



BuDS Comments on Bucks County Council's Draft Short Breaks Policy – January 2019

1. The definition of 'short break' in Section 2 of the Policy is fatally flawed. The Strategy clearly states that it '... focuses on how short breaks can help the cared-for person to live at home. We also know how important carers are, so this strategy *is as much to support them* as the individual with needs" (emphasis added). But the Policy makes clear that 'activities that anyone can join' such as going to a leisure centre or café are included in the definition of a short break. We do not dispute that disabled people will benefit from getting out and about and doing more activities in the community. But activities which place an additional caring responsibility on the carer cannot qualify as 'breaks' which are 'as much to support' the carer as the disabled person. We strongly feel that only activities which offer respite for the carer as well as benefits for the disabled person should be regarded as short breaks for the purposes of this policy. If this is not done, this Policy is clearly not one designed to meet the needs of carers, contrary to its published intent.
2. The Strategy places reliance on access to 'universal short breaks', or mainstream leisure and social activities, with Para 2.5 stating that 'access to universal services should always be the first option'. The Strategy then correctly states that many activities are not accessible to disabled people, but goes on to baldly asserts that 'increased support to universal services will improve access'. This is not credible thinking. Making mainstream leisure and social activities accessible to disabled people is a huge and challenging task, and it must be achieved *before* disabled people can access those services. If the Policy is to follow the Strategy in placing reliance on 'universal short breaks' as the first option for people, then the Policy needs to include a credible and funded plan to help make those services more accessible for intended users. Otherwise, the Council will be knowingly inviting disabled people to use services which they cannot in fact use, which is tantamount to a confidence trick.
3. In Section 3 of the Policy, we dispute that 'Service users and carers have told us ... that they broadly support the principles set out in the [Adult Short Breaks Strategy 2018-2022]'. The strategy sets out a series of general principles with which virtually nobody would disagree. Agreement with those principles therefore carries little weight for future decision-making. In particular, because the Strategy did not explain the consequences or impact of approving a particular principle, respondents were unable to give a properly informed response.
4. Section 6 of the draft Policy refers to the need for gateway assessments to determine eligibility for a short break. However, although the first paragraph talks about determining the right needs for families, the criteria which follow refer only to eligible disabled people themselves. Again, this goes against the stated Strategy goal that 'the strategy is as much to support [carers] as the individual with needs". If short breaks are to benefit carers and disabled people, as stated by the Strategy, then the need of a disabled person to have a short break specifically to provide respite and support for the carer has to be possible. We feel that there should be a clear commitment in the Policy that short break assessments should also determine the need for short breaks for the cared-for disabled person in order to meet the assessed needs of the carer.
5. Section 7 of the draft Policy correctly identifies that both disabled people and carers are entitled to an assessment of need under the Care Act 2014. However, the policy proposal

under Section 6 that short break assessments will be focused on disabled people and their needs goes against that statement. It may, in fact, be wholly illegal in the context of the Care Act.

6. Section 8, while it includes some welcome general assurances, places almost no obligation on the Council and makes no mention of its statutory duties under the Care Act. It amounts to a statement that, 'if the council decides you need a short break, we will do our best to provide it, but you might have to pay'. Equally, and contrary to the stated aim of the Strategy, it makes no mention of the needs of carers for short breaks.
7. We therefore feel that Section 8 needs changing to state that:
 - a. Both disabled people and carers are statutorily entitled to an assessment of their needs, including their need for a short break
 - b. Where a disabled person has a carer eligible for an assessment, the carer's need for a short break will be automatically assessed alongside that of the disabled person.
 - c. That any care plan for the disabled person and/or carers support plan subsequently produced after an assessment will so far as possible integrate and coordinate the assessed needs of both the disabled person and the carer(s).
 - d. That the Council and/or NHS has a statutory obligation to meet certain assessed needs, including providing, commissioning, or funding short breaks for disabled people to meet the needs of that person and/or their carer(s).
 - e. Currently, the Policy places no stated obligation on the Council to provide an *appropriate* short break. Where there are assessed needs, the Policy should state that the Council will provide a short break which 'is appropriate to their assessed need and which meets both the needs of the service user and, where relevant, their carer(s)'.
 - f. Disabled people and carers report that finding an accessible and affordable form of transport is a key barrier to participation, and therefore to accessing a short break. A short break which the intended recipient cannot get to is not a short break at all. We therefore feel that the transport cost of accessing a short break must be included in the assessed need and assigned budget. Otherwise, there is a high risk that scarce resources allocated to short breaks will be wasted because the recipient cannot actually get to the break. Section 14 also needs amending to incorporate this principle.
8. Sections 9 – 13 will need amending in line with the comments made on Section 8.