

Policy for the Provision of Short Breaks

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1 Policy Statement

- 1.1 This policy underpins Torbay and Southern Devon Health and Care NHS Trust's (TSDHCT) (The Trust) commitment to supporting carers to continue in their valuable role by ensuring access to a range of services which provide eligible carers with a break from their caring role. This includes short breaks in a variety of forms.
- 1.2 This policy recognises that a carer is someone who provides unpaid help and support to a relative or friend who could not manage without their help. This could be due to age, physical or mental illness, addiction or disability.
- 1.3 Access to social care funded short breaks is based on assessment and will be provided for people whose needs are eligible under Care and Support (Eligibility Criteria) Regulations 2014.
- 1.4 Where an individual provides or intends to provide care for another adult and it appears that the carer may have any level of needs for support, TSDHCT will carry out a carer's assessment. Where an adult provides care under contract (e.g. for employment) or as part of voluntary work, they should not normally be regarded as a carer, and so TSDHCT will not to carry out the assessment.
- 1.5 As per the requirements of The Care Act 2014, Carers' assessments will seek to establish not only the carer's needs for support, but also the sustainability of the caring role itself, which includes both the practical and emotional support the carer provides to the adult. The carer's assessment must also consider the outcomes that the carer wants to achieve in their daily life, their activities beyond their caring responsibilities, and the impact of caring upon those activities.
- 1.6 There may be instances where the adult being cared for does not have eligible needs, so does not have their own personal budget or care plan. In these cases, the carer must still receive a support plan which covers their needs, and how they will be met. This would specify how the carer's needs are going to be met (for example, via replacement care to the adult needing care), and a personal budget may be provided for the costs of meeting the carer's needs.
- 1.7 Short breaks/replacement care are considered as part of the Resource Allocation System, and provided directly or via a Personal Budget/Direct Payment.
- 1.8 Short breaks encompass a wide range of different short term services. The common factor is not what service is provided but its purpose - to provide a break or the carer which helps them to sustain the caring relationship and which is a positive experience for both the carer and the person with care needs.
- 1.9 Adult Social Care and Health funding can be used to provide short term solutions through a variety of options to the carers of people with learning disabilities, people with mental health problems, people with physical disabilities, people with substance misuse issues, older people and other vulnerable adults across TSDHCT. This policy outlines how we will move towards a

consistent and equitable way of all client groups in the provision of Social Care and Health funded short breaks.

- 1.10 Current policy for the provision of adult health and social care is aimed at promoting the maximum possible choice and control for service user and their carer(s). This policy sets the mechanism by which a carer's need for short breaks can be met best through services provided to the service user and/or a personal budget provided directly to them.
- 1.11 This policy rests upon a general assumption and expectation that short breaks are replacement care, replacement care may be needed to enable a carer to look after their own health and wellbeing alongside caring responsibilities, and to take a break from caring. In these circumstances, where the form of the replacement care is essentially a homecare service provided to the adult needing care that enables the carer to take a break, it should be considered a service provided to the cared-for person, and thus must be charged to them not the carer
- 1.12 Services provided to the service user are subject to financial assessment. This is undertaken as outlined by the Fairer Contributions Policy and the Fair Access to Care Services Policy Eligibility Framework and Guidance.

2 Scope

- 2.1 The assessment of need forms the basis on which the Trust responds to requests for assistance and is concerned with exploring a person's presenting needs and determining their eligibility for services. As part of the Assessment and Support Planning process, the need for short breaks or other appropriate services to enable the carer to continue caring may be identified. A carer's need can be considered separately via a carer's assessment, or jointly in the same assessment as the service user.
- 2.2 Carers can be eligible for support in their own right. The national eligibility threshold for carers is also set out in the Care and Support (Eligibility Criteria) Regulations 2014. The threshold is based on the impact a carer's needs for support has on their wellbeing.
- 2.3 The need for these services, as with any community service or activity, must be identified as part of the assessment of a person's needs and any subsequent review(s) and can only be provided where the person is eligible for a service as set out in the Department of Health's Guidance on Fair Access to Care Services
- 2.4 The amount of money allocated to meet a service user's eligible needs is established by the Resource Allocation System. TSDHCT considers on an individual basis if this is sufficient to meet a person's needs. The amount may be re-considered if there is compelling evidence that more money is required due to complexity of need or other circumstances identified at assessment. The Cost, Choice and Risk Policy (attached as appendix one) will be used to aid decision making in these circumstances.

- 2.5 The amount of money allocated through the Resource Allocation System is referred to as the 'Personal Budget'. The service user, and their carer, will then have choices in how their care needs are met within this personal budget. These choices will be considered in discussion with the service users, and their carer, to agree the type, range and amount of services that will be provided from this personal budget.
- 2.6 The cost of short breaks will be taken into account, in the resource allocation and personal budget processes, by calculating the likely annual cost of the short breaks and dividing this by 52 to calculate an assumed weekly cost (eg short breaks totalling £520 per year would have an assumed weekly cost of £10)
- 2.7 Where an individual requests a Direct Payment to meet their assessed needs for care, the same principles will apply as to those people opting to received support directly from Adult Social Care. The cost of short breaks will only be included in the Direct Payment where it is considered that the carer or service user is eligible for this support.
- 2.8 The provision of short breaks is subject to a charge under TSDHCT's Non-Residential Charging Policy. This policy may be reviewed from time to time, and changes may affect the charge which will be made for the provision of respite.
- 2.9 Short breaks can be offered in a wide variety of ways including:
- Breaks in specialist short break units (specialist guest houses, community flats, purpose-built or adapted houses);
 - Breaks in care homes;
 - Breaks in the home of another individual or family who have been specially recruited (such as adult placement schemes);
 - Breaks at home through a care assistant or sitting service;
 - Facilitated access to clubs, interest or activity groups;
 - Holidays;
 - Supported breaks for the person with care needs and their carer together;
 - Peer support groups (e.g. For young carers);
 - Breaks in supported accommodation;
 - Breaks using self-directed support, for example, direct payments or managed care.
- 2.10 When a person has been assessed as eligible, Short Breaks can be funded by the Continuing Healthcare Funding Stream. In these circumstances decisions will be made the principles of reasonableness, fairness and equity. These services are not chargeable and all references to charging and social care legislation do not apply. However, the same principles of good practice and supporting carers will be central to the support planning in these cases.

3 Legal Framework

3.1 The Care Act 2015

The Care Act replaces all the social care act legislation governing carer's rights.

The act comes into force in April 2015. With respect to supporting carers, it requires councils to assess any carer who appear to have needs for support.

The council must consider whether a carer is willing to care, the impact on their needs on wellbeing, the outcomes a carer wishes to achieve and if the provision of support could contribute to the achievement of these outcomes. It requires adult services to assess the needs of young carers and to ensure they extend carer's rights to the carers of disabled young people in transition.

4 Aims of the policy

The aims of this policy are to ensure that TSDHCT does as much as it can to support carers to sustain their caring role and help maintain their health and wellbeing. It intends to ensure equity of access to short breaks; to reflect national and local priorities and to underpin any future proposals for changes to the existing arrangements for access to and the provision of TSDHCT funded short breaks.

5 Principles and Provision

- 5.1 Following an assessment of need TSDHCT will only fund short breaks for FACS eligible needs identified at assessment.
- 5.2 Service Users and Carers will be encouraged to use their personal budget to purchase services best suited to them, chosen from a range of services.
- 5.3 Short breaks are an integral part of a whole support plan, and should not be treated as an 'add on' or 'separate' service. This principle is an essential component of TSDHCT's approach to its provision and will ensure fair access to short breaks.
- 5.4 This policy recognises that a reasonable charge will be applied for the provision of TSDHCT funded services. Such a charge will be calculated in accordance with a financial assessment under the TSDHCT Non-Residential Charging Policy.

6 Implementation

- 6.1 This policy will be applied from 1st April 2015 to any new adult health & social care service users. Existing service users will be informed individually when this policy will affect them; this would usually be at the time of their annual review or when their needs are reassessed.
- 6.2 Some existing service users may lose their eligibility for short breaks, or see it reduced, under this policy. However this will only happen following a full reassessment of a person's needs and circumstances. These cases will be considered sympathetically and the transition to new arrangements will be agreed with the individual carer, user and assessor.

7 Monitoring, Review and Reassessment

- 7.1 Any impact this policy has had on the ability of carers to continue in their caring role, and to maintain their health and wellbeing, will be considered by assessing officers at a review or reassessment of the individual's needs.
- 7.2 An individual or their authorised representative can request a review of their social care assessment at any time. This should be undertaken at least annually.

If the individual disagrees with the assessment and wishes this to be reconsidered, then they should tell the operational team who carried out the assessment. If they are unable to resolve matters this way then they should contact TSDHCT's complaints team.

8 Complaints

TSDHCT's Complaints Policy welcomes and responds positively to all comments, compliments and complaints as a means of demonstrating its commitment to working in partnership with individuals and carers.