

The process for reviewing the legal basis under which short break arrangements are made

New statutory guidance on short breaks now enables children to be provided with short breaks under *either* section 17(6) *or* under section 20(4) of the 1989 Children Act. Please see appendix 2 for a summary of different legal provisions and the Hull Children's Services Procedures Manual (2.1.7 Short Breaks) for full guidance.

Flow chart 1 applies to new short break arrangements.

Flow chart 2 applies to arrangements for children who already have looked after status due to their short breaks arrangement under the old guidance.

These processes apply to disabled children and to other children 'in need' receiving short breaks.

NB. The process for requesting a short break placement and the financial arrangements are explained in the full guidance.

New short break arrangements

Assessment

Social worker assesses which legal provision is most appropriate for the child. This will involve consideration of the child and family's needs (with reference to the checklist in Appendix 1). The core assessment record format can be used depending on how complex the needs of the family are. The parents, carers and child should be involved in the assessment and understand what the legal status will mean to them.

Early discussion with the short break placement provider (either Short Breaks Scheme Team or the Disability Team) is advisable at this stage as in practice, the process of placement request, identification and approval is likely to go alongside the assessment of needs.



Decision

Based on the assessment the Team Manager decides which legal provision is most appropriate (Decision Record)



Section 17(6) *Child is not looked after*

- Social worker informs the Events Team that the child is receiving short breaks under s17
- Social worker ensures that the child, parents and carers understand the legal basis (s17) of the child's short break provision and how it will be planned and reviewed; and relevant professionals are informed.



Planning and reviewing

- A Placement Planning Meeting, Placement Information Record/Placement Plan and Child in Need plan are required
- Child in need reviews should be carried out every six months.
- At each CIN review consideration should be given to whether current legal basis for short breaks remains the most appropriate

Section 20(4) *Child is looked after for the period in which s/he is accommodated*

- Social worker informs the Events Team that the child is receiving short breaks under section 20.
- Social worker informs the Events Team whether regulation 48 will apply (if known at this stage). If regulation 48 applies there are some easements to planning requirements. If Regulation 48 does not apply full care planning requirements apply and the child is part of the core looked after population. See Appendix 2 for the criteria for regulation 48 easements to planning requirements
- Social worker ensures that the child, parents and carers understand the legal basis (s20) of the child's short break provision and how it will be planned and reviewed; and relevant professionals are informed.

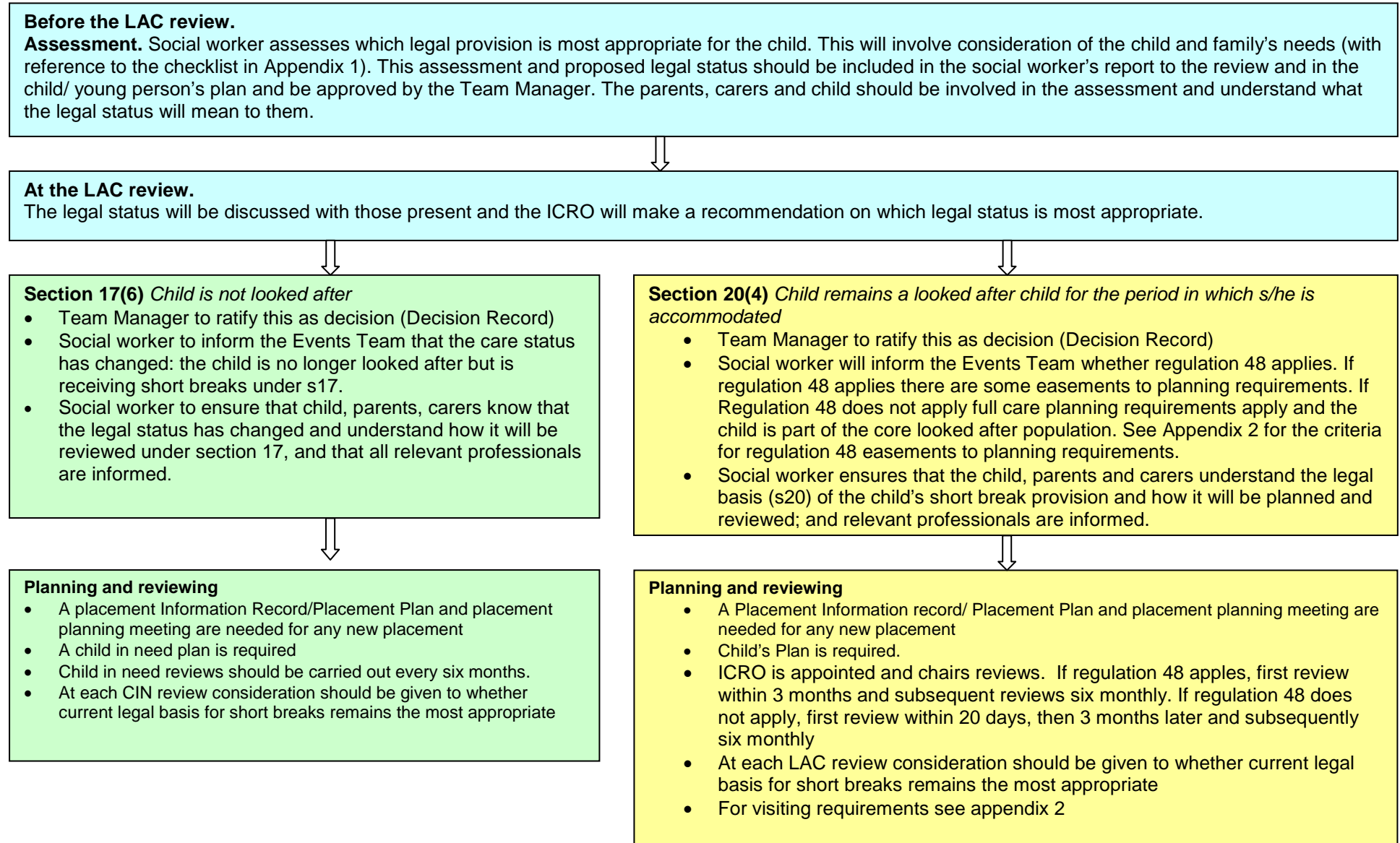


Planning and reviewing

- A Placement Planning Meeting, Placement Information Record/Placement plan and Child's Plan are required.
- ICRO is appointed and chairs reviews. If regulation 48 applies, first review within 3 months and subsequent reviews six monthly. If regulation 48 does not apply, first review within 20 days, then 3 months later and subsequently six monthly
- At each LAC review consideration should be given to whether current legal basis for short breaks remains the most appropriate
- For visiting requirements see appendix 2

Existing short break arrangements

This flow chart *only* applies for children who already have looked after status due to their short breaks arrangement under the old guidance but for whom consideration needs to be given to whether the legal status should change under the new guidance.



Appendix 1

Checklist of issues to consider in the assessment of which provision is most appropriate for the child

The key question to ask is how to promote and safeguard the welfare of the child most effectively. The assessment, planning and review process for children in need may be appropriate or the additional requirements for looked after children may be more appropriate depending on the circumstances of the family.

- Particular vulnerabilities of the child, including communication method
- Parenting capacity of the parents within their family and environmental context
- 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 the accommodation under Section 17(6)
- Whether short breaks are to be provided in more than one place - where the child has substantial packages of 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 (e.g. parents or school staff)
- Views of the child and 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 the '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 Conference and Review Officer (ICRO) to monitor the child's case and to chair reviews

From The Children Act 1989 Guidance and Regulations Vol 2: Care Planning Placement and Case Review (2010)

Appendix 2

Providing short break accommodation under the different legal provisions		
(a) Child is provided with accommodation under section 17(6)	b) Child is provided with accommodation under section 20(4) for a continuous period of more than 24 hours; short breaks are pre-planned and in the same place; no break lasts more than 17 days and the total does not exceed 75 days in one year >> regulation 48 applies	(c) Child is provided with accommodation under section 20(4) for a continuous period of more than 24 hours; breaks may be with a range of providers or exceed timescales in column (b) >> regulation 48 does not apply
The child is not looked after. The 2010 Regulations do not apply. Consequently, there is no requirement to appoint an IRO. A child in need plan is required in accordance with the Assessment Framework. As good practice, reviews should be carried out at least every six months, and more often if required.	The child is looked after for the period that s/he is provided with accommodation. The 2010 Regulations apply with modifications in respect of planning arrangements : <ul style="list-style-type: none"> ●● the authority must make a short break care plan addressing issues key to the safe care of the child; and ●● an ICRO must be appointed. The first visit must take place within three months of the first placement day or as soon as practicable thereafter. Subsequent visits must be at intervals of no more than six months. The child's case must be reviewed within three months of the start of the first placement and then at intervals of no more than six months.	The child is looked after for the period that s/he is provided with accommodation. The 2010 Regulations apply without modifications in respect of planning arrangements: <ul style="list-style-type: none"> ●● the authority must make a care plan; ●● an ICRO must be appointed; and ●● the child's case must be reviewed regularly. Visits must take place in accordance with regulation 28. The first review must be within twenty days of the start of the first placement, the second no more than three months after the first and subsequent reviews no more than six months after the previous review.
The provision of accommodation under section 17(6) or section 20(4) does not affect parental responsibility		

From The Children Act 1989 Guidance and Regulations Vol 2: Care Planning Placement and Case Review (2010).