

contact a family
for families with disabled children



Disabled children's services in England and Wales

Information for families

England and Wales

Incorporating **The Lady Hoare Trust**

Introduction

Local authorities have a responsibility to help families with disabled children. Many children have additional needs and disabilities, and some are more severely affected than others. Some disabled children and their parents will need practical support at home. This guide explains your right to get the support you need from your local authority through departments like social services, sometimes known as ‘children with disabilities teams’ or ‘children’s services’. The way local authorities work is changing at the moment and here we explain some of the changes you can expect to see.

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Duties of social services departments

Social services departments of local authorities are responsible for arranging support for disabled children and their carers. You have a right to have your child and family's needs assessed by social services. Duties of social services to disabled children and their families include:

- providing a social worker service
- maintaining a register of disabled children
- providing information about services which may be available
- assessing the needs of disabled children and their carers
- providing a range of services to meet these needs.

Social services departments have a general duty under Section 17 (10) of the Children Act 1989 to safeguard and promote the interests of 'children in need'. The law recognises disabled children as being in need.

A child in need is entitled to an assessment from the social services department. This assessment will set out the services that are considered necessary. An assessment is important because it can lead to a number of services being provided, like practical help in the home and short breaks.

Freephone helpline: **0808 808 3555**
Web: **www.cafamily.org.uk**

Changes to services in England

Duties under The Children Act 1989 remain unchanged. But in England, the way these are delivered locally is set to change radically under **The Children Act 2004**. This aims to improve children and family services.

A key change was the introduction of children's trusts which are at the heart of the government's Children's Plan. Children's trusts aim to bring together services for children and families in each local area, so that they can provide timely, targeted and specialist support when needed. Children's trusts also promote better coordination between agencies such as Primary Care Trusts (PCT), local authority and others.

By integrating key services it is hoped that children's trusts will support families to deliver better outcomes for children and young people.

Local authorities may choose not to call this a 'children's trust', but the important point is that the way of working is in place.

Contact your local council for further information. Further information can also be found at the Every Child Matters website at
Web: <http://tinyurl.com/34l3sv>

Changes to services in Wales

The Children Act 2004 also affects services in Wales. Children's trusts are not going to be set up in Wales, so education and social services will remain separate. Instead the Act changes the way children's social services are planned, rather than delivered.

The Act introduces a duty on local authorities and their 'partners' to co-operate to improve the wellbeing of children. In Wales, Children and Young People's Framework Partnerships have already been set up in each local authority, to facilitate co-operation between local authorities and these partners. Partners include education and health bodies.

Further information can be found at
Web: <http://www.childreninwales.org.uk>
or contact our Wales office
Tel: 029 2039 6624

What is an assessment?

An assessment is the process social services use to gather information about your child and family, so they can make a decision about what help you may need. In most cases an initial assessment is carried out, which might be as simple as a conversation over the phone. This helps social services work out whether a core assessment (an in-depth assessment) should be carried out.

Timescales given to social workers indicate that the initial assessment should be completed within a maximum of seven working days and the core assessment should not take longer than 35 working days.

Getting information about the assessment

Beforehand, you should be told how the assessment will be carried out and be given information about what services are available, not just those which are provided by social services departments (for example, a local playscheme).

It should be a needs-led assessment

It is very important to remember that the starting point of an assessment of your child should be their needs, **regardless of whether services exist to meet them.**

Social services should assess your child in an open way and the assessment should focus on the circumstances of both your child and the rest of the family. As well as your child's disability and health needs, social services should also consider other aspects of your child's life, for example, education and religious or cultural needs.

What to expect at an assessment

The social worker will usually come to your home to talk to you. They should ask you for information about your child, for example, sleeping patterns, eating habits, how your child communicates, what activities they enjoy and whether you have any other children to look after.

Don't be worried about asking for clear information about the focus of the assessment and what services are available. But do remember that the assessment should be **needs-led** and not based on services already available.

Preparing for a core assessment

It can be useful to make a list of questions before you meet, and you are entitled to have a friend or advocate there with you. The social worker may also want to speak to your child's health visitor, doctor or school to help them get a full picture of their needs.

The assessment should focus on the circumstances of both your child and the rest of the family.

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Combining assessments

The Children Act also says that various assessments can be combined, for example an assessment under the Education Act 1996 or the Chronically Sick and Disabled Persons Act 1970. This means, for example, that if your child's special educational needs (SEN) are being assessed, then social services should assess your child's needs under the Children Act at the same time.

How do I request an assessment?

Many social services departments have 'children with disabilities' teams. You should find the number in the telephone directory under the name of your local authority, social services or children's services, or ring our helpline for information. You can also ask your GP, health visitor, community nurse, paediatrician or voluntary organisation to contact social services on your behalf.

It's a good idea to put your request in writing and to keep a copy of your letter. The request doesn't need to be detailed but should include:

- your name and address
- details of who is in your household, including any other children
- a brief description of your child's disability
- what kind of extra help your child needs
- whether you need help urgently.

What if an assessment has been carried out in the past?

When services are already being provided the assessment should be reviewed regularly. But if your circumstances have changed, you can ask for a re-assessment or review in the same way as above.

What if I'm refused an assessment?

If your child is disabled and in need of services, you can't legally be refused an assessment. Consider making a complaint if this happens – see page 15 for more information. Also, if you need help urgently, you can ask for services to be put in place straight away without waiting for the outcome of an assessment.

A new approach to assessments in England

A new approach to assessments in England was introduced under the Children Act 2004. All local authority areas are expected to implement the 'Common Assessment Framework' (CAF) between April 2006 and the end of 2008.

The CAF can be used if you, or someone who works with your child, would like them to receive extra support. It will help to identify your child's additional needs, and other workers required to support your family.

If you and your child agree, a worker will ask you both some questions to find out what help and support you might need. This information is recorded on a simple form. Once you're satisfied with the information on the form you'll be given a copy of it. Based on the information you both provide, everyone who can help your child should work together to provide the support they need.

There may be a number of people providing support to your child, in which case one of these people may be appointed as a 'lead professional'. This person should keep you informed, listen

to your views and support you. The named worker will also co-ordinate all the services supporting your child. You should both be allowed a say in who should be the lead professional.

Leaflets and other resources which give further information about the CAF can be downloaded from the Every Child Matters website at
Web: <http://tinyurl.com/2ufkzd>
or contact our helpline for further information.

Changes to assessments in Wales

For families in Wales the procedure for assessments stays the same as in this guide. You can find more details in the Welsh Assembly's 'Framework for the assessment of children in need and their families'. At the time of writing we understand that they have been developing the Common Assessment Framework in partnership with the following local authorities: Conwy and Denbighshire, Neath Port Talbot, Carmarthen and Newport. For more information visit

Web: <http://www.cafwales.co.uk>

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Web: **www.cafamily.org.uk**

Your needs as a carer

The Carers (Recognition and Services) Act 1995 means that parents can ask for a carer's assessment. The carer's assessment focuses on you as a parent and your needs. Social services should discuss issues like the help your child needs and whether there is anyone else who helps, or if you are your child's only carer.

The carer's assessment should also consider your well-being, including health and safety issues, and important commitments like relationships and employment.

Why get a carer's assessment?

The aim of a carer's assessment is to give you a chance to tell social services about the things that could make looking after your child easier for you. This may result in getting services or direct payments to meet your own assessed needs.

The Carers (Equal Opportunities) Act 2004 requires local authorities to tell carers about their rights to an assessment. The Act also makes sure that work, education and leisure opportunities are considered when you're being assessed.

"A break - it makes us both feel human again!"

Alexis

The 'Carer's assessment guide' contains further advice and is available from Carers UK.

CarersLine Tel: 0808 808 7777

Web: <http://tinyurl.com/2kfj6z>

What services can be provided?

After the assessment

After social services have carried out an assessment and reached a decision about whether your child is 'in need', they will consider which services are required.

They may decide there is no need for services, which could result in your case being closed with no further action taken. If you disagree with this decision you can challenge it using the local authority's complaints procedure. Or they may decide that there is a need for services and these should be provided.

What services can I expect for my child and family?

Services for disabled children are available under Section 2 of the Chronically Sick and Disabled Persons Act 1970 and under the Children Act 1989.

The **Chronically Sick and Disabled Persons Act** sets out what kind of help should be provided. Under this Act, the duty to provide services is to the individual disabled child and does not extend to other members of the family. The services detailed are:

- practical assistance in the home, like help with the personal care of your child, for example help with getting in



and out of bed

- equipment for a recreational need, like a TV, radio or computer
- leisure facilities (this could mean outings or a placement at a day centre) or education facilities (this could mean home-based education or funding for the personal care requirements of students so they can study)
- travel and other assistance, like travel to and from a day centre
- home adaptations and disabled facilities, for example fitting handrails or hoists
- holidays
- meals
- telephone equipment.

The **Children Act 1989** sets out a range of support services which should be available. This includes the right to permanent or temporary residential accommodation, if your child needs it. It forms the legal basis for residential short breaks. If your child needs this service, then it should be provided. If there are no suitable facilities locally, your local authority can look outside its own area.

There are other services listed in the Children Act. Here are some examples:

- occupational, social, cultural or recreational activities
- home help
- assistance to enable your child and family to have a holiday
- advice, guidance or counselling
- travel assistance.

Under the Children Act 1989 local authorities have a general duty to make a range of services available to help children in the area. Importantly, the Act allows social services to provide help which will benefit other family members, like siblings and other carers.

When should services be provided?

Services available under both these Acts should be provided when there is an assessed need, and services are necessary to meet those needs.

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Web: **www.cafamily.org.uk**

In practice, most local authorities use 'eligibility criteria' to help them make this decision.

Eligibility criteria

There are many disabled children in an area who need help but social services have limited financial resources. Using 'eligibility criteria' for deciding who has a 'need' for services is a way they can prioritise, to make sure the people most in need get help.

The criteria differ from one authority to another and this means if you move to a different local authority area you may no longer qualify for the same help.

For example, one of the services listed under the Chronically Sick and Disabled Person's Act is 'holidays'. This doesn't mean every disabled child must be given a holiday each time they ask. There will be local eligibility criteria. It might say for instance, that holidays will normally only be given if a child has not had a holiday for five years and there is a risk of family breakdown if it's not given.

When an assessment shows you meet the criteria

Once your child's assessed needs match the local eligibility criteria, the local authority has a duty to provide or arrange services to meet those needs.

In this example, if your child had not had a holiday for five years and you could show that your family was under such stress that family breakdown was possible, there would be an obligation to fund the holiday regardless of the local authority's financial difficulties.

"We were told time and time again: unless you were in crisis there was no support for us. Looking back, I think we were in crisis, but you don't like admitting it."

Amy

However, the local authority can take its resources into account in deciding how it will actually meet the needs. It might limit the type of holiday it provides, or it might arrange for another organisation to do so. It could even apply for a charitable grant to fund the holiday.

When you don't meet the eligibility criteria

If the service is not actually assessed as a need (perhaps seen as only useful), or if it is assessed as a need but does not fit the local criteria, the local authority has no actual obligation to provide or arrange the service. They should still use their best endeavours to meet the need, for example by contacting a local charity or voluntary agency for help.

If the decision is that services aren't needed, or that you don't fit the eligibility criteria, you should be given clear reasons. This is to help in case you want to challenge the decision using the complaints procedures.

Beware!

It is quite common to hear statements like, 'Our local authority no longer provides short breaks' or, 'We don't do carers assessments in this local authority.' These statements are unlawful and you should have good grounds for a complaint.

In fact, the local authority should not put a blanket ban on any service and should always consider the needs of the individual child and family. Other families have challenged these statements in court and the courts have decided that a local authority can't 'unlawfully fetter its discretion'. This means they must always be prepared to consider requests which don't fit into their eligibility criteria.

Using the holiday example from earlier, it would be illegal for a local authority to say, 'we never give holidays to children unless they have not had one for five years'. They can say, 'we don't usually give holidays' but they must always listen to any reasons you have about why you should be treated as an exception.

Waiting lists

It is very common to be told there is a waiting list for services. You may be told this even when it is agreed there is an assessed need. Where there is an assessed need, by law the local authority has a duty to provide a service straight away, although in practice this often doesn't happen. If the delay is lengthy or you feel the need is urgent, you may wish to consider making a formal complaint.

The care plan

Once the social worker has gathered enough information through the assessment, they decide which of your child's various needs warrant the provision of services. In many areas a panel decides the package of services that may be offered. A plan should then be agreed between social services and you and your family, to meet any identified needs. The plan should give details of:

- what services will be provided
- for how long the services are needed
- what the local authority plans to achieve by providing the services
- what each person and agency is expected to do
- date of the next review.

Importantly, the care plan should be reviewed regularly to make sure any services remain appropriate.

Freephone helpline: **0808 808 3555**
Web: **www.cafamily.org.uk**

"The helpline adviser was fantastic. Before I rang I was getting nowhere with my local council or any other services available to me but she put me in touch with several different organisations and things are really moving forward now."

Charging for services

Will I have to pay for any services provided?

Local authorities do have the power to charge for services they provide under the Children Act 1989 and the Chronically Sick and Disabled Persons Act.

In England, each local authority will have its own charging policy and it is usually your income and savings as a parent that are taken into account, rather than your child's. You should not be asked to pay more than you can afford.

When a child reaches 16 years of age, they are assessed in their own right. This means it should be their ability to pay which is taken into account and not yours.

In Wales, it is highly unusual for there to

be any charges for services.

When should I not be charged?

If you get Working Tax Credit, or Child Tax Credit (paid at a rate above the family element) or Income Support, you should not be charged for Children Act Services.

You should also not be charged for advice, information and social work services.

Do I have to pay for services provided to me as a carer?

Services for carers of disabled children are normally provided under the Children Act and the same charging rules apply, described above.

What if I can't afford to pay the assessed charges?

If you feel you are being charged wrongly, or at a level which is more than you can reasonably be expected to pay given your circumstances, you can ask for the charges to be reduced or waived completely. If you're still unhappy with the amount you've been asked to pay you can make a formal complaint.

If you have any further questions about charging, call our helpline.



Direct payments

What are direct payments?

Local authorities can give payments, instead of services, to allow disabled people and carers to buy in the services they've been assessed as needing. Any payments you receive must only be used to pay for these services.

Direct payments are there to promote the independence of parents and disabled children who would like to manage their own social care needs. If your child is under 16 years of age, direct payments will usually be made to you as their parent. When a child turns 16 they can receive payments in their own right, to allow them to buy in the services they've been assessed as needing.

In the past you couldn't insist on direct payments. But now in England and Wales, a request should only be refused in very limited circumstances.

How much are direct payments?

The amount you receive should be enough to allow you to meet all the costs involved in arranging services that social services have agreed to help with. This should include any tax and national insurance you might have to pay if you employ someone, as well as the cost of a criminal records check.

Social services will usually deduct an amount from the payments, equivalent to what you would have been charged if they'd arranged the services. Or they may make the payments in full and ask you to reimburse them any assessed charge.

Further information about direct payments

Contact a Family has produced a guide to help parents claim direct payments. Contact our helpline for a copy.

Freephone helpline: **0808 808 3555**
Web: **www.cafamily.org.uk**

The Department for Children, Schools and Families (DCSF), together with the Council for Disabled Children, has produced 'A parent's guide to direct payments'. It's also available in translated versions (Bengali, Gujarati, Hindi, Punjabi and Urdu).

Copies are available from Department for Children, Schools and Families Publications,

Tel: 0845 602 2260
or by visiting the Every Child Matters website at
Web: <http://tinyurl.com/6nk5q8>

The above link also has frequently asked questions (FAQs) on direct payments for families with disabled children or young people.

Families in Wales may also find

Aiming High for Disabled Children (England)

Aiming High for Disabled Children (AHDC), launched in May 2007, is the transformation programme for disabled children's services. The government has supported this with substantial new funding and measures designed to make the system work better for families with disabled children.

Initially this will focus on short breaks and parent involvement. During 2008 other strands of work will begin. They will focus on accessible childcare, transition for disabled young people, community equipment and wheelchair services and, during 2009, palliative care.

Part of this programme is a 'core offer' - a new national statement of what every child, young person and their family has a right to expect from their local services. It is based on five core principles of transparency, information, assessment, participation and feedback. As from May 2008 local authorities and

Primary Care Trusts (PCTs) are expected to use the national core offer to develop their local services. This should be done in partnership with parent carers so that families with disabled children will know how the core offer will be implemented in their area.

For the first time there will also be a national indicator for services for disabled children. This will measure parents' satisfaction with local delivery of the core offer. It is being developed during 2008 and will be used for the first time at a local level during 2009. It gives parent carers a clear route to feedback to national and local government about their experiences of the services they receive for their disabled children.

For further information visit
Web: <http://tinyurl.com/5ozwk7>

information from the Social Services Improvement Agency (SSIA) website helpful, at
Web: <http://tinyurl.com/2bo28j>

Vouchers

The voucher scheme allows carers and disabled children to receive vouchers for short breaks. This should mean more freedom to choose when and where to take a break. In both England and Wales the scheme is discretionary, which means that local authorities don't have to offer it, and most don't. The Contact a Family helpline can provide further information.

Making a complaint (England)

Under The Children Act 1989 'Representations Procedure (England) Regulations 2006' a new way of dealing with complaints about services to children and families was introduced. This is not an exhaustive list but parents and carers can complain about:

- service quality or appropriateness
- delays in decisions being made or services being put in place
- how services are delivered (or not delivered) including the way complaints are dealt with
- the amount of help given, how frequently a service is provided, any changes made to services or how much you are asked to pay
- the attitude or behaviour of staff
- how eligibility and assessment criteria are applied
- a local authority policy which impacts on you or your child

- any aspect of the assessment, reviews or care management.

Who deals with a complaint?

Each local authority has a 'designated officer' who receives all complaints, called the complaints manager. They don't have to handle all stages of the complaint but are responsible for administering the scheme to make sure complaints are dealt with swiftly and effectively.

How quickly can I expect a complaint to be dealt with?

The new procedure also introduces new time scales. These are summarised below:

Stage 1 – Local resolution

You should bring your concerns to the attention of the person providing the services locally. The local authority should consider mediation at this stage, and all other stages.

They should make a first attempt to resolve matters within 10 working days. This can be extended by another 10 days, for example if an advocate needs to be appointed.

If the matter isn't resolved, or if there is agreement for an investigation to take place, then the complaint should go to Stage 2. If you wish the complaint to go to this stage you can request this orally or in writing.

Freephone helpline: **0808 808 3555**
Web: **www.cafamily.org.uk**

Stage 2 – Investigation

The local authority should arrange an investigation that produces a report and a decision within 25 working days (or within an extended period of 65 working days where a response is not feasible within 25 days). If the matter is still not resolved then you can ask for a panel to consider your complaint.

Stage 3 – Review Panel

The person making the complaint can ask for the matter to go to a Review Panel within 20 working days of receiving a Stage 2 decision. This is a meeting of three independent people who will consider the complaint and make

recommendations. The process of holding a review panel must follow certain time limits. See box below.

Unhappy with the outcome of a Review Panel?

If, after a Review Panel has considered your complaint, the matter is still not resolved then you can take your complaint to the Local Government Ombudsman (LGO). You may be able to approach the LGO earlier – for more information see page 18.

You can find further information about complaints in government guidance, 'Getting the best from complaints - social

Summary of Stage 3 time limits

Action:	You request a Review Panel
Time frame:	Up to 20 working days after receipt of the Stage 2 decision
Action:	Complaints manager acknowledges request
Time frame:	Within two working days
Action:	Complaints manager appoints a Chair and confirms attendees and content of the panel papers
Time frame:	Within 10 working days of your request for Review Panel
Action:	Local authority agrees the other panellists and date for Review Panel
Time frame:	Within 30 working days of your request for Review Panel
Action:	Local authority circulates panel papers
Time frame:	Within 10 working days of the date for the Review Panel
Action:	Review Panel produces its written report (including any recommendations)
Time frame:	Within five working days of the Review Panel meeting
Action:	Relevant director issues their response
Time frame:	Within 15 working days of receiving the Review Panel's report



care complaints and representations for children, young people and others' available at

Web: <http://tinyurl.com/38zscst>

Making a complaint (Wales)

The arrangements in Wales for handling social services complaints came into force on 1st April 2006 under the 'Children and young people: the social services complaints procedure (Wales) regulations 2005'.

They apply to any social service provided by a council - and any service that a council is paying for. There are three stages:

Stage 1 - Local resolution

You should raise your concerns with the person providing the services locally. They must try to resolve matters within 10 working days. You - but not the council - can extend this by a further 10 days.

Stage 2 - Formal consideration

You have the right to ask the council

for a formal consideration of the complaint at any time. This is usually an investigation by someone not involved with the local service, but it could take some other form, like mediation. A report with findings, conclusions and recommendations must be produced.

The council must respond to you within 25 working days of your request to move to this stage. This can be extended only in limited circumstances.

Stage 3 - The Independent Panel

You have a right to have an unresolved complaint considered by a panel. You have the same right if the council has not responded to the first complaint after three months.

Make your request to the Independent Complaints Secretariat within 20 working days of completing Stage 2. The panel membership and the administrative arrangements will be completely independent of the council.

The panel must meet within 20 working days and make its report available within five working days of meeting. The council must respond within 15 working days of the report.

Freephone helpline: **0808 808 3555**
Web: **www.cafamily.org.uk**

The contact number for the Secretariat is Tel: 01495 332487 or you can write to: Hayley Johnson, Independent Complaints Secretariat, The BSC, Pontypool, Mamhilad House, Park Estate, Pontypool NP4 0YP

If the complaint is still not resolved

You can take any outstanding complaint about the actions or decisions of the council to the Public Services Ombudsman for Wales (see below). The Ombudsman will expect the council to have had a chance to consider the matter first - but you may choose to take a complaint to the Ombudsman before the local authority procedure is exhausted in certain circumstances.

The guide 'Your rights to complain: A quick guide to social services complaints procedures for children and young people' can be downloaded from the Welsh Assembly website at Web: <http://tinyurl.com/4xo215>

Contact a Family's office in Wales can also give you further information on Tel: 029 2039 6624

The Ombudsman will decide whether the council has done something wrong which has directly affected you and caused you an injustice.

Local Government Ombudsman

If you're not happy with the panel's decision then there are various other options, like taking the issue up with a local councillor or MP (Assembly Member if you live in Wales) or complaining to the respective Local Government Ombudsman (LGO).

The Ombudsman can investigate complaints against principal councils (not town, parish or community councils) and certain other bodies. By law they must look for 'maladministration' by a council. Examples of maladministration include prejudice, unreasonable delays and failure to provide or follow proper procedures and rules.

The Ombudsman will decide whether the council has done something wrong which has directly affected you and caused you an injustice. They won't investigate a complaint against the council simply because you disagree with it. The Contact a Family helpline can send you a leaflet



produced by the LGO called 'Complained to the Council? Still not satisfied?'

England

There are three LGO's in England. Each of them deals with complaints from different parts of the country. For further information visit

Web: <http://www.lgo.org.uk>

Tel: 0845 602 1983 (Mon-Fri, 8.30am-5pm)

Textphone: 0762 480 4323

Wales

Contact the Public Services Ombudsman for Wales, Tel: 01656 641150

Web: <http://www.ombudsman-wales.org.uk>

Taking legal action

Judicial Review

If your complaint is very urgent and you can't wait for the complaints procedure to resolve the matter, you can apply to the courts for a Judicial Review. Judicial Review is a procedure where the High Court looks at the way a decision was reached to see if it was legally correct.

You can also apply for Judicial Review if you have exhausted the complaints procedure and are still unhappy with the outcome. To do this you will need legal assistance.

Freephone helpline: **0808 808 3555**

Web: **www.cafamily.org.uk**

If you have a low income you may qualify for legal aid. Also, some solicitors offer a free first interview. The Contact a Family helpline can send you information about getting help with legal costs and contact details of solicitors in your area which specialise in community care.

Before seeking a Judicial Review it may be worth complaining to the local authority monitoring officer. The monitoring officer (usually the chief executive or borough solicitor) is responsible for making sure decisions are lawful and procedures are correctly followed.

Frequently Asked Questions

My social worker said I should put my disabled child on a register of children with disabilities. What does this mean?

Social services have an obligation to keep a register of children with disabilities. This isn't the same as the child protection register and doesn't suggest in any way that your child is at risk. You don't have to agree to your child's name being added to the register and it doesn't affect your entitlement to services.

A register allows social services departments to try and plan services for disabled children more effectively in their

Tips for attending meetings with social services

- **Be prepared.** For example, you might want to have visited a school or a residential home if you're planning to talk about placements
- **Keep copies of everything** like letters you've written about your child to the authorities, as well as those they send you. Keep everything in a file, making sure you read everything you think might be relevant before the meeting to refresh your memory
- **Make notes.** It's easy to forget something so having a few notes handy at a case conference will help to make sure you cover all the points you want to make. Listen to what the

professional workers have to say and make notes of what is said

- **Take someone with you.** If you have a partner, make sure you both attend the case conference. If that's not possible, or you are a single parent, take a friend or someone from a local support network
- **Don't be frightened to ask** if you don't understand what's being said; ask questions until you do
- **Keep calm.** Don't lose your temper if things are going wrong. Try and give reasoned, counter arguments
- **Follow up.** Compare notes and draw up a summary of the main points made at the meeting, what was agreed, and what still needs to be agreed.

area. It is sometimes used as a way of getting relevant information to families so you might get a newsletter as a result.

My daughter is disabled and I'm wondering if I can get a Blue Badge?

The Blue Badge Scheme (formerly Orange) is a UK arrangement of on-street parking concessions for disabled people. The badge can also be used in many European countries.

If your child has severe walking difficulties, is registered blind, has severe upper limb disabilities or receives the higher rate mobility component of Disability Living Allowance, you may be eligible.



If you are a parent of a child who is less than two years old, you may apply for a badge for your child if they have a specific medical condition which means that they either:

- must always be accompanied by bulky medical equipment which cannot be carried around without great difficulty
- need to be kept near a vehicle at all times, so that they can, if necessary, be treated in the vehicle, or quickly driven to a place where they can be treated, such as a hospital.

You should apply to your local social services department.

Can my social worker advise me on which benefits my family are entitled to?

Social workers do have a duty to provide advice and guidance. They should explain to you what benefits are available and make sure you're getting the benefits you're entitled to.

However, most social workers are not benefits experts and they may rely on the local authority's welfare rights service or similar advice agency to help you. They may also direct you to a voluntary organisation like the Family Fund for further help.

Advice about entitlements can also be found in our guides, available from our helpline:

Freephone helpline: **0808 808 3555**
Web: **www.cafamily.org.uk**

- A checklist for parents
- Benefits, tax credits and other financial help
- The tax credits guide
- A guide to claiming Disability Living Allowance for children.

Helpline advisers can also answer benefit enquiries and possibly identify further sources of help.

My son has ADHD and is also autistic. Social services won't assess my child, saying they can only help children with physical disabilities and they don't have any suitable services.

Under the Children Act 1989 a local authority has a duty to assess any child in need. Children in need are defined as children who are under 18 years of age and are:

- 'unlikely to achieve or maintain, or to have the opportunity of achieving or

maintaining a reasonable standard of health or development without the provision of services by a local authority'; or

- whose 'health or development is likely to be significantly impaired or further impaired without the provision of such services by a local authority'; or
- 'who is disabled'. A disabled child is defined as one who is chronically sick or has a mental or physical disability which has a substantial and long-term affect on the child's ability to carry out ordinary day-to-day activities. 'Development' means physical, intellectual, emotional, social or behavioural development and 'health' means physical or mental health.

If you look at the definition above, it's clear that social services have acted incorrectly by refusing your request for an assessment. Social services have a general duty to provide a range of



services for all disabled children, as defined above. But they're also allowed to set eligibility criteria for specific services. This should help make sure that the people in greatest need receive the service in question.

You may find your child won't qualify for a service because they don't meet the criteria. If this is the case and you're unhappy about this or any other decisions made by social services, then you can make a complaint using the local authority complaints procedure.

Do I have a right to see my child's records?

Under the Data Protection Act 1998 professionals and agencies have a duty not to disclose information about disabled children and their families without the consent of the 'subject'. This applies to children as well as adults provided that, if they are under 16 years of age, 'they have the ability to understand the choices and their consequences'.

Even though there's a duty not to disclose without the child or young person's consent, the public body concerned (for example, the health service or local authority) still have the discretion to allow access to the information. In most cases parents should have no difficulty in seeing their child's records.

Guidance also says that advocates should be given access to relevant information about the person they're representing. Our helpline can give you further advice about access to personal records.

Social services have a general duty to provide a range of services for all disabled children.

Can I use direct payments to employ my sister-in-law who lives with me to look after my son?

The 2003 Direct Payments Regulations make it clear that a direct payment should not be used to employ a spouse, partner or close relative living in the same household as the disabled person.

However, employing a close relative may be possible if this is the only effective way to meet a child or young person's needs. For example, if a child has complex communication needs or specific cultural needs then it may be acceptable to employ a family member who could meet those needs.

I'm finding it very difficult to cope and need help at home, but I'm scared that if I contact social services they'll take my children away.

Unfortunately, there are many parents who feel that needing help will lead to social services taking their child away. Some even feel that a request for help is a sign of weakness or bad parenting. For this reason we understand that some families will not seek help.

Freephone helpline: **0808 808 3555**
Web: **www.cafamily.org.uk**



It's important to understand that while social services have specific duties around child protection issues and protecting vulnerable children from harm, they also have duties and responsibilities to support families. This means where possible keeping the family together.

So social services should respond to your situation by carrying out an assessment to identify your needs. If you like you can also ask for a separate assessment as a carer. Either way, this should lead to a recognition of your needs and the practical support you're looking for to help ease the situation at home.

Some parents get regular breaks which allow them to spend time either with their other children or alone, so they can recharge their batteries. Spending time away from your disabled child may also help foster a sense of independence. This may be particularly helpful with transition to adulthood, as they grow up.

If you're still concerned about approaching social services, you may find it helpful to contact a voluntary organisation for support and advice. They may be able to support you in your request for help or tell you about other services which aren't linked to social services. Contact the helpline for further information.

My husband and I are asylum seekers and care for our severely disabled daughter. We can't claim any benefits and we're not allowed to work. Instead we receive assistance from the National Asylum Support Service (NASS). We're finding it very difficult to lift our daughter in and out of the bath and onto the toilet. She also needs a wheelchair - without one we can't take her anywhere. Are we entitled to any extra help?

NASS are responsible for maintaining you, your husband and your child. They are responsible for providing for a child's

'essential living needs'. These mean the needs of 'an ordinary child or adult with no special peculiarities or disabilities'.

Although s.122 (5) Immigration and Asylum Act 1999 says local authorities can't provide 'assistance' under s.17 of the Children Act 1989 to a child who is not disabled, whose parents are supported by NASS, this doesn't stop them providing support to a child who is disabled.

Under the Children Act 1989 the local authority can provide further support and services for your daughter's needs as a disabled child. If NASS support is inadequate you can approach your social services department for help.

So, any needs that go beyond 'essential living needs', like needs arising from a child's disability, should be provided for by the local authority.

"At one stage we seemed to be meeting a new professional every week. My son found it very difficult to go anywhere new so I would have to cope with a distressed toddler at the same time as trying to tell my story."

It is important to seek further clarification about your rights to make sure you don't jeopardise your status and current support. You may find, for example, that getting practical help from another source to meet another need could affect the assistance you get from NASS. Contact the helpline for further information on specialist sources of advice.

I am a student from overseas, living with my wife and disabled child. Because of our immigration status we've been told we have 'no recourse to public funds'. What does this mean?

Most people coming to stay in the UK under the immigration rules are expected to be able to house and support themselves financially, without having to rely on public funds or state support. This is what is meant by 'no recourse to public funds'.

In reality this means you're not usually allowed to claim benefits like Income Support, Housing and Council Tax benefits, Disability Living Allowance and tax credits. Also, you're not usually allowed to apply for local authority housing.

For the purposes of immigration rules 'public funds' does not include NHS treatment, state education or help from social services, for example under the Children Act 1989. If you're not clear about your rights it's very important to seek specialist advice. If you don't,

Freephone helpline: **0808 808 3555**
Web: **www.cafamily.org.uk**



Further information and advice

For further information, contact your local carers centre, citizen's advice bureau, law centre or disabled person's advice centre. For details of the nearest one to you, call our freephone helpline,

Tel: 0808 808 3555

Textphone: 0808 808 3556

open Mon-Fri, 10am-4pm; Mon 5.30-7.30pm

or e-mail: helpline@cafamily.org.uk

it could affect your status and right to remain in the UK.

The Contact a Family helpline can provide limited advice and assistance on immigration matters, including advice on rights to entitlements. But we can't help with more complex issues like challenging a failed application for asylum or advising on deportation.

If we can't give the help you're looking for, we should be able to suggest where to get help in your area. Contact the helpline for information about specialist immigration advice services.

Contact a Family is now on Facebook, MySpace, Bebo and has an office in Second Life.

Join us at:

MySpace

www.myspace.com/contactafamily

Bebo

www.bebo.com/contactafamily

Facebook

www.facebook.com

and search for 'Contact a Family'

Second Life

You can find our Contact a Family virtual advice office in Second Life on Aloft Island 19.40.22 (PG) or visit <http://tiny.cc/P9A5l> to teleport there directly

Freephone helpline: **0808 808 3555**
Web: **www.cafamily.org.uk**

Getting in contact with us

Free helpline for parents and families

0808 808 3555

Textphone

0808 808 3556

Open Mon–Fri, 10am–4pm;

Mon, 5.30–7.30pm

Access to over 100 languages

www.cafamily.org.uk
www.makingcontact.org

Contact a Family Head Office:

209-211 City Road, London EC1V 1JN

Tel **020 7608 8700**

Fax **020 7608 8701**

Email **info@cafamily.org.uk**

Web **www.cafamily.org.uk**



Other information booklets available

This guide is one of a series produced for parents and groups concerned with the care of disabled children. A full list of Contact a Family publications is available on request or can be downloaded from our website www.cafamily.org.uk

- The tax credits guide ^(UK)
- Fathers ^(UK)
- Understanding your child's behaviour ^(UK)
- Living without a diagnosis ^(UK)
- Working ^(UK)
- Grandparents ^(UK)
- Siblings ^(UK)
- Special educational needs ^(England/Wales)
- Preparing for adult life and transition ^(England & Wales)
- Getting direct payments for your disabled child ^(England & Wales)

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