Template letter 2 – requesting ‘top up’ funding from a local authority when there is no legal duty on the childcare provider to make a reasonable adjustment.

[**YOUR** **ADDRESS**]

[**DATE**]

**[NAME OF DIRECTOR**

**COUNCIL ADDRESS**]

Dear Mr / Mrs [**Name**],

I am writing in relation to my child [**NAME**]. I am trying to access childcare for [**NAME**] from [**NAME OF CHILDCARE PROVIDER**]. However, as a result of [**NAME’s**] needs the provider is unable to offer him/her childcare at present. I am writing this letter to ask the local authority to provide additional funding so that [**NAME**] can access childcare, as other non-disabled children can.

[**Write a short summary of your child’s needs and the barriers your child faces to access the service**].

In order to address these barriers I have asked the provider to consider whether there are adjustments that they could make that would allow them to meet [**NAME’s**] needs.

[**Write a summary here of the response – for example that the provider did not have the funding to employ additional staff**].

I have considered this response and it seems to me that it is right to say that it would not be reasonable to expect this provider to take these steps.

I am aware that the local authority has powers and duties to top up the funding available to childcare providers. I understand these are:

* Section 8 of the Childcare Act 2006, which gives local authorities a power to assist any person who provides childcare, including by providing financial assistance. As the adjustment which my child needs to access childcare goes beyond what is reasonable for this provider to fund, I would ask the local authority to meet this additional cost.
* Section 2(6) of the Chronically Sick and Disabled Persons Act (CSDPA) 1970, which requires the local authority to make arrangements for ‘recreational facilities outside the home or assistance to the child in taking advantage of available educational facilities’ where it is satisfied that it is necessary to do so to meet the child’s needs.

If the local authority is not immediately satisfied that this funding is necessary for the purposes of section 2(6) of the CSDPA 1970, please carry out an urgent child ‘in need’ assessment under section 17 of the Children Act 1989 and the Working Together statutory guidance and confirm that a decision on this question will be taken in the light of this assessment.

Please also at the same time undertake a parent carer’s needs assessment of my needs as [**NAME’s**] carer under section 17ZD of the Children Act 1989.

Please respond to this letter as soon as possible to either confirm that the additional funding sought will be provided, or to confirm the date by when I will receive my child’s assessment and my parent carer’s needs assessment and a decision on this funding.

I have written this letter using a guide that has been published by Contact a Family, Every Disabled Child Matters and the Family and Childcare Trust. The guide is based on general legal advice. I very much hope these reasonable adjustments will now be made, however if they are not I may take legal advice specific to my circumstances.

Yours sincerely,

[**Names of those sending letter**]

[**cc any managers or social workers you have been in contact with, and potentially the Lead Member for Children’s Services**]