each of its relevant partners, and each relevant partner must co-operate with the authority, in the exercise of their functions relating to adults and carers
- Co-operate where this is needed in the case of specific individuals who have care and support needs

The emphasis on integration, cooperation and partnership in The Care Act 2014 results in better outcomes as follows-;

- Improves the service user experience
- Eliminates duplication
- Streamlines care pathways
- Early intervention and prevention
- Improves safeguarding<sup>7</sup> (Partnership is a key principle of safeguarding)

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<sup>6</sup> Carers Trust, (25/11/14) Whole Family Approaches  
<https://professionals.carers.org/whole-family-approach>

<sup>7</sup> Skills for Care (Undated) Partnerships cooperation and integration  
<http://www.skillsforcare.org.uk/Standards-legislation/Care-Act/Learning-materials/Partnerships-cooperation-and-integration.aspx>

## References

Age UK, (August 2017), Factsheet 58, Paying for short-term and temporary care in a care home

[https://www.ageuk.org.uk/globalassets/ageuk/documents/factsheets/fs58\\_paying\\_for\\_shortterm\\_and\\_temporary\\_care\\_in\\_a\\_care\\_home\\_fcs.pdf](https://www.ageuk.org.uk/globalassets/ageuk/documents/factsheets/fs58_paying_for_shortterm_and_temporary_care_in_a_care_home_fcs.pdf)

Carers Trust, (25/11/14) Whole Family Approaches

<https://professionals.carers.org/whole-family-approach>

Children's Safeguarding and Social Work (Undated) Children and Young People's Disability Service 14-25 team, Transition policy and procedures, London Borough of Camden Children's Services

Children's Safeguarding and Social Work (Undated), Children and Young People's Disability Service policy and procedures, London Borough of Camden Children's Services

Department of Education (April 2014, revised in February 2017), Preparing for Adulthood programme, Preparing for Adulthood Factsheet: 'The Links Between The Children and Families Act 2014 and The Care Act 2014'

<https://www.preparingforadulthood.org.uk/downloads/young-people-and-family-participation/factsheet-the-children-and-families-act-and-the-care-act.htm>

Reece, A. (undated) Guidance for Social Care Staff, Carer Support and Carer Breaks **Link?**

Skills for Care (Undated) Partnerships cooperation and integration

<http://www.skillsforcare.org.uk/Standards-legislation/Care-Act/Learning-materials/Partnerships-cooperation-and-integration.aspx>

Social Care England, (2014) No. 2871, The Care and Support (Direct Payments) Regulations 2014, No 2871

[http://www.legislation.gov.uk/uksi/2014/2871/pdfs/uksi\\_20142871\\_en.pdf](http://www.legislation.gov.uk/uksi/2014/2871/pdfs/uksi_20142871_en.pdf)

Supporting People Directorate (April 2016), Joint transitions protocol between Children's Safeguarding and Social Care division and Adult Social Care division

## **Further Reading**

Rowley, Christina, (29 November 2015), 'Where have all the short breaks gone'?  
Belinda Schwehr on Care, In support of defensible decision making under the new  
Care Act in England

<http://www.schwehroncare.co.uk/where-have-all-the-short-breaks-gone/>

Schwehr, Belinda, (4 December 2017), 'We can cap to a set amount per year and  
charge for it', Centre for Adult Social Care, Advice, Information and Dispute resolution  
(CASCAIDr)

<http://www.cascaidr.org.uk/2017/12/04/can-cap-respite-set-amount-per-year-charge-carers>

## **Appendix 1:**

Camden care choices- <https://camden carechoices.camden.gov.uk/>

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