

BRIEFING NOTE

Agenda Item no.

10

**TO: CHILDREN'S AND YOUNG PEOPLE SCRUTINY AND PERFORMANCE
PANEL**

DATE: 8 MARCH 2012

RE: REVIEW OF SAFEGUARDING SERVICES FOR DISABLED CHILDREN

Purpose

To receive the report of the Review of Safeguarding Services for Disabled Children working group established by the Panel at its meeting on 13 June 2011.

Background

The Panel were keen to explore the services provided for disabled children and their families. This was because members were aware that the Council was facing increased economic pressures. The Council was making a significant investment to rebuild Eldon House, a facility offering residential short breaks for disabled children. The assessment element of the disability service is being delivered by a partner company, Serco, through a contract. Councillors were very aware that disabled children are particularly vulnerable in terms of safeguarding.

The Panel are asked to consider the final report and approve the recommendations for submission to Cabinet.

Recommendations

That

- 1. Officers commissioning or delivering services ensure that appropriate consultation with disabled children and their parents informs decisions;**
- 2. Officers continue to support groups for parents with disabled children;**
- 3. The outcome of the working group's work is shared with parents;**
- 4. Children's Services and other council services, including adult social care, work effectively to effect smooth transitions when children reach the age of eighteen;**
- 5. Children's and Young People Scrutiny and Performance Panel receive a progress update during the next municipal year.**
- 6. Further attention be paid to the training of helpers and volunteers working with children with a disability to create a more consistent workforce**

Matthew Underhill

Scrutiny Officer

☎ 01922 652087 or underhillm@walsall.gov.uk

Chair's Foreword

The working group was established to consider how the Council is discharging its duties in relation to disabled children.

I would like to thank all those who have assisted with the working group over the last few months particularly the parents who made the time to meet with us, the other members of the working group and officers from within Children's Services.



*Councillor Barbara Cassidy
Lead Member, safeguarding working group
Chair, Children's & Young People and Inclusion Scrutiny
and Performance Panel*



*Councillor
Eddie Hughes*



*Councillor
Rose
Martin*



*Councillor
Alan Paul*

Contents

Introduction	3
Terms of Reference	3
Membership	4
Methodology	4
Report Format	4
Children's Disability Service	5
Short Break	5
Short Break Panel	5
Importance of the provision	6
Active Engagement	6
Importance of Training	6
Complex Care	6
New Eldon	6
Member Visit to Eldon & Redruth	7
Meeting with Parents	8
Levels of Care	8
Play & Holiday Groups	8
Conclusion	9
Recommendations	9
Appendices	
1. Overview of Service	
2. Legislation	
3. Entitlement Criteria	
4. Case Studies	

Introduction

In June 2011 the Children's & Young People Scrutiny and Performance Panel decided that they would like to explore the services provided for disabled children and their families. This was because members were aware that the Council was facing increased economic pressures. Councillors are very aware that disabled children are particularly vulnerable in terms of safeguarding and so keen to ensure that the level of service is maintained.

Terms of Reference

The working group held an initial meeting to consider its terms of reference.

The agreed terms of reference were:

1. To understand the legislative duties placed in Councils to deliver services for disabled children and their families
2. To explore the processes whereby children are allocated 'short breaks'
3. To look at the plans for the 'New Eldon'
4. To explore the views of parents of disabled children

Membership

Councillor Barbara Cassidy
Councillor Eddie Hughes
Councillor Doreen Shires
Councillor Rose Martin
Councillor Alan Paul

The working group's investigation was assisted by a number of witnesses:

Michelle Whiting	Assistant Director for Children's Services
Carol Boughton	Head of Service for Early Years &
Sam McDonald	Disabilities Services - Serco
David Bovell	Head of Service for Placement &
	Resources
Alison Glover	Operations Manager for Placements &
	Resources
8 parents of children with a disability	

Methodology

In order to complete their work the working group held a number of meetings during the 2011/12 municipal year.

In addition, Councillor Cassidy visited Eldon House and Redruth. Councillor Martin separately visited Eldon House and Redruth and met with the children and staff there.

Report Format

The report is a summary of the evidence the working group received along with comments and suggestions for future action.

Children's Disability Services

The working group were given a brief on the legislative framework within which the Council's duties sit. (See Appendix 1 (slides overview of service) and Appendix 2 – details of legislation).

There are approximately 4,500 children in Walsall with a disability. However, numbers are expected to rise over time as a result of medical and technical progress.

Short Break

The working group heard that a short break is a service which provides a parent or carer with a break from caring for their disabled child. It is recognised that coping with a child or young person who has additional needs due to a physical or learning disability can be very demanding on parents, carers and family members.

A short break is therefore a service which provides parents and carers with a break in their caring responsibilities. This may include:

- access to all mainstream childcare, childminders, children's centres, after school activities, youth and leisure activities, known as universal services;
- access to specialist after school activities, holiday and weekend activities without assessment for those who meet the medium or higher level of need as outlined in the Entitlement Criteria (Appendix 3);
- Services in the family home directly commissioned by the local authority;
- Overnight stays away from the family home;
- Services that a parent chooses to directly commission via a direct payment facility

Short Break & Complex Care Panel

The Short Break & Complex Care Panel determines the amount and type of short breaks from which parents and young people are able to choose, based on needs assessed by council officers.

The Panel heard that the challenge of assessing a disabled child's needs means that sometimes the council has to advise parents that their child's needs are not as acute as they may think. Care has to be taken by the Council in distinguishing between "a want" and "a need". (See Appendix 3 for the criteria).

The Panel includes representatives from different services who provide specialist services for children and young people with a disability and meet on a monthly basis. The Panel looks at ways of meeting the assessed needs of those children who have the highest level of need. The Panel uses its specialist knowledge of services available and can also ask the Children's Commissioner to look for services to meet the specific needs of children and young people, based on the information provided about the children's individual needs.

Importance of provision

The working group heard that it is vitally important that the council provide the opportunity for families to go on short breaks to minimise the risk of children coming into care, because of their disability. It was explained that a significant amount of work had been undertaken with children and their carers to assess the type of provision they would find helpful and enjoy. This work was undertaken prior to the commissioning of services from a number of voluntary organisations.

The Panel also consider and make a decision on applications by parents wishing to operate a Direct Payments system. This system enables parents to purchase their own services.

Active engagement

The working group heard that the service continues to actively engage with carers and children to help the Council “get it right” for them. Members looked at the seven case studies provided. (See Appendix 4).

Importance of training

Ofsted have stated that children who are severely disabled are more vulnerable to abuse therefore it is important that the work force is well trained.

Complex care

There are a small number of children who require extremely complex care packages, for example, an end of life package for one child can cost up to £50,000 per month. In this instance, health, education, and social care work to a protocol which determines whether it is single, dual or tripartite funding and the percentage each agency commits to. Staff need to be trained effectively to ensure that these complex needs are addressed and that appropriate funding provided by each agency/partner.

However, given the costs members were advised that a couple of unexpected complex packages can challenge the budget. The budgets for children with a disability have not been cut but this puts an additional pressure on other Children's Services budgets as the directorate has to make an overall saving in line with Council's reduced income.

New Eldon

The working group considered the investment in New Eldon - a respite facility for severely disabled children. Eldon House provides short term breaks for children with physical and or learning disabilities. The accommodation is based on one level. The new Eldon has, in addition, a separate day respite area to deliver day provision.

Members noted that the old building was past 'it's sell by date' and no longer met current standards. For example:-

- the open layout is not conducive for children on the Autistic Spectrum
- The bathrooms are all highly adapted which does not suit children with less specialist physical needs.
- The close proximity of the bathrooms to the lounge did not afford proper privacy.

The new building has a range of en-suite or Jack and Jill bathrooms with shower arrangements that can flexibly meet the needs of both physically and non-physically disabled children. Members acknowledged the concerns of parents that the new building has less bedroom accommodation – six rather than eight. Members were reassured by Officers who advised that there had been analysis of the amount of overnight respite needed and that six bedrooms was sufficient.

Officers advised that resources within New Eldon would be maximised and that children would continue to be grouped according to age and ability, as in old Eldon, to enable them to form friendship groups and have a richer experience.

Member visits to Eldon & Redruth

Councillor Rose Martin who has visited both the current Eldon and Redruth, a long-stay residential home for disabled children, as part of her Corporate Parenting duties, fed back her findings. She confirmed that the old Eldon building was tired and past its sell by date. However, the staff really cared about the children and their work led to Eldon achieving a good rating by Ofsted. In comparison Redruth is well equipped and decorated, with children being “well loved and looked after”. Councillor Martin observed that physically Eldon is the poor relation to Redruth and it really needs updating so she was pleased that the new build was in progress.

Councillor Cassidy had also visited both of the homes and confirmed Councillor Martin’s finding. She had no concerns about the levels of care when she visited - the children were involved in appropriate activities, the staff were warm and welcoming and the children appeared happy. However there was a significant difference in the physical environment with Eldon being more clinical in its set up compared to Redruth, which is very homely. Staff reported that the physical layout at Eldon presents challenges and that the new build was very welcomed.

The working group agreed that the New Eldon building would enable Walsall to improve its respite service for severely disabled children.

The working group recognised the importance of offering support to parents of disabled children to support them to care for their children at home.

The working group recognised that commissioning sufficient facilities in a demand-led service is challenging and that staff have to be careful to distinguish ‘need’ from ‘want’.

Meeting with parents

Members of the working group met with a group of eight parents whose children access disability services. This was supported by officers Carol Boughton, Alison Glover and Michelle Whiting.

The parents were very open and welcoming to the Members and willing to share their views. The working group heard that some parents have a choice of which short breaks they can access but it depends on the needs of the child (children with more needs have a lesser choice). There are also other considerations such as transport requirements and the needs of other siblings which can make the difference between being able to access a service or not.

One parent shared her view that there is a lack of mainstream activities for disabled teenagers. She used direct payments which enabled her to employ carers and access Eldon House for respite care.

Levels of care

A few parents shared their views that whilst the levels of support for them and their children were appropriate, they were concerned that the levels of support for new parents were reduced. Officers explained that new families had a broader range of options including direct payments and that each package was unique to that family's need.

All parents agreed on the importance of respite care. There were several moving statements about the importance of respite to enable parents to care, maintain other family relationships including their other children, and get some rest. Many parents of severely disabled children have to meet the child's needs several times in the night and this prolonged lack of a full night's sleep becomes very tiring.

Another parent voiced her frustration that she could not get a statement for her autistic child because of his academic ability, even though he had a high level of social/emotional needs. This parent was advised that the Parents Partnership can support her in appealing this. Another parent was not happy that her package of a carer at home for a period of time was reduced when her son was placed at residential school and she is appealing this decision.

The parents all said that they found groups where they got support from other parents with disabled children very helpful.

Play & holiday groups

There was a lengthy discussion about play groups and holiday groups. The parents welcomed the training of staff and buddy schemes to enable disabled children to access a wider range of provision. However there are some parts of the workforce which needed further training on working with disabled children, particularly the buddies where the level of skills were not consistent. (Buddies provide additional support to assist service users in accessing services).

Parents pointed out that if the summer schemes and their application processes were better co-ordinated amongst the providers, they would have more choice.

Parents said that their children enjoyed and got a lot out of the holiday schemes. Several parents expressed concern about the transition of their children into adult services once they reached 18. Officers assured parents that Children's Services will continue to develop transition working.

One parent said although they had been very frank and shared their views she was very pleased with the quality of service that she had received.

The working group were very grateful for the parents taking the time to share their experiences. The group were moved by the commitment they had to their children. It was the view of the group that:-

- **Further attention needed to be paid to the training of helpers and volunteers working with children with a disability to create a more consistent workforce;**
- **Officers should continue to work closely with parents and children to develop support packages that best met their needs.**
- **Children and adult services should work co-operatively to support children and their parents through transition.**

Conclusion

The working group agreed that getting services right for disabled children and their families was very important for the borough. They noted that the most successful and helpful projects had a high degree of consultation and involvement from disabled children and their families. The working group are keen that consultation and involvement are factored into future commissioning arrangements and that Children's Services and adult social care services work closely to facilitate smooth transitions. The group were pleased to note the high number of projects delivered by the voluntary sector.

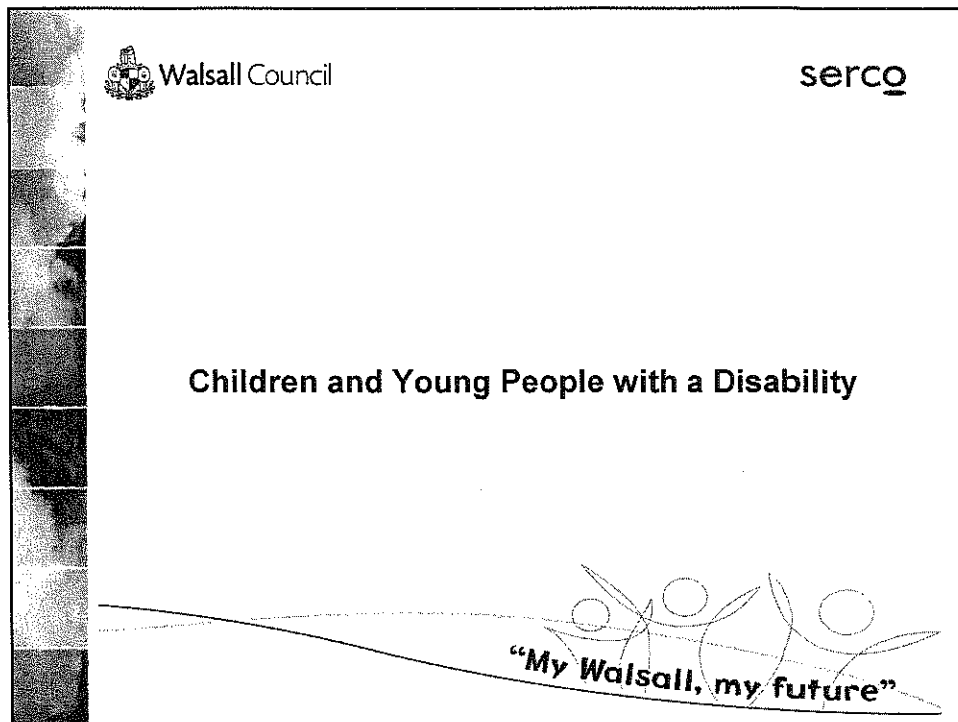
Recommendations

That;

- 1. Officers commissioning or delivering services ensure that appropriate consultation with disabled children and their parents informs decisions;**
- 2. Officers continue to support groups for parents with disabled children;**
- 3. The outcome of the working group's work is shared with parents;**

- 4. Children's Services and other council services, including adult social care, work effectively to effect smooth transitions when children reach the age of eighteen;**
- 5. Children's and Young People Scrutiny and Performance Panel receive a progress update during the next municipal year.**
- 6. Further attention be paid to the training of helpers and volunteers working with children with a disability to create a more consistent workforce**

Work Group Name:	Safeguarding Working Group
Panel:	
Municipal Year:	2011/2012
Lead Member:	Councillor Cassidy
Lead Officer:	Michelle Whiting
Membership:	<i>Councillor Barbara Cassidy</i> <i>Lead Member, safeguarding working group</i> <i>Councillor Eddie Hughes</i> <i>Councillor Doreen Shires</i> <i>Councillor Rose Martin</i> <i>Councillor Alan Paul</i>
1.	Context
	<p>The council are responsible for safeguarding and delivering a range of services to this vulnerable group of children.</p> <p>A significant part of the service is delivered by SERCO and that part of the contract is under discussion.</p> <p>The service was overspent last year and there are challenges in encouraging families to take up a variety of short break options other than residential.</p> <p>The council is making a significant investment building a new 'Eldon' for short breaks and day provision which is due to open in September. Maximising the use of this building is a tool to manage the budget.</p>
2.	Objectives
	<ol style="list-style-type: none"> 1. To understand the legislative duties placed in Councils to deliver services for disabled children and their families 2. To explore the processes whereby children are allocated 'short breaks' 3. To look at the plans for the 'New Eldon' 4. To explore the views of parents of disabled children
3.	Scope
	Children's Services, Serco, Disabled children and their parents, care trust , councillors need to be included.
4.	Timescales & Reporting Schedule
	To report to Panel within 2010/2011 municipal year.



Legal Context

- Disability Discrimination Act 1995
- Children Act 1989
- The Chronically Sick & Disabled Persons Act 1970
- The Community Care (Direct Payments) Act 1996 & Social Care Act & Health & Social Care Act 2001 (Direct Payments)
- Carers & Disabled Children Act 2000
- Duty to Provide Short Breaks ~ S25 Children & Young Person's Act 2008

Local Context

- Approximately 4,500 children in Walsall with some form of disability
- 1,948 are known to health specialist services
- 1,113 have an Educational Statement
- 192 currently open to the Children & Young People with Disabilities team
- Some children will be known to more than one service ~ some will have no contact with any specialist service **but** will still have the right to access short breaks and have rights under legislation

Local Arrangements

- Direct access to mainstream universal services
- Targeted access to commissioned services for children whose additional needs are such that they need specific support
- Assessment of need for those families where parents request an assessment or professionals feel the complexity of the child's need is such that an assessment would be beneficial

Targeted Services

- A range of after school, holiday, weekend and evening activities for children and young people with medium to high level needs
 - > Walsall Outdoor Pursuits
 - > Action for Children
 - > Mary Elliot Saturday & Holiday Club
 - > PEARL Project
- Costs on average £47.50 per child per session
- 6,500 -7,000 sessions available across the year

Assessed Services

- Direct Payments
- Personal assistance in family home
- Buddy to access a specific activity ~ creating a short break for parent/carers
- Overnight care in foster placement or Eldon House
- Exceptionally overnight care in an out of borough residential placement
- Reviews completed, recommendations for changes to care plans agreed ~ or not

Challenges

- Transition to adulthood
- Changing and increasing need
- Parental expectations
- Young people's expectations
- Increasing confidence in universal mainstream provision
- Budget pressures

Walk in my Shoes...





Walsall Children's Services

Key Legislation

Disability Discrimination Act 1995

All public authorities have duties under Part 3 of the Act not to discriminate against disabled people by treating them less favourably or failing to make reasonable adjustments. Public authorities also have a duty to have due regard to the need to promote disability equality under s49A of the DDA.

In practice this means all children should have access to universal services ~ promoting equality and building capacity in services to ensure they are accessible to all children. Where the child's additional needs make this impractical ~ those on the autistic spectrum or with multiple needs requiring high levels of support ~ setting up specific services e.g. youth or sports activities is one way of meeting DDA duties

Children Act 1989

An absolute duty to recognise children with a disability as children 'in need' under Section 17. The duty is to provide a range of service and level of support services and where possible support them within the context of their own family. Local authorities are required to assess and prioritise the way they meet the needs of children in their area. Local authorities are permitted to use eligibility criteria and to take account of available resources.

However ~ they should have due regard to their duties under the Disability Discrimination Act when doing this.

Chronically Sick & Disabled Persons Act 1970

CSDPA 1970 covers both children and adults and the interface between this Act and The Children's Act 1989 is not straightforward. The Act gave Local Authorities a *duty* to assist disabled people (as defined by Section 29 of the National Assistance Act 1948) with:

- practical assistance in the home
- provision (or assistance to obtain) radio, TV, library or other recreational services
- provision of lectures, games, outings, recreational or educational activities outside the home
- provision of services or assistance in obtaining travel to and from the home to participate in any of the activities mentioned
- assistance in arranging adaptations or provision of additional facilities to promote "*safety, comfort or convenience*"
- provision of meals in the home or elsewhere
- assistance in obtaining a phone and any special equipment necessary to use it

and requires these services ~ or their modern day equivalent ~ to be available to children under this legislation.

If a child has needs which have been assessed and identified under s17 of The Children Act but the local authority is considering not providing services to meet those needs the authority must consider if those assessed needs could be met through the provision of one of the services listed in S2 of the CSDPA 1970. If they could then the authority is under a duty to provide them.

The Community Care (Direct Payments) Act 1996 and Social Care Act & Health Social Care Act 2011(Direct Payments)

Where a child or young person has had their needs identified following assessment then the person with parental responsibilities can ask for a direct payment so that they can arrange services to meet the child's needs for themselves rather than receive services directly from the Council. Council services can and should be provided to meet the needs not covered by the Direct Payments or that the parent does not wish to take on themselves.

Carers & Disabled Children Act 2000

States that local authorities have a legal duty to inform carers of their right to a carer's assessment. Section 2 states that such assessments must include consideration of whether the carer works, or wishes to work, or wishes to undertake any education, training or any leisure activities.

Duty to Provide Short Breaks

A new duty which came into force on 1 April 2011. The duty on the local authority is to provide 'breaks from caring to assist parents and others who provide care for disabled children to do so or to do so more effectively' (S 25 Children & Young Person's Act 2008)

A short break must allow carers to undertake education, training, regular leisure activity and/or day to day tasks and must comprise a range of services including day time care in or outside the child's home, overnight care in or outside the child's home, educational and leisure activities and must be available in the evenings, at weekends and during the holidays.

In addition all local authorities must publish a Short Break Statement by 1 October 2011 which must have been prepared and subsequently revised having 'regard to the views of carers in their area'.

Entitlement Banding

Low Level Need: these are children and young people who, despite their disability, are leading life as normally as possible. Their disability does not impact on the functioning of family life or on their sibling's opportunities. Parents are able to provide reasonable care within their existing support networks and the impact on their work, personal and social life is minimal. This group also includes children and young people who require access to services which will broaden their experiences or prevent stress from building up within the family. They may have some developmental delay, exhibit some behavioural difficulties or have a mild learning disability. Their needs may be restricting the opportunities available to their siblings. Parents are able to provide reasonable care, but may have other caring responsibilities and families may be experiencing isolation.

An initial assessment can be carried out and children, young people and their families will be signposted to any services accepting self referrals along with any other useful local, regional or national information. Parents should also be offered a carer's assessment.

Medium Level Need: these are children and young people with a severe disability. They may have ongoing care needs due to mobility, general developmental delay, communication and behavioural problems, exhibit demanding behaviours and require regular supervision either at home or when in the wider community. Their siblings are unable to access leisure opportunities due to the care needs or may have Young Carer's responsibilities. Parents may have competing demands from children within the household, or experiencing significant impact on their own work, personal and social life due to caring responsibilities. Parents will only be able to continue to provide reasonable care with support.

At this level, children, young people and their families can access all the services available at the Low Level of Need. In addition they may require additional supports such as the Buddy Scheme, Directly Commissioned Family Support Services to provide support within the family home and/or Direct Payments.

High Level Need: these are children and young people with a severe disability who require constant supervision, have complex care needs with very limited self help skills, or who display very challenging behaviours resulting in the need for regular physical restraint as a result of behaviours that may be injurious to themselves or others. These children and young people may well require night time support and attention. The impact on siblings is significant and their parents are unable to provide the support and emotional guidance that they require. Caring for the child or young person with a disability may fall mainly on a single carer who is experiencing difficulties in coping because of their physical or mental health; parents may also be providing care for more than one child with a disability, including a child whose own needs would ordinarily fall into a medium or low category.

If following an Initial Assessment, a child or young person's needs are identified as high, it is possible that a core assessment will be required. However, such services as may be required to prevent the immediate breakdown of the family unit should be made available in line with the Assessment Framework guidance.

At this level, children, young people and the families can access all the services available at the Low and Medium Level of Need. In addition an overnight break, whether away from the family home or by the provision of services within the family home may also be indicated.

Shortbreak Entitlement Criteria

Walsall Children's Services

Our Vision

We believe that all children and young people in Walsall have the right to be healthy, happy and safe, to be loved, valued and respected and to have high aspirations for a successful future

Our Mission statement

To ensure all children and young people achieve the best possible levels of education, health and development and to support those who are most vulnerable. We will encourage children and young people to build on their achievements, to develop and improve their confidence, resilience and self esteem, to participate in their communities and economic well being. Our service delivery model will integrate services in localities through Children's Centres, extended schools and other appropriate venues, focusing on providing early multi-agency support to families. We will safeguard children by early recognition of risks and the provision of local support, with specialist intervention when needed.

Our Values

- We **respect** all children, young people and their families – by listening carefully to their views and acting on them wherever possible.
- We are **open and trustworthy** – by making decisions transparently, involving others and doing what we say we will.
- We believe in the **potential** of all children – by doing all we can to support their development and talents.
- We are **caring and responsible** – by acting as good corporate parents and going the 'extra mile' in our supportive approaches to all children.
- We will **protect** vulnerable children and young people – by taking firm urgent action when needed, sharing information and not tolerating oppressive behaviour.
- We engage with children and young people, helping to **empower** them through supporting their **aspirations** and giving them **responsibility**.
- We **celebrate** and support cultural diversity and children's sense of identity

Introduction

Children and young people who have a disability have the same rights as other children; they need the same opportunities to develop their social skills and become as independent as they are able to be. Just like other children and young people they need opportunities to enjoy activities separately from their parents and families.

However, we recognise that children and young people with a disability can experience much more difficulty in accessing the ordinary activities many of us take for granted and that they may need some support to access those activities.

We also recognise that coping with a child or young person who has additional needs due to a physical or learning disability can be very demanding on a family. Many parents find there are not enough hours in the day to look after their disabled child and give their other children the attention they need. *We will offer an assessment of need, arrange and fund services where there is a risk to the child's health or development, or where the demands of coping with the needs of a child or young person with a disability put the health and wellbeing of the immediate family at risk.*

There are guidelines set out in our entitlement banding which help us to decide what level of support a family needs; however, these are guidelines and we will consider with you the needs of you and your family before making any decisions.

At all stages all professionals will provide you and your family with advice and information about other organisations that may be able to help.

Legislation

Assessment of the needs of children and young people who have a disability and their families, and the provision of services following assessment is covered by a number of different pieces of legislation:

- **The Chronically Sick & Disabled Persons Act 1970:** Section 2 of this act provides a wide ranging duty to provide support to any person living in their area.
- **The Children Act 1989** makes an absolute duty on all local authorities to recognise children with a disability as children in need and further, imposes a general duty on every local authority to provide a range of services and at a level appropriate to those children's needs.
- **Section 20(4) of the Children Act** provides that a local authority may provide accommodation for any child or young person if in doing so they believe they will be promoting the child's welfare or safeguarding them.
- **The Disability Discrimination Act 1995** lays out a general duty to all public authorities to eliminate discrimination and to have due regard to the steps they need to take to overcome the effects of any disability.
- **The Community Care (Direct Payments) Act 1996 and the Health & Social Care Act 2001 (Direct Payments)** provide that where a child or young person has had their needs identified following an assessment under the Children Act, then the person with parental responsibility can ask for a direct payment so that they can arrange services themselves to meet the child's needs rather than receive services directly from the Council. Direct provided services from the Council can still be provided to meet those needs that the Direct Payment does not cover, or which a parent does not wish to take on themselves.
- **The Carers & Disabled Children Act 2000,** Section 6, provides that a person with parental responsibility for a disabled child has the right to an assessment from the local authority of their ability to provide, and continue to provide, care for the child.
- **The Carers (Equal Opportunities) Act 2004** states that local authorities have a legal duty to inform carers of their right to a carer's assessment. Section 2 of this act amends earlier legislation

to ensure that assessments must include consideration of whether the carer works, or wishes to work and is undertaking or wishes to undertake, education, training or any leisure activities; there is therefore a duty to ask carers about these issues and to take into account their wishes when planning any care package.

Local authorities must do an assessment of children who may be eligible for services before applying any eligibility criteria.

Pre Assessment Entitlement

Access to Universal Services: all parents can access universal services such as school, GP, Children's Centres, Youth Services without referral or assessment.

Access to Targeted Services/supported universal services not subject to assessment under the Framework of Assessment of Children in Need: these services are accessed often following the completion of a Common Assessment Framework (CAF). This is a shared assessment tool used across all children's services in all local authorities. It aims to help agencies identify needs of children and their families early and to co-ordinate the provision of services where there are concerns or where it is felt that the child or young person may need additional assistance to help them take advantage of opportunities and achieve their best outcomes; the provider may carry out their own assessment.

Entitlement to Service

Children and young people who have a disability are by definition Children in Need and are entitled to a social care assessment.

The Children and Young People with a Disability Team will carry out an assessment under the Framework of Assessment of Need with children and young people up to the age of 18 years if they:

- have a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities;
- have a permanent and substantial disability;
- are diagnosed with a life limiting and/or threatening condition;
- are diagnosed as being at the autistic spectrum disorder.

The term physical impairment includes children who have a sensory impairment. The term mental impairment includes children with a learning difficulty.

When we assess the needs of a child or young person we take account of the needs of their parents and other children in their immediate family.

Parents and carers are entitled to a Carer's Assessment in their own right. These assessments are designed to help parents to remain healthy and to support them in fulfilling their caring responsibilities. They ensure that the impact of providing care on the parent/carer are fully understood by professionals when planning services either for the child or young person.

Assessing the needs of carers should also be undertaken as part of the Assessment of Need with the carer's own needs identified and recorded along with any agreed outcomes that address the carer's needs.

Services to carers are not defined by the Carers & Disabled Children Act, local authorities may provide any services they see fit in private and within, in their areas, help the carer care for the person cared for.

Recent case law highlights that while local authorities can use eligibility or entitlement criteria to limit access to services provided under their statutory powers, if they use strict criteria they must have due regard to their duties to promote disability equality under Section 15A, Equality Discrimination Act 2005.