

## Children with disabilities

# Parents' guide to social care

### Introduction

Disability is a protected characteristic under the Equality Act 2010, which defines a person as having a disability if:

- a) They have a physical or mental impairment and
- b) The impairment has a substantial and long-term adverse effect on the person's ability to carry out normal day to day activities

The public sector equality duty requires the local authority to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

### Assessment & Support

When people hear about children's social care they may immediately think of children's social work. However social care help can come from a number of different places including Early Help, Aiming High and Social Work. This guide will tell you how you can get an assessment and support for your child and your family.

'Working Together to Safeguard Children 2018' says that it is important that Early Help services support children and their families. It goes on to say "*Children and families may need support from a wide range of local agencies. Where a child and family would benefit from coordinated support from more than one agency (e.g. education, health, housing, police) there should be an inter-agency assessment. These early help assessments, such as the Common Assessment Framework, should identify what help the child and family require to prevent needs escalating to a point where intervention would be needed via a statutory assessment under the Children Act 1989.*" (Working Together 2018, pg 14)

The guide to levels of need outlines four levels of need and the type of services that could be put in place to support those needs. The full Guide to levels of need can be found at

<http://www.safeguardingchildren.stoke.gov.uk/ccm/portal/>

The levels of need are not specific to disabled children. These levels are defined as follows:

#### **Level 1 – Universal needs**

These apply to all children in our area. No additional support is required and the child or young person is usually doing well with no concerns about achievement, wellbeing or health.

#### **Level 2 – Additional Needs**

These are where there may be a need for additional services which might be achieved with support from a particular agency. A child's life chances may be impaired without these services. The carer may also be in need of some additional support.

Services for disabled children or children with SEN may include support or assistance from: Autism Spectrum Disorder (ASD) team, Adults social care teams, Aiming High (Action for children), CAMHS disability service, Child Development Centre, Integrated Family Intervention

Service, North Staffs Carers Association, Carers Hub, Palliative and Complex Care Diabetes Team, Palliative Care Team, Portage, SEN teams, Speech Therapy or others.

An Early Help assessment and plan should also be considered at this stage.

### **Level 3 – Intensive Needs**

These are where children and young people are experiencing long term problems that happen nearly every day and that needs intensive work and coordination between agencies. There may be clear risks with regards to a young person's welfare which requires a multi- agency coordinated response. This includes families who are already receiving support under Early Help but their circumstances continue to deteriorate. Life chances will again be impaired without services.

Services for disabled children and those with SEN may include CAMHS inpatient beds, Darwin Unit, Health visitors, Universal plus partnership, Donna Louise Trust, North Staffs Carers.

A multi-agency Early Help plan should be in place.

### **Statutory Intervention**

#### **Level 4a – Children in Need**

This is for children who have highly complex needs (including children with disabilities who meet the threshold criteria below) and may include a need for multi-agency high level support due to compromised parenting. There is a significant risk of family breakdown or of the child being harmed. Levels of risk can be managed outside a child protection plan.

For disabled children who meet the threshold, the assessment and services will usually be delivered by the Children with Disabilities social work team.

#### **Level 4b – Children in need of safeguarding**

Where there are concerns a child has suffered or is at risk of suffering significant harm and needs the protection and support of a multi-agency child protection plan. Where there are safeguarding concerns regarding disabled children, the Children with Disabilities Team would usually undertake this work.

#### **Level 4c – Children in care**

Where children are or have been looked after by the local authority. This may include overnight short break care. Where the child has a disability this will be held by a Children with Disabilities Team social worker.

### **Assessments and support in Stoke on Trent**

#### **Aiming High (Tel 01782 683129)**

In Stoke-on-Trent, our Aiming high programme is run by a lead provider, Action for Children. The Aiming High short breaks core offer is available to any child with a disability. (See Short breaks statement and Aiming High part of the local offer). The Aiming high offer is broken down into:

##### **(i) A core offer**

Core Offer is free of charge for all children and consists of:

- One activity a month,
- One additional activity during Half Term and Easter Holidays, and
- Two additional activities during the Summer Holidays

##### **(ii) Additional activities through parental contributions**

Parents and carers can access additional activities on top of the free core offer, there is a contributions rate for additional activities, up to date contribution levels can be found by

contacting Action for Children directly.

**(iii) An Aiming High enhanced offer** which includes group based support to enable children to access additional support above and beyond the Core Offer and additional contributions, referral routes via Lead Provider assessment or Social Work assessment. Time bound support regularly reviewed with the view of step down to contributions or Core Offer.

**(iv) Aiming High Focused support offer**

Support for children and families whose needs meet level 4 Social Care thresholds and have an allocated social worker and a Child in Need Plan or Child Protection Plan. Support can be delivered as 1:1 / 2:1 or Specific time bound support delivered with the family to identify and address specific areas of concern as agreed with the social worker.

<http://services.actionforchildren.org.uk/stoke-aiming-high>

A risk assessment is undertaken in order to ensure that the child's needs can safely be met with their chosen activity.

### **Early Help (Tel 01782 232200)**

If you require more help and support you can ask for, or be offered an Early Help assessment and an Early Help plan. Any professional can offer and coordinate the Early Help plan including schools, youth services, cooperative working, Family Support Workers, providers, Action for Children (through aiming high enhanced) and health.

Early help link:

[http://www.safeguardingchildren.stoke.gov.uk/ccm/navigation/category.jsp;jsessionid=akYc-GN9\\_ql-?categoryID=667337](http://www.safeguardingchildren.stoke.gov.uk/ccm/navigation/category.jsp;jsessionid=akYc-GN9_ql-?categoryID=667337)

Early help is usually delivered at levels 2 and 3 of the Guide to levels of need.

For most families of disabled children in Stoke on Trent, an Early Help assessment or services delivered by Aiming High should be sufficient to meet the child's needs.

### **Children with Disability Team (Safeguarding Referral Team 01782-235100)**

The Children with Disabilities Team provides services at Level 4 of Stoke-on-Trent Children's Social Care Threshold Criteria for children with more complex needs related to disability and substantial impairment:

Child has highly complex needs related to disability and requires a multi-agency response including social care services.

The Children with Disabilities Team usually provides services for children/young people with the following:

- severe learning difficulties
- multiple or severe disability
- a life limiting illness
- a complex physical disability

**Rigid eligibility criteria** for assessment and provision of services through the Children with Disabilities Team **are not set** because the unique combination of the child's disability, the circumstances of their home life and the wider context of their social environment means that **each referral must be assessed on its merits.**

However there are some factors that are recognised as placing additional stress on families

and it is expected that, for provision to be appropriate, some, or all of the following factors would be present in the family requesting a service:

- Family breakdown, either imminent or likely in the future, due to the additional stress caused by bringing up a child with a disability, which would be eased by the provision of a service.
- Challenging behaviour from a child with a disability, beyond that which it would be reasonable to expect from a young person of that age.
- Complex medical needs requiring a significant level of care, beyond that which it would be reasonable to expect when looking after a young person of that age.
- Single carer, particularly if there are other children in the household.
- Poverty, poor or inadequate housing and/or neighbourhood difficulties.
- A limited extended family network.
- Social exclusion because young person's ability to have a new experience and/or to have acquaintances outside the professional arena is limited.
- Opportunities for a young person to gain skills and experience to support independence appropriate to their ability are not available.
- Discrimination due to disability

### **Chronically Sick and Disabled Persons Act**

*When undertaking an assessment of a disabled child, the local authority must also consider whether it is necessary to provide support under section 2 of the Chronically Sick and Disabled Persons Act (CSDPA) 1970. Where a local authority is satisfied that the identified services and assistance can be provided under section 2 of the CSDPA, and it is necessary in order to meet a disabled child's needs, it must arrange to provide that support. Where a local authority is assessing the needs of a disabled child, a carer of that child may also require the local authority to undertake an assessment of their ability to provide, or to continue to provide, care for the child, under section 1 of the Carers (Recognition and Services) Act 1995. The local authority must take account of the results of any such assessment when deciding whether to provide services to the disabled child.*

### **Carers Assessment**

*If a local authority considers that a parent carer of a disabled child (see glossary) may have support needs, it must carry out an assessment under section 17ZD of the Children Act 1989. The local authority must also carry out such an assessment if a parent carer requests one. Such an assessment must consider whether it is appropriate for the parent carer to provide, or continue to provide, care for the disabled child, in light of the parent carer's needs and wishes.*

### **FREQUENTLY ASKED QUESTIONS:**

**The Children Act 1989 states that all disabled children should be supported under section 17, Children in Need. Why can't I have a social work assessment? Why am I being offered an Early Help or Aiming high assessment?**

It is the general duty of every local authority to safeguard and promote the welfare of children within their area who are in need by providing a range and level of services appropriate to those children's needs and a child shall be taken to be in need if he is disabled (which includes "a mental disorder of any kind").

Not all children with disabilities require a social work assessment or intervention to receive services that meet their needs.

A recent judicial review clarified that:

*"The law and its accompanying guidance was never intended for social workers to undertake assessments of every child who has a disability.*

The Judge stated:

*“the guidance should not be read as insisting that every disabled child should initially be the subject of a full-blown social worker assessment. Alternatively, if it does say that then local authorities and safeguarding boards would have good reason for departing therefrom. The approach taken in the threshold document strikes me as eminently reasonable in terms of initial deployment of resources.”* **L & P v Warwickshire CC & Safeguarding Children Board**

Working together to safeguard Children 2018 states:

*“a child in need is defined under the Children Act 1989 as a child who is unlikely to achieve or maintain a reasonable level of health or development, or whose health and development is likely to be significantly or further impaired, without the provision of services; or a child who is disabled. Children in need **may** be assessed under section 17 of the Children Act 1989 **by a social worker**”(Page 21)*

We have worked hard in Stoke to ensure that parents and their children can get the support they need without necessarily going through a full social work assessment. We want to ensure that social workers are available for those young people with highly complex needs who require a more in depth assessment and support. Families who do not meet this threshold are still entitled to, and can receive a wide range of support including an Early Help assessment and plan and a varied short break offering and intervention.

### **What about Carers? (Tel. 0330 1231937)**

A new service, the Carers Hub, is available to carers in Stoke on Trent. The service, funded by Stoke on Trent and Staffordshire County Council and six Clinical Commissioning Groups in Staffordshire, will be managed by an organisation called PeoplePlus. It will provide support, advice and a range of services to carers of all ages, including young carers. The service will operate from two main bases, one in Hanley and one in Stafford.

<http://www.stoke.gov.uk/ccm/content/social-care/adult-social-care/the-carers-hub---a-new-service-for-carers-in-the-city.en>

The Carers Hub can also be reached via e-mail at [carershub@peopleplus.co.uk](mailto:carershub@peopleplus.co.uk)

### **Who do I speak to if I have a query about my assessment?**

- Aiming High:
  - contact Action for Children 01782 683129 or email – [web.stokeontrent@actionforchildren.org.uk](mailto:web.stokeontrent@actionforchildren.org.uk)
- Early Help:
  - Speak to your worker or contact 01782 232200 or e-mail [cw@stoke.gov.uk](mailto:cw@stoke.gov.uk)
- Children with disabilities social work team:
  - For the Children with Disabilities team speak to your social worker or another member of the social work pod who should be able to help you.

### **What can I do if I am unhappy or have a compliment with the assessment which has been undertaken?**

Depending on who undertook the assessment the organisation would have a complaints procedure.

- For Action for Children the procedure is to contact the Children's Services Manager on 01782 683129 or email - [web.stokeontrent@actionforchildren.org.uk](mailto:web.stokeontrent@actionforchildren.org.uk). Alternatively you could contact the Action for Children Customer Service and Complaints Manager by

phoning 0800 3287822 or email [complaints@actionforchildren.org.uk](mailto:complaints@actionforchildren.org.uk).

- For Early Help the process is [customer.feedback@stoke.gov.uk](mailto:customer.feedback@stoke.gov.uk) or 01782-234234
- Details for making a complaint or compliment in respect of children's social work can be found at <http://www.stoke.gov.uk/ccm/navigation/social-care/children-s-social-care/compliments--comments-and-complaints/>