

# Family Support

## Introduction

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All families need help from time to time to bring up their children. Relatives, friends and community groups are common sources of support, but sometimes families need extra help from outside agencies including Children's Services. The following help is available from outside agencies:

- **Universal services** which are open to all children. These include schools, nurseries and GP services.
- Services for children who have been assessed by professionals as having **extra needs** which can be met by help from agencies which are not Children's Services. You may hear this described as early help or early intervention services.
- **Support from Children's Services** which is available for children who are disabled, or who are assessed by Children's Services as being *in need* of extra support for their safety, health and/or development under '**Child In Need**' plans.

This advice sheet explains briefly the different types of family support services available and the law and guidance that professionals should follow when giving families help. It is long so we have divided it into sections to make it easier to read:

- [Part 1](#): What family support services are available for children? (page 3)
- [Part 2](#): Key questions about 'child *in need*' support services (page 9), including support for young carers (page 15)
- [Part 3](#): Support for disabled children in particular (page 30)
- [Part 4](#): Where can I get more information? (page 35)

Since things can seem quite complicated when Children's Services are involved with your family, you may want to ask a friend or your solicitor to explain anything in the advice sheet that you don't understand.

We have included the references for all the legal and practice requirements in endnotes at the end of the advice sheet. For full details of all the documents referred to in the endnotes, see the references section also at the end of the advice sheet.

**Note: "Social services" are now known as "Children's Services". This is how they are referred to throughout this advice sheet.**

Key terms used in this advice sheet include:

**Child arrangements order (saying who the child should live with)** this is an order of the court which sets out who the child should live with – formerly known as a residence order. From April 2014, these orders replaced residence orders.

**Children in need:** Your child will be *in need* if they are disabled, or they are assessed by Children's Services to be *in need* of extra support for their safety, health and/or development. If your child is assessed as a child *in need*, Children's Services **may** provide your child and other people in the family, with extra help to look after the child, but it is not an absolute requirement.

**Child protection enquiries or procedures:** Children's Services have a legal obligation to look into your child's situation if they receive information that makes them think that your child is at risk of **significant harm**. This will normally involve them seeing your child unless they can find out enough information about them from other sources, for example by asking their teacher. If there are on-going concerns about your child's safety and well-being a **child protection conference** may be arranged. The purpose of the conference is to decide if your child needs a **child protection plan** to be drawn up to monitor their safety and well-being, and to improve the situation for your child. This will only happen if the professionals at the conference think that your child has been abused or injured in some way or is at risk of harm – through neglect,

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physical, sexual or emotional abuse. For more information on this see FRG advice sheet: Child Protection Procedures: [http://www.frg.org.uk/images/Advice\\_Sheets/9-child-protection-procedures.pdf](http://www.frg.org.uk/images/Advice_Sheets/9-child-protection-procedures.pdf)

### **Parental responsibility**

Parental responsibility means the legal right to make decisions about how a child is raised. Those who have parental responsibility include: mothers; fathers who have been married to the mother at any time since the birth of the child or are jointly registered on the birth certificate as the father (after 1.12.03) or have acquired PR by formal agreement with the mother or by court order; anyone who has a residence, child arrangements order (which says who the child should live with), special guardianship or adoption order in their favour on the child; guardians; step-parents who have acquired PR by formal agreement or court order. For more information about parental responsibility, see FRG advice sheet [Parental Responsibility: http://www.frg.org.uk/images/Advice\\_Sheets/2-parental-responsibility.pdf](http://www.frg.org.uk/images/Advice_Sheets/2-parental-responsibility.pdf)

### **Note also where to find other related information:**

- Support available to care leavers is set out in FRG advice sheet: [Support for young people leaving the care system: http://www.frg.org.uk/images/Advice\\_Sheets/16-support-for-young-people-leaving-care.pdf](http://www.frg.org.uk/images/Advice_Sheets/16-support-for-young-people-leaving-care.pdf)
- If you are caring for a child who is not your own, you may be able to get extra help from Children's Services – see FRG advice sheet: [Support for relatives and friends who are looking after someone else's child: http://www.frg.org.uk/images/Advice\\_Sheets/21-support-for-relatives-and-friends-caring-for-someone-elses-child.pdf](http://www.frg.org.uk/images/Advice_Sheets/21-support-for-relatives-and-friends-caring-for-someone-elses-child.pdf)

## **PART 1: WHAT FAMILY SUPPORT SERVICES ARE AVAILABLE FOR CHILDREN?**

### **(1) All children**

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All children have a right to 'universal services' from different agencies, for example health visitors, GPs and school based services, depending on their needs and in some cases their age.

Also some services, which are provided by voluntary and community organisations or by Sure Start, are open to all families living in a certain area or living in certain circumstances. These services can often be accessed directly.

## **(2) Children with special educational needs:**

Children who are struggling at school can receive additional support if they are assessed as having special educational needs and/or disability (SEND). On 1<sup>st</sup> September 2014, the government introduced new Education, Health and Care (EHC) plans for young people aged 0-25 who have Special Education Needs and Disabilities (SEND). EHC plans replace SEN Statements which were previously used to set out the additional support provided for children with SEN.

### **My child is struggling at school, how do I get help?**

If you feel your child needs extra help at school, talk to their teacher or their head teacher or to your local ***Information, Advice and Support Service (previously known as Parent Partnership Service)*** about how to get extra help for them. You can ask your local authority how to contact your local ***Information, Advice and Support Service***. Their role is to help parents/carers negotiate with the school and/or the local authority to get the support they need.

All mainstream schools must have a Special Educational Needs Coordinator (SENCO) who is responsible for arranging help for pupils with Special Educational Needs and Disabilities (SEND). He/she should work with subject teachers to plan and deliver support to the child. This is called SEND support. This replaces the old categories of School Action and School Action Plus.

Under the new system for ensuring the right support plans are in place for all children

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with special educational needs and disabilities, schools must use a four-part process. The new SEND Code of Practice explains this as “Assess, Plan, Do and Review”<sup>1</sup>.

This means that the SENCO and teachers should:

- **assess** your child to see what help she/he needs,
- make a **plan** for how that support will help them, including what progress they expect to see,
- **do** put this support in place, and then
- regularly **review** the situation to see if the plan is working, or whether different help is needed.

The school must provide a report at least once a year on the child’s progress.

Every school should publish on their website their SEND information report, which sets out their policy for managing and supporting pupils with SEND.

### **What if my child is still not making progress, even though SEND support has been provided by the school?**

If your child has not made the expected progress, even though the school has identified, assessed and provided SEND support, the school or the parents /carer should consider requesting an **Education, Health and Care needs**

**Assessment**. This replaces the assessment for a statement of special educational needs under the old SEN system.

The local authority must carry out an Education Health and Care (EHC) needs assessment if they believe your child's special educational needs may require more help than a mainstream education setting can normally provide. The local authority must tell you within 6 weeks of your request if they are going to carry out an EHC assessment.

The EHC assessment will help the local authority decide if your child needs an **Education, Health and Care Plan**. An EHC plan is a legal document that describes a child or young person's special educational, health and social care needs. It explains the extra help that will be given to meet those needs and how that help will support the

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child or young person to achieve what they want to in their life.

### **If my child has an Education, Health and Care Plan, what extra help will they get?**

The exact help offered will depend upon the individual child's needs and what the assessment of their needs says about the sort of support they require.

The plan should be written so that everyone can understand it. It should be clear and detailed about the amount and type of support your child will get and how the support will help your child. The local authority has a duty to provide the help set out in the EHC Plan.

### **If I am not happy with the support being provided for my child, what can I do?**

If you disagree with your local authority's decisions on:

- not proceeding with an EHC needs assessment
- not producing an EHC plan, or
- the special educational support that is included in the EHC plan

you have the right to challenge it. You should first raise this with the local authority and try to reach agreement. If you can't reach agreement, they should advise you on their procedures for challenging decisions. A young person aged 16 or over can also make a challenge on their own behalf.

Your local **Information, Advice and Support (IAS)** Service can help you to challenge the decision/s that you disagree with.

For further information, advice and support about special educational needs, contact Independent Parental Special Educational Advice (IPSEA) – contact details in part 4 of this advice sheet.

### **(3) Children who need additional help (or early help)**

When children are not making progress in some area, they may be able to get additional help for example speech therapy, bereavement counselling, family or parenting support work, or being referred to a young carers group. They should be able to get this early help in a co-ordinated way, through agencies that already know

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them (for example via their school or health visitor) without necessarily having to be referred to Children's Services.

If you think your child needs this sort of extra help, you can speak to any professional that already knows them, like a teacher or health visitor. They will arrange for your child's needs to be assessed. Early help assessments often involve following the **Common Assessment Framework** (CAF) and should identify what a child and family need in order to stop their needs escalating to the point that Children's Services would have to become involved.<sup>2</sup>

You and your child should be involved in this early help assessment and in drawing up any plan including early help services to give your child and family extra support.

A **lead professional** should be appointed to coordinate this help, but sometimes a parent takes on this role of lead professional.

Your child does not need to have an early help assessment if you don't want to be assessed and/or you don't have to accept the help offered after an early help assessment, but it may be a good idea and you probably won't be able to get the extra help without the assessment taking place. Services offered may include family and parenting programmes, assistance with health issues and help for problems relating to drugs, alcohol and domestic violence. Services may also focus on improving your family functioning and building your own capability to solve the problems your family is experiencing. If you think a particular service may help you, discuss that with any of the professionals involved with your family.

You can also find information about **Early Support**: an early intervention programme for disabled children available in some areas emphasising integrated early support services for disabled children: <https://www.gov.uk/help-for-disabled-child/early-support-programme>

**If your child is helping care for an adult or another child, and it appears that they may need support, the local authority must carry out a young carer's needs assessment. See further at page 15 for more about young carer's needs assessments.**

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#### **(4) Children ‘in need’ of support from Children’s Services:**

If your child has more **substantial needs**, they could receive extra help from Children’s Services. A child *in need* is generally a child who has more substantial or complex needs. The legal definition of who is a child *in need* is set out in the notes at the end of this advice sheet.<sup>3</sup> In practice, your child will be in need if:

- (i) They are disabled – this usually means they have a substantial disability; or
- (ii) Their health or development is being damaged, or soon will be, if they don’t get extra support

Support for children who are assessed by their social worker as being a child **‘in need’** is set out in the next section.

## PART 2: SUPPORT FOR CHILDREN ‘IN NEED’ FROM CHILDREN’S SERVICES

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Children’s Services must provide a range of support for children who are assessed as being *in need* in their area, by helping their families to care for them and keep them safe<sup>4</sup>. However they will only give this support to individual children if:

- i) They are assessed as being *in need*, and
- ii) They have needs which meet your Local Authority threshold for getting help published on your Local Authority’s Local Safeguarding Children Board (LSCB) website.<sup>5</sup>

### Who is a child *in need*?

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A child *in need* is generally a child who has more substantial or complex needs than other children of the same age. The legal definition of who is a child *in need* is set out in the notes at the end of this advice sheet. <sup>6</sup> In practice, your child will be in need if:

- They are **disabled** – this usually means they have a substantial disability; or
- Their **health** or **development** is being damaged, or soon will be, if they don’t get extra support

AND their needs are assessed as being severe or complex enough to meet your Local Authority threshold for help (see page 10 below)

The legal definition of a **disabled child** is a child who

- Is blind, deaf or unable to speak due to verbal impairment; or
- Has substantial mental health disorder; or
- Has some other substantial and permanent disability whether from illness, injury or genetic reason.

A child who has been diagnosed by a professional as having a condition such as **Asperger’s Syndrome or ADHD** as well as a child with a learning disability will be treated as disabled, if the condition is ‘substantial’.

**Health** doesn’t just mean your child’s physical health but also their mental health.<sup>7</sup>

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**Development** means your child developing the skills and abilities they should at their age. It is not just physical development but also intellectual, emotional, social and behavioural progress and development.<sup>8</sup>

Here are some examples of when a child would be considered by Children's Services as being a *child in need* of support:

- Substantially disabled children and young people
- Children with significant emotional and behavioural difficulties (including children and young people at risk of exclusion from school).
- **Children and young people with significant caring responsibilities**<sup>9</sup>. NB the law has recently changed and if a local authority thinks that a young carer may need support they have to carry out an assessment<sup>10</sup>. See further below at page 15
- Children without accommodation or living in an unsafe physical environment
- Some children in detention
- Vulnerable teenagers where relationships have broken down at home.
- Unaccompanied children from abroad
- Children who persistently self harm or run away
- Children returning home from care to live with their families<sup>11</sup>

If your child has a diagnosed disability which is not 'substantial', they can still be treated as a child *'in need'* if you can show that in all the circumstances, their health or development is being damaged, or will, without the provision of services.

## **What is my Local Authority's Local Safeguarding Children's Board (LSCB) threshold document?**

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Threshold documents are published by each Local Safeguarding Children's Board and these set out local 'threshold' or eligibility criteria for when a case should be referred to Children's social care, and which category of help is needed. You can look on your LSCB website or ask Children's Services for a copy of this document

This threshold document should help you understand whether Children's Services are likely to give your child extra help. But remember, ***whether or not your child***

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***gets help should be based on what their needs are assessed to be and how acute those needs are.*** Children's Services are **not** allowed to have rigid eligibility criteria which limit help to only those children who are in certain groups on the list.

## **How do I get my child's needs assessed?**

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You can ask for your child's need for support to be assessed by Children's Services if you are a parent or anyone caring for a child. A professional (like a health visitor or teacher) working with your child can also ask on your behalf if you give them permission. Your child may also ask if they are old enough and mature enough to understand what they are asking for and why.

### **Practical tips to getting an assessment of your child's needs:**

- Ask to see the threshold document published by your LSCB or the eligibility criteria set by your Local Authority Children's Services Department
- Discuss with your family the type of help you and your child might need and why it would make a difference to you and your child. Then
- Write a letter to Children's Services:
  - Asking for your child's needs to be assessed;
  - Explaining how their health or development is currently being harmed or if your child is disabled, the nature of your child's disability;
  - Setting out what help you need and why it would help your child to stay safe and thrive;
  - Explaining why you think your child meets the criteria for a service set out in your LSCB threshold document , or why their needs are serious enough to need services anyway.
  - Date the letter and keep a copy of it before you send it in to your local Children's Services department. If your child has a significant disability, send your request to the Children with Disabilities team.
- Consider whether a professional who knows your child can write a letter supporting your request for help or make the referral themselves. They may already have done an assessment which could help with a referral – see page 6.

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## Do I have a right to have my child's needs assessed?

As part of their general duty to provide help for children *in need* in the area, Children's Services have a duty to carry out an assessment of a child's needs ***if it appears to them that the child is in need***.<sup>12</sup> Children's Services may be made aware that your child is in need either from you or another professional who is already involved with your child (see 'early help' on page 6). So Children's Services should assess your child's need for support if you ask for help and either:

- i) You can show that your child has a diagnosed disability or
- ii) You explain why you think your child's health or development is being (or will be) significantly damaged without support (see above for when a child is *in need*).

If Children's Services refuse to assess your child's needs, it may be unlawful. For more information on challenging decisions see pages 28 or seek further advice from Family Rights Group's advice service – contact details in part 4 of this advice sheet. If your child is a young carer, and you request an assessment of their need for support, Children Services **must** carry out an assessment. See further pages 15-16.

## How will my child's needs be assessed?

Your child's needs should be assessed following:

- i) Working Together 2015,<sup>13</sup> the government guidance that sets out the basic national framework for assessing and responding to children's needs;
- ii) Your LSCB ***threshold documents*** which must make clear the guidelines that the social worker will follow when deciding whether your child's needs should be assessed to get extra help;<sup>14</sup> and
- iii) **Local Authority's protocols for assessment** which should set out clear arrangements for how cases will be managed once a child is referred to Children's Services for help or protection.<sup>15</sup>

It is a good idea to ask the social worker for a copy of the threshold documents and the assessment protocol which is followed in your area as soon as you ask for help so that you know what to expect.

For more detail about a young carer's assessment, see page 15

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## **What does the assessment process involve?**

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Government guidance says that once you ask for help for your child, Children's Services should make a decision about how they will take this forward **within one working day**. They must tell you what they decide<sup>16</sup>.

If they decide to assess whether your child is a child in need (under s.17 Children Act 1989), they must make sure that:

- The social worker draws together relevant information gathered from you, your child, and your family
- The social worker's assessment
  - is child centred
  - involves children and families
  - is transparent and open to challenge
  - builds on the family's strengths as well as identifying difficulties and
  - is transparent and open to challenge.<sup>17</sup>
- The social worker assesses
  - your child's developmental needs
  - your (or the other parents/carers') capacity to meet your child's needs; and
  - the impact and influence of your child's wider family, community or environmental factors.<sup>18</sup>
- You are involved in any 'decision/review points' during the assessment process so that you and your child get the help you need without delay.<sup>19</sup> These decision and review points should be used to keep the assessment on track.

For further information about how you can be involved, contact the FRG advice line - contact details in **part 4** of this advice sheet.

## **Will Children's Services work with my family when they assess my child's needs?**

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The guidance says that all assessments should involve children and families and Children's Services should consider all children and their parents as individuals.

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Family's structure, culture, religion, ethnic origin and other relevant characteristics should be respected.<sup>20</sup> This means that the social worker should:

- Try to understand how your family operates and work with your whole family and any other sources of support you may have in your community;
- Respect the way any religious beliefs and cultural traditions you have may influence how your family operates;
- Be aware of the effects of racial harassment and racial discrimination and guard against stereotyping when doing their assessment.

Where the child has links to a foreign country, a social worker may also need to work with colleagues abroad.<sup>21</sup>

## **How long will the assessment take?**

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The social worker should tell you how decisions will be made and how long the assessment will take. It should not take longer than 45 working days - if it does this should be discussed with you and your child and the reasons for taking longer should be recorded.<sup>22</sup>

In some cases, your child may have such serious needs that a very quick assessment is needed;<sup>23</sup> in other cases, for example, if your child is disabled with communication difficulties, more time may be needed for the assessment.<sup>24</sup>

Whatever the situation, government guidance says that ***Children's Services should commission help for your child if particular needs are identified before the assessment has finished.***

## **Can information about my child and I be shared between different agencies?**

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The social worker will usually want to gather information about your child and your family from other professionals working with your child so as to get a full picture. But

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confidentiality means they (and the other agencies) **should** always get your consent before sharing information unless:

- ***They need to share the information in order to protect you or your child from significant harm, or***
- There is some other public interest reason not to get your consent, like to prevent a crime taking place.

All agencies working with children should have policies about sharing personal information. You can ask the social worker for a copy of this policy. For more information, see government guidance<sup>25</sup> on this which Children's Services' policy should follow.

## **How will I know the outcome of the assessment?**

The social worker should tell you the outcome of any assessment of your child's needs, and what will happen next.

## **What if my child is helping to care for me or for a sibling?**

A young carer is 'a person under 18 who provides or intends to provide care for another person' but it doesn't include someone who provides this care either as part of their paid employment or as part of formal 'voluntary work'. 'Care' can mean emotional support as well as practical support.

Local authorities are required to take "reasonable steps" to identify young carers in their area. This means the local authority must take steps to identify young carers rather than wait for young people and their families to come forward and request an assessment.

## **When must Children's Services carry out a young carers needs assessment?**

The duty to assess the needs of a young carer comes about when:

- The local authority identifies a young person who appears to need support due

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to their caring responsibilities, **or**

- The young carer or their parent asks the local authority to assess their need for support.

If Children's Services think that the young person may need support, or they receive a request, they **must** carry out the assessment.

## **What is the purpose of a young carer's assessment?**

The assessment must find out:

- How much care and what kind of care is being provided or may be provided in future by the young carer;
- The extent to which the family (including wider family) are relying on this care to look after the person cared for;
- Whether the young carer's well-being, education or development are being affected;
- What kind of things are being done by the young carer, are they excessive or inappropriate, taking into account all the circumstances, in particular the young carer's age, sex, wishes and feelings;<sup>26</sup>

The local authority should use a 'whole family' approach. This means the assessment must consider whether any of the young carer's needs for support could be prevented or reduced by providing services to someone else – either the person being cared for or another member of the young carer's family. But, they must also consider whether the young person will still need support even if they are no longer a carer, or if their caring duties are reduced.

If Children's Services are carrying out another assessment, either of the child, or the person being cared for, they may combine the assessments, but only if the young carer and the person being cared for agree. If any assessments are combined, they must still separately identify the needs and wishes of each person who is being assessed.

## **What does the young carer's assessment process involve?**

The aim of the young carer's assessment is to consider whether it is appropriate for

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the young carer to provide, or continue to provide, care for the person that they are caring for. When Children's Services are carrying out a young carer's assessment, they must consider whether the young carer

- Has support needs
- Has any other kind of need
- And if so, what those needs are

Children's Services must provide information about how the assessment will be carried out, so that those involved can participate effectively<sup>27</sup> Wherever possible, the information should be provided before the assessment takes place, and in a format which the young carer can understand<sup>28</sup>. Information must be provided to

- The young carer;
- The person cared for;
- The young carer's parents; and
- Any other person whom the young carer or a parent of the young carer requests should participate in the assessment.

The local authority must do the assessment in a way which is fair and takes into account the needs and circumstances of the young carer. It is likely that the social worker will want to speak to the young carer on their own, as well as speaking to teachers and other adults who know them.

When carrying out the assessment they must take account of <sup>29</sup>:

- The young carer's age and understanding
- Their family circumstances;
- The wishes and feelings of the young carer;
- Any differences of opinion between the young carer, their parents and the person cared for, about the care which the young carer provides (or intends to provide); and
- What the young carer wants to get from the assessment.

The assessment must involve

- the young carer;
- the young carer's parents; and

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- Any person who the young carer or a parent of the young carer requests should participate in the assessment.

The young carer and his/her parents must be given a written record of the assessment afterwards.<sup>30</sup> If the person who is being cared for is under 18 years old, the record of the assessment must state whether that child is considered to be a 'child in need'.

The way in which the assessment will be carried out, and the timescales, is set out in government guidance – 'Working Together 2015'. See pages 12 to 15 above.

## **What will the assessment decide?**

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The assessment must decide whether there is a need for support and whether any of the young carer's needs for support could be prevented by providing services to—

- (i) The person cared for, or
- (ii) Another member of the young carer's family;

and

**(iii) Whether the young carer is a child in need; (see page 9 above)**

Once a local authority has completed a young carer's needs assessment and probably an assessment of the needs of the person for whom he or she provides care, the authority must then decide what support (if any) it is going to provide to meet those needs<sup>31</sup>. This could take the form of support provided directly to the young carer and/or support for the person being cared for. It doesn't matter which as long as it addresses the underlying problem.

If support is provided to the young carer, it will be provided by Children's Services under their powers to provide support to a child in need<sup>32</sup> (see the next section of this advice sheet). If to the adult, then will be under the Care Act 2014. For more information about assessment and support for adults go to <https://www.carersuk.org>

## **What happens if my child is assessed as being ‘in need’ and eligible for support?**

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If the assessment says your child needs extra help from Children’s Services as well as other agencies, the social worker and other professionals should agree a multi-agency plan of action and discuss this with you and your child. This should be discussed at a **Child In Need planning meeting**, which you should be invited to. The plan should set out:<sup>33</sup>

- What support will be given and who will give it
- How long this support will be given for
- What the aim of the support is
- What other agencies are expected to do
- How and when the plan for support will be reviewed

## **What kind of help can Children’s Services give me and my child?**

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Children’s Services can provide many different kinds of support to help families care for their children and to prevent family breakdown. They must publish information about what support is available in your area and this information should be made available to the public, including being translated into different languages, being sensitive to different cultural groups and being made available to people with a sensory disability. You can ask the social worker for a copy of this information.

The range of services that is generally available includes:

- **Day care** – there should be a variety of day care services so that there is some choice for children *in need*. This could include day nurseries, playgroups, childminding, and out of school clubs.
- **Help provided in the family home** – this could include befriending schemes which recruit and train volunteers to help parents in the home. This help is often provided by voluntary organisations, such as Homestart and Family Action. A Family support worker who offers parenting, advice and support at home may also be provided by your Children’s Services Department if the social worker thinks that is what your child needs.

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- **Parenting Skills Programmes** – these can be provided in different settings, such as family centres. They may be delivered by your local authority early help team. Programmes range from self-help/self-support groups to sessions led by a trained parenting specialist following a specific programme or intervention. Parent and carers who would like help with their parenting will need to consider which approach best suits their needs.
- **Family/Children’s Centres** – there are many different types of family centres, ranging from those described as therapeutic, providing in depth help to families, to those that are community based and self help in nature.
- **Counselling** – counselling for adults and children can be provided by family centres, child guidance clinics and specialist counselling organisations.
- **Advice and guidance** – this can be provided in a variety of places, from family centres to specialist organisations.
- **Promoting contact for children away from home:** Children’s Services must help a child *in need* who is living apart from his or her family to return home and promote contact between them if they think the child needs it.<sup>34</sup>
- **Providing accommodation to an adult in order to protect a child:** Where a child is living with someone who is alleged to have harmed them and that person is willing to move out, Children’s Services may help the alleged abuser with accommodation.<sup>35</sup> This means that the alleged abuser is helped to move out of the family home rather than the child, whilst child protection enquiries are carried out.
- **Practical assistance, including accommodation and cash:** Children’s Services may provide families with practical help (including cash) for example help to buy essential equipment for children, food and other necessities or even help with housing costs.<sup>36</sup> Each Children’s Services department will have its own guidance about this form of help.
- **Short breaks:** Typically this service is only available to disabled children, but local authorities have the power to provide short breaks for any children *in need* who would benefit from this.<sup>37</sup>
- **Accommodation:** (see below on page 21-22)<sup>38</sup>

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In practice, the support you are offered will vary depending on your child's assessed needs, the local threshold document and Children's Services' annual budget.

## **Is the help provided only to my child or can they give me extra help me too?**

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The help Children's Services give does not have to be only to your child. It can also be given to *any member of their family* as long as it improves the assessed child's safety or wellbeing.<sup>39</sup> This means they could give you or anyone else with parental responsibility for your child,<sup>40</sup> extra help to be able to parent your child.

## **Can I decide what support my child gets?**

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Not exactly. Generally, families don't have the right to insist on a particular type of support being provided and, in practice, final decisions on what help will be offered to meet the assessed needs of children *in need*, are often made at internal funding panels within Children's Services. You won't be invited to this meeting.

Whatever help is offered, social workers are expected to agree a plan for support with the child and their family<sup>41</sup> and it is good social work practice for the plan to be provided in writing and signed by both the family and the social worker.

However, there are some circumstances when families do have a right to support for their children:

- Families of eligible **disabled** children have a right to direct payments (for more information see page 34); and
- Families of children with special educational needs who have an education, health and social care plan (EHC plan)) have a right to the support identified in the statement/plan for their children – for more information see page 4 and 5 above.

## **What is Section 20 (s.20) 'accommodation' for a child**

---

S.20 accommodation is when a child goes into the care system **by agreement** between the social worker and the parents or others with parental responsibility

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(instead of a court order). This is not the same as a young person being given housing by Children's Services under s.17 (6) Children Act 1989 (see page 19).

Before your child becomes looked after in s20 accommodation, you should be asked to agree the arrangements for their accommodation. It is good practice for this to be in a **written** agreement<sup>42</sup>, but you might be asked just to agree it with the social worker. It is important that the social worker explains the arrangements to you in language that you can understand. If English is not your first language, and you do not feel confident speaking or reading English, it should be explained to you by an interpreter, or if it is in writing, translated into your own language.

The social worker should tell you that you can remove your child from accommodation at any time. This should be stated in any written agreement.

The social worker and/or the written agreement should tell you the arrangements for

- where your child will be living,
- who will be looking after him/her,
- what are the arrangements for contact

The social worker should not try to place any restriction on your right to remove your child from accommodation, for example, the written agreement must not say 'you must give 2 days notice to Children's Services before removing your child'.

If the agreement is in writing, you should be asked to sign it. If you don't understand the agreement, you should be given the opportunity to seek legal or other advice before you sign it. Even if you don't sign a written agreement, be sure that you fully understand what you are agreeing to. You should never feel forced to agree to your child being looked after or to particular plans being made for them.

When a child is provided with s.20 accommodation, they are **looked after**. This means that Children's Services become responsible for them and a whole range of duties apply. This includes a priority list of who your child should be placed with when

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they are looked after: suitable parents are first, suitable relatives/friends are next followed by unrelated foster carers or residential care.

### **Foster for Adoption**

In some circumstances Children's Services may suggest placing babies or very young children with foster carers who are also approved as prospective adopters. This is called **fostering for adoption**. These adopters could go on to adopt your child if they cannot return to your care or the care of anyone in your family and the court decides an adoption order is best for your child. Unless there is a care or emergency protection order over your child, Children's Services can only place your child with foster for adoption carers if you agree. **If this is suggested for your child it is essential that you take legal advice from a solicitor specialising in child care law and/or FRG advice line immediately** – contact details in part 4 of this advice sheet.

For more information about this, see FRG advice sheet on Duties on Children's Services when children are in the care system: <http://www.frg.org.uk/need-help-or-advice/advice-sheets> or contact a solicitor or FRG advice line – contact details on page 28 of this advice sheet.

### **Can I take my child out of s.20 accommodation when I am ready to have them back home?**

Generally you can do this if you have parental responsibility, although for an older child, who is 16 or over, you can't remove them from accommodation if they agree to staying there.<sup>43</sup> And in practice it may also be difficult to get an older child who is not yet 16 to return home if they don't want to.

There are some cases when Children's Services think removal from care would harm the child, but they cannot prevent you removing your child unless they have a court order. **But if Children's Services want your child to stay living away from home without your consent, they must get a court order.** This is more common when the

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accommodation was their idea in the first place because they had concerns about the child, than when the parent asked for temporary respite or support.

**Tip:** If the social worker thinks your child would be harmed by being removed from accommodation, they should discuss this with you. If they can't reach agreement with you, **they must return your child to you unless they obtain a legal order.** However ***we suggest that you do not remove your child from accommodation without the agreement of the social worker unless you have first taken independent legal advice either from a solicitor specialising in child care law or from Family Rights Group advice service*** – contact details in part 4 of this advice sheet.

## **If I am not coping, can I ask for my child to be accommodated under s.20?**

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Yes. Parents can ask for their children to be looked after in the care system if there is a good reason. Accommodation is one of a range of services that should be available in the area to support parents/carers.<sup>44</sup>

## **Do Children's Services have to accommodate my child if I ask?**

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Not necessarily. The law says that they **must** provide accommodation to any child in their area who seems to them to need it because their carer can't provide suitable accommodation for any reason (or if they are abandoned, lost, or have no one with legal responsibility for them).<sup>45</sup> This might arise in the following situations:

- When parents are sick or disabled or go to hospital for example for an operation
- When parents are expecting a prison sentence
- When there is a serious family breakdown with teenage young people
- When teenagers are homeless
- When unaccompanied asylum seeking children arrive from abroad
- When parents of disabled children feel that the family needs support/respite because they are at breaking point

But they may decide that your child does not need to be accommodated and that it is in their best interest to remain living with you.

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## **What if my child's other parent doesn't agree to my child being accommodated?**

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Children's Services cannot accommodate the child if a person who has parental responsibility for them doesn't agree and can provide suitable accommodation themselves,<sup>46</sup> **unless** you have a residence order or a child arrangements order (which says who the child should live with) or you are caring for the child under a special guardianship order.<sup>47</sup>

## **What will happen to my housing benefit if my child is accommodated?**

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Your housing benefit payments may be affected if:

- i) If you are a tenant of local authority or housing association housing,
- ii) You receive housing benefit, and
- iii) your child goes to live somewhere else.

This is due to legal rules (known as the '**bedroom tax**') which came into force on 1 April 2013. These rules say that you are not allowed to get housing benefit to cover the cost of spare rooms in your home. The government has developed a formula to work out how many bedrooms you need. This says that:

- children of different genders are expected to share bedrooms until age 10 and
- young people of the same gender who are under 16 are also expected to share a bedroom.

If your child moves out for example because they are being accommodated by Children's Services, you must inform your landlord straight away, and the housing benefit you receive may be reduced. If you think that this might apply to you, you should contact your landlord or housing officer to find out more.

If you think you will be affected by the bedroom tax, you should ask your social worker whether Children's Services will help you pay the amount of housing benefit that you have lost, or help you apply to the Discretionary Housing Fund, so that you don't risk losing your home whilst your child is in the care system.

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If you are living in private rented accommodation, and your child is no longer living at home, this may also affect your housing benefit and council tax support. You should contact your housing officer immediately to find out what changes may be made.

## **Can Children's Services accommodate my child if they are 16 or 17 and homeless?**

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Yes. They can provide them with accommodation in two ways:

- i) They can accommodate them under s.20 Children Act 1989. This means that they become **looked after** children, as outlined above, with Children's Services becoming responsible for their care and support including when they leave care; or
- ii) They can help them with accommodation as a young person in need, under s.17 (6) Children Act 1989.

Sometimes homeless teenagers fall between housing departments and Children's Services without either really helping them. However, the government has issued Statutory Guidance jointly to housing and Children's Services to say what should happen – as follows:

- Housing departments **must** refer them to Children's Services as well as complying with their own duties to provide emergency accommodation until Children's services respond<sup>48</sup>
- Children's Services **must** assess their needs, including their need for **accommodation**, under s.20 Children Act 1989.
- If, following the assessment, the young person is found to be in need of **accommodation**, Children's services **must** accommodate them under s.20 Children Act 1989.<sup>49</sup> The reasons set out on page 14 above for accommodating children generally apply but the law also says that 16 or 17 year olds must be accommodated if their welfare is going to be **seriously prejudiced** without it.
- Children's Services must make sure those who don't want to be accommodated under s.20 Children Act properly understand the consequences.<sup>50</sup>

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- While Children’s Services carry out an assessment of the young person’s needs, they **must** accommodate them under s.20.<sup>51</sup>
- If Children’s Services then refuse to provide accommodation or find they are not in need, this will not make them intentionally homeless under the Housing Act so the housing department is likely to still be under a duty to house them.<sup>52</sup> Children’s Services should still assess their other needs alongside.<sup>53</sup>
- Children’s Services can still provide accommodation to young people who are in need under s.17(6) Children Act 1989 but this is very rare.<sup>54</sup>
- Housing and Children’s Services departments should develop joint protocols about how they meet the needs of homeless 16 and 17 year olds.

## **Can Children’s Services charge me for the support they give me or my child?**

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Children’s Services may charge the **parent** for any support services they give if it is reasonable to do so<sup>55</sup> but they cannot charge for advice, guidance and counselling.<sup>56</sup>

If they are thinking of charging your family for the support you are given, they must take account of your family finances and only charge what is “reasonable”<sup>57</sup>. To work out what is ‘reasonable’ they must look at your family’s weekly income and expenses. They can only ask you for a contribution towards the cost of support for your child out of any income that is left.<sup>58</sup>

However, they **cannot charge you** for any services if:

- your family receives Universal Credit, Income Support, income based Job Seeker’s Allowance, or Child or Working Tax Credit, or income-related employment and support allowance<sup>59</sup>
- your child is accommodated and is over 16. In these circumstances they can ask your child to contribute to the cost of their maintenance, but again this will depend on their income (if any) and expenses, as above.<sup>60</sup>

## **Do I have to agree to an assessment of, or support for, my child?**

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No, you don't have to. However it may be unwise for you to refuse, for several reasons, for example:

- i) the difficulties your child is having may get worse if they are not addressed;
- ii) in some cases if you refuse to accept support for your child, the social worker may worry about whether your child is safe and well-cared for. In these circumstances they may decide to start child protection procedures instead. For more information see FRG advice sheet on Child Protection Procedures: [http://www.frg.org.uk/images/Advice\\_Sheets/9-child-protection-procedures.pdf](http://www.frg.org.uk/images/Advice_Sheets/9-child-protection-procedures.pdf)

If you are unsure about whether to accept or refuse an assessment of your child's needs or help from the social worker, ask them what they would do if you refused. You can also take independent legal advice for example from Family Rights Group advice service – contact details in Part 4 of this advice sheet.

If you do decide to refuse an assessment or support suggested by a social worker it is a good idea to show how you are meeting the child's needs in some other way e.g. finding your own suitable services. Do get independent legal advice about this either from a solicitor or from FRG's advice service – contact details in part 4 of this advice sheet.

## **What can I do if I am refused an assessment or I am unhappy with the outcome of the assessment?**

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First of all, you should ask the social worker **why** they think you are not entitled to an assessment and/or **why** they aren't giving you the support that you have asked for. You have a right to know why they have made a particular decision and the reasons for it in writing.

You could also ask the social worker for the local threshold document<sup>61</sup> and local eligibility criteria for supporting children who are *in need* and see whether they match your child's needs. If you feel that your child's needs fit within the local criteria, you need to make this clear to the social worker.

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Sometimes local authorities refuse to provide services unless the child is the subject of a child protection plan. This is wrong – services can and should be provided early depending on the needs of any individual child<sup>62</sup>. If you are told this you may want to consider making a complaint or taking legal action (Judicial Review) – see below.

Don't forget, **if your child is a young carer** and you have asked for an assessment of their needs, Children's Services **must** carry out that assessment<sup>63</sup>.

You can also:

- **Contact other local agencies that provide support:** You can ask local voluntary agencies and children's centres if they can give you support to meet your child's needs. (See further information in part 4 of this advice sheet).
- **Ask the social worker** about other support that you can access directly. Children's Services must keep a directory of local services for children and make them available to families. Most have **Family Information Services** (FIS). You can find them online or get the number from the council switchboard. The National Association of Family Information Services also has an online search facility.
- **Ask for an 'early help assessment'**<sup>64</sup> instead (See pages 6-7 above)
- **Family Group Conference (FGC):** You can ask for an FGC which is a meeting that brings the child's whole family together to make a plan for the child. It is sometimes used where there are child protection concerns running alongside the family's need for support services. Professionals provide you with information about their concerns (if any) and local help available. The family then uses this information to make a plan, as a group, without professionals being present. Children's Services will normally agree the family's plan unless it does will not keep your child safe and well-cared for. For further information see FRG advice sheet on [What is a family group conference:](http://www.frg.org.uk/images/Advice_Sheets/3-what-is-a-family-group-conference.pdf)  
[http://www.frg.org.uk/images/Advice\\_Sheets/3-what-is-a-family-group-conference.pdf](http://www.frg.org.uk/images/Advice_Sheets/3-what-is-a-family-group-conference.pdf)
- **Complaints:** You can ask for the decision to be formally reviewed through the complaints procedure.<sup>65</sup> For further information see FRG advice sheet on challenging decisions and making complaints:

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[http://www.frg.org.uk/images/Advice\\_Sheets/25-challenging-decisions-and-making-complaints.pdf](http://www.frg.org.uk/images/Advice_Sheets/25-challenging-decisions-and-making-complaints.pdf)

- **Judicial Review:** In exceptional circumstances you may be able to challenge Children's Services' decision by taking legal action. Judicial review is a process whereby the High Court will review the decision, action or inaction by Children's Services to see whether or not they have acted lawfully. The most common grounds for judicial review are when children's services:
  - do not comply with their legal duties or misapply the relevant law
  - do something which they do not have the power to do for example applying a blanket policy to all families rather than looking at the individual child's needs;
  - make a decision that is unreasonable given the facts of the case;
  - take something irrelevant into account

There are strict time limits for judicial review. The action must be brought as soon as possible after the decision is given by the local authority and in any case within 3 months of the decision. The local authority may also be in breach on Human Rights law.

**But note: A legal challenge for any of these reasons is expensive** and it is difficult to get public funding to cover your legal costs unless you have a very good case. If you lose you may also be ordered to pay Children's Services legal costs. It is therefore ***vital that you consult a solicitor specialising in this area of law before making a legal challenge.***

For more information see FRG Advice Sheet on Complaints:

[http://www.frg.org.uk/images/Advice\\_Sheets/25-challenging-decisions-and-making-complaints.pdf](http://www.frg.org.uk/images/Advice_Sheets/25-challenging-decisions-and-making-complaints.pdf)

## **PART 3: GETTING SPECIFIC HELP FOR DISABLED CHILDREN**

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Parts 1 -2 of this Advice Sheet explain how you can get support for children *in need* (including disabled children) from Children's Services under the Children Act 1989. This section adds some specific rules that apply to disabled children only.

### **Does my disabled child have a right to an assessment of their needs?**

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Yes. There are two routes to assessment for a disabled child:

- i) Children Act 1989: A disabled child has a right to an assessment of their needs for services under the Children Act 1989. So if your child is disabled and needs help, Children's Services must assess their needs if you ask (but they do not then have an absolute right to be given support to meet their identified needs – see next page). If Children's Services refuse to do an assessment of your disabled child's needs, it is likely to be unlawful (See pages 28-30 above on challenging unlawful decisions); and
- ii) S.2 Chronically Sick and Disabled Persons Act 1970: if a disabled child needs services which can be provided under this Act they also have a right to an assessment and to support to meet their needs – see below on page 32.

Children's Services must specify which legislation they are providing services under, as the eligibility criteria are different.<sup>66</sup>

## **How are my disabled child's needs assessed?**

Your child's needs should be assessed following the local protocol for assessment in your area and government guidance as outlined above on pages 12-15. Extra time may be needed to complete the assessment if your child has communication difficulties or the assessment is particularly complex.

## **Can help be provided to me if I am caring for a disabled child?**

The law changed recently so that adults with parental responsibility for a disabled child have a right to a separate parent carer's needs assessment<sup>67</sup>. This will be carried out by adult social services if requested by the parent, or if a social worker considers that they parent appears to need support.

The local authority must assess whether that parent has needs for support and, if so, what those needs are. The assessment must include an assessment of whether it is appropriate for the parent to provide, or continue to provide, care for the disabled child, in the light of the parent's needs for support, other needs and wishes.

The assessment must also have regard to:

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- The well-being of the parent carer; and
- The need to safeguard / promote the welfare of the disabled child and any other child for whom the parent carer has parental responsibility.

Following assessment, the local authority must then decide whether the parent has needs for support; whether the disabled child for has needs for support; and if so whether those needs could be met (wholly or partly) by services under Children Act 1989, s17.

Adults who do not have parental responsibility, but are caring for a disabled child, are entitled to an assessment on their ability to provide, or to continue to provide, care for that disabled child.<sup>68</sup>

Guidance states that adult social care services should liaise with children's social care services to ensure that there is a joined up approach when carrying out assessments. If the child you are caring for is approaching 18 years old, you may be entitled to an assessment of your needs as a carer under the Care Act 2014.

For further information about adult carers assessments see <https://www.carersuk.org>

For more information about who has parental responsibility see FRG advice sheet: Parental Responsibility: [http://www.frg.org.uk/images/Advice\\_Sheets/2-parental-responsibility.pdf](http://www.frg.org.uk/images/Advice_Sheets/2-parental-responsibility.pdf)

## **Does my child have a right to receive support to meet their identified needs after the assessment has taken place?**

This depends on which route they are taking as set out above.

### **i) The Children Act 1989:**

Your child does not have an absolute right to support under the Children Act 1989 even if they are assessed as being a child *in need* with identified needs. To get support, your child's circumstances will also need to be within the local eligibility criteria for getting support in your area (see page 10-11 above). This applies to all children *in need* under the Children Act, including disabled children.

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However, if Children's Services say they will provide support, it is not necessarily just for your child – it can also be given to you or other adult family members/carers for your child's benefit and it is not limited in terms of how much support can be provided.

## **ii) S2 Chronically Sick and Disabled Persons Act 1970 (CSDPA)**

If your child is disabled and is assessed as needing help under CSDPA they do have an enforceable right to receive that help. There is no need for them to be in a priority category under eligibility criteria. The council can still decide the best and most cost-effective way to meet your child's needs, but they must meet them.

Services available under the Chronically Sick and Disabled Persons Act include

- Practical assistance in the home
- Equipment for a recreational need, such as a computer
- Leisure facilities
- Travel and other assistance
- Home adaptations and disabled facilities
- Holidays
- Meals
- Telephone equipment

## **Is there any guidance on how help should be given to disabled children?**

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Yes. The Children Act 1989 says that any support given to a disabled child (following an assessment of their needs) should be designed to reduce the effects of their disability and provide them with the opportunity to lead their life as normally as possible.<sup>69</sup>

Also, Children's Services must not discriminate against disabled people when providing support, and must make "reasonable adjustments" for disabled people to access the same services as non disabled people,<sup>70</sup> for example by providing interpreters, wheelchair ramps, lifts or other similar adjustments.<sup>71</sup>

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In all other respects, the help available for disabled children is listed on pages 19-21 above. However there are some additional services available as well:

- direct payments,
- personal budgets and
- short breaks.

Both personal budgets and direct payments are available to disabled children or adults or their carers and both aim to provide greater choice and control to the user.

## **What are direct payments?**

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Direct financial payments (or vouchers) can be made by Children's Services to the parent/carer of a disabled child to enable them to buy services directly themselves.

- If Children's Services has assessed your child as being *in need* and has agreed to provide support, you have a right to ask for direct payments to buy the services you need instead of being given the support directly by Children's Services.<sup>72</sup> But you must use these payments to actually buy in the help your child has been assessed as needing. In most cases Children's Services should agree to give you direct payments.
- Young disabled people aged 16 and 17 are also eligible to receive direct payments to buy in their own care support. Their carers can also be assessed for support which can be provided in the form of direct payment hours.

For more information, **Contact a Family** has a guide to direct payments - see [Contact a Family - for families with disabled children: Direct Payments](#). Government guidance is available at: [Direct payments for disabled children: Directgov](#)

## **What are personal budgets?**

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A personal budget sets out the amount of money that is available to meet the services that the disabled person is assessed as needing. It enables a disabled person to control what services they use to meet their care needs and who provides them, but the administration of this is left to Social Care Services.

A personal budget can be offered to a disabled person who has been assessed as being eligible for support. But **unlike direct payments there is no right to a**

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**personal budget as yet.** Carers of disabled children who are assessed as being eligible for support can ask about this.

There is no obligation to have a personal budget and personal budgets cannot be used to replace the right to be assessed for support under the Children Act 1989.<sup>73</sup>

## **What are short breaks?**

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Regulations<sup>74</sup> came into force in April 2011 which said that:

- short breaks are one of the range of support services that Children's Services must have available in their area for disabled children;
- There must be a choice of types of short break services available.
- Children's Services must publish their policy on how they decide who can have short breaks, including any eligibility criteria.

The guidance makes clear that children won't normally need to be accommodated under s.20 to have short breaks, although they can be if an assessment of their needs requires this.<sup>75</sup> For information about the support a child may get for their special educational needs, see page 5 above.

## **Part 4: WHERE CAN I GET FURTHER INFORMATION?**

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**Action for Children** offers direct support services to parents including projects for disabled children and family support.

3 The Boulevard Ascot Road, Watford WD18 8AG

Tel: 01923 361500

[www.actionforchildren.org.uk](http://www.actionforchildren.org.uk)

**Barnardo's** offers direct services include parenting groups and one-to-one work with parents through a network of family centres, community-based parenting programmes, and specialised work with parents who have particular needs.

[www.barnardos.org.uk](http://www.barnardos.org.uk)

Central Office, Barkingside, Ilford, Essex IG6 1QG

Tel: 020 8550 8822

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**Carers UK** provide expert telephone advice and support if you want to talk about caring. They also have advice and resources about caring for others available online. The Carers UK Adviceline is open Monday to Friday, 10am-4pm.

Tel 0808 808 7777

email [advice@carersuk.org](mailto:advice@carersuk.org)

Website: [www.carersuk.org](http://www.carersuk.org)

**Citizens Advice** is an independent organisation providing free, confidential and impartial advice on all subjects to anyone. The address and telephone number of your local CAB can be found in the telephone directory. There is also advice on line on their website.

Website [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

Advice on line Website [www.adviceguide.org.uk](http://www.adviceguide.org.uk)

**The Coram Children's Legal Centre** provides free online independent legal advice to children, parents, carers and professionals. <http://childlawadvice.org.uk/> They offer a telephone call back by an adviser for a fee.

**Community Legal Advice** is a free and confidential advice service. It provides information directly to the public on a range of common legal issues and helps people find legal help and information. It can also help you find legal advisors and find out if you are eligible for publicly funded free legal help.

Telephone: 0845 345 4345. The CLA website has now closed and been replaced by Directgov but you can still use the number above or the CLA find a legal advisor service at <http://legaladviserfinder.justice.gov.uk/AdviserSearch.do>

**Contact a Family** is a national charity supporting parents and families of disabled children. Information about disability, benefits, support from Children's Services including detailed information about direct payments. Access to parent befrienders and family support workers

Free Helpline: 0808 808 3555

Email: [helpline@cafamily.org.uk](mailto:helpline@cafamily.org.uk)

<http://www.cafamily.org.uk/>

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**Directgov** is a useful government website. Information about caring for disabled children (including the early support programme of co-ordinated support for children with disabilities and direct payments can be found here.)

**Family Rights Group** is an organisation which provides free telephone advice and online advice to family members who are involved with Children's Services about the care and protection of their children.

- Contact FRG's advice line for further advice, on 0808 801 0366. It is open Monday-Friday 9.30am-3.00pm.
- You can also visit <http://www.frg.org.uk/need-help-or-advice/advice-sheets> where you can download other relevant advice sheets.
- There are parent and family and friends carers discussion boards at: <http://www.frg.org.uk/discussion-board-for-homepage>
- Family Rights group can also put you in touch with a **Family Group Conference Service**. Email [office@frg.org.uk](mailto:office@frg.org.uk)

**Family Action** includes direct services to support parents through schools and children centres

501-505 Kingsland Road London E8 4AU

Tel: 020 7254 6251

[www.family-action.co.uk](http://www.family-action.co.uk)

**Family Lives** is a parenting advice and support charity. You can contact their

Helpline: 0808 800 2222

textphone: 0800 783 6783

Online chat, text support and email available via website: <http://familylives.org.uk/>

**Homestart UK** is a national charity which offers support directly to parents including via freephone line and volunteer home support workers

8 – 10 West Walk Leicester, LE1 7NA

Tel: 01162587900

[www.homestart.org.uk](http://www.homestart.org.uk)

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Free information line on **0800 068 63 68** for details of your local scheme. Open 8am-8pm Monday to Friday and 9am-12pm Saturdays.

**IPSEA (Independent Parental Special Educational Advice)** is a national charity which gives free, legally based independent advice and support in England and Wales to help parents/carers get the right education for children with SEN/D. They advise on problems with schools; requesting statutory assessment; proposed statements; annual reviews; disability discrimination; exclusion.

General Advice Line: 0800 018 4016

Website: <http://www.ipsea.org.uk/>

**National Association of Family Information Services (NAFIS)** operates a search facility to find local Children's Services Family Information Services:

[www.daycaretrust.org.uk/nafis](http://www.daycaretrust.org.uk/nafis)

**Specialist child welfare or judicial review solicitor**: To find a specialist solicitor contact:

- i) Solicitors Regulation Authority, Ipsley Court, Redditch, Worcestershire B98 0TD  
Telephone: 0870 606 2555 <http://www.sra.org.uk/consumers/find-use-instruct-solicitor.page>; or
- ii) The Law Society of England and Wales, 113 Chancery Lane, London WC2A 1PL  
Tel: 020 7242 1222 Minicom: 0870 600 1560 Fax: 020 7831 0344  
E-mail: [info.services@lawsociety.org.uk](mailto:info.services@lawsociety.org.uk) [www.lawsociety.org.uk](http://www.lawsociety.org.uk)  
***You can search their website for details of local solicitors who are members of the Children Panel:***  
<http://www.lawsociety.org.uk/choosingandusing/findasolicitor.law> ; or
- iii) CLA (details above)

## References

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<b>ACA</b>	Adoption and Children Act 2002 <a href="http://www.legislation.gov.uk/ukpga/2002/38/contents">http://www.legislation.gov.uk/ukpga/2002/38/contents</a>
<b>BCDCR</b>	Breaks for Carers of Disabled Children Regulations 2011 <a href="http://www.legislation.gov.uk/uksi/2011/707/made">http://www.legislation.gov.uk/uksi/2011/707/made</a>
<b>CA</b>	Children Act 1989 (as amended) <a href="http://www.legislation.gov.uk/ukpga/1989/41/contents">http://www.legislation.gov.uk/ukpga/1989/41/contents</a>
<b>CC(DP)A</b>	Community Care (Direct Payments) Act 2010 <a href="http://www.legislation.gov.uk/ukpga/1996/30/contents">http://www.legislation.gov.uk/ukpga/1996/30/contents</a>
<b>CC(DP) Regs</b>	Community Care, Services for Carers and Children's Services (Direct Payments)(England) Regulations 2009 <a href="http://www.legislation.gov.uk/uksi/2009/1887/contents/made">http://www.legislation.gov.uk/uksi/2009/1887/contents/made</a>
<b>CDCA</b>	Carers and Disabled Children Act 2000 <a href="http://www.legislation.gov.uk/ukpga/2000/16/contents">http://www.legislation.gov.uk/ukpga/2000/16/contents</a>
<b>CEOA</b>	Carers (Equal Opportunities) Act 2004 <a href="http://www.legislation.gov.uk/ukpga/2004/15/contents">http://www.legislation.gov.uk/ukpga/2004/15/contents</a>
<b>CRSA</b>	Carers (Recognitions and Services) Act 1995 <a href="http://www.legislation.gov.uk/ukpga/1995/12/contents">http://www.legislation.gov.uk/ukpga/1995/12/contents</a>
<b>CSDPA</b>	Chronically Sick and Disabled Persons Act 1970 <a href="http://www.legislation.gov.uk/ukpga/1970/44">http://www.legislation.gov.uk/ukpga/1970/44</a>
<b>CYPA</b>	Children and Young Persons Act 2008 <a href="http://www.legislation.gov.uk/ukpga/2008/23/contents">http://www.legislation.gov.uk/ukpga/2008/23/contents</a>
<b>DP Guidance</b>	Guidance on Direct Payments for Community Care Services for Carers and Children's Services <a href="http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_104840">http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_104840</a>
<b>EA</b>	Equality Act 2010 <a href="http://www.legislation.gov.uk/ukpga/2010/15/contents">http://www.legislation.gov.uk/ukpga/2010/15/contents</a>
<b>ECHR</b>	European Convention on Human Rights and Fundamental Freedoms <a href="http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm">http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm</a>
<b>Framework</b>	<u>Framework for Assessment of Children and their Families 2000</u> <a href="http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4008144">http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4008144</a>
<b>G&amp;R</b>	Children Act 1989, Guidance and Regulations, 1991, DoH <a href="http://www.education.gov.uk">http://www.education.gov.uk</a>
<b>HRA</b>	Human Rights Act 1998

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	<a href="http://www.legislation.gov.uk/ukpga/1998/42/contents">http://www.legislation.gov.uk/ukpga/1998/42/contents</a>
<b>Info Sharing Guidance</b>	<u>Information sharing</u> <u>Advice for practitioners providing safeguarding services to children, young people, parents and carers March 2015</u> <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419628/Information_sharing_advice_safeguarding_practitioners.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419628/Information_sharing_advice_safeguarding_practitioners.pdf</a>
<b>Homeless 16/17's Guidance</b>	<u>Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation</u> Statutory Guidance DCSF 2010
<b>Eligibility Criteria Guidance</b>	<u>Prioritising Need in the Context of Putting People First: A Whole System Approach to Eligibility for Social Care – Guidance on Eligibility Criteria for Adult Social Care England</u> DH 2010 <a href="http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_113154">http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_113154</a>
<b>Short breaks Guidance</b>	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/245580/Short_Breaks_for_Carers_of_Disabled_Children.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/245580/Short_Breaks_for_Carers_of_Disabled_Children.pdf</a>
<b>WT 2015</b>	Working Together 2015 <a href="http://www.workingtogetheronline.co.uk/index.html">http://www.workingtogetheronline.co.uk/index.html</a>

Last updated 2 Feb 2017

<sup>1</sup> SEND code of Practice section 6.44

<sup>2</sup> Working Together 2015 para 8 page 13

<sup>3</sup> s.17(10) Children Act 1989: "a child who is unlikely to achieve or maintain a reasonable standard of health or development without the provision of appropriate services by a local authority; or whose health or development is likely to be significantly impaired or further impaired without the provision of appropriate services by a local authority; or who is disabled."

<sup>4</sup> s.17(1) Children Act 1989

<sup>5</sup> Working Together 2015 para 18

<sup>6</sup> s.17(10) Children Act 1989: "a child who is unlikely to achieve or maintain a reasonable standard of health or development without the provision of appropriate services by a local authority; or whose health or development is likely to be significantly impaired or further impaired without the provision of appropriate services by a local authority; or who is disabled."

<sup>7</sup> s.17(11) Children Act 1989

<sup>8</sup> s.17(11) Children Act 1989

<sup>9</sup> Working Together 2015 para 5 page 18; and Young Carers' (Needs Assessment) Regulations

<sup>10</sup> Children Act 1989 s17ZA

<sup>11</sup> Working Together 2015 pages 27 and 50

<sup>12</sup> R(G) v Barnet LBC [2004] 2 AC2008

<sup>13</sup> Working Together 2015. This is statutory guidance, which must be followed unless there are exceptional local reasons to justify not following it. <http://www.workingtogetheronline.co.uk/index.html>

<sup>14</sup> Para 18 page 15 Working Together 2015

<sup>15</sup> Para 65 to 67 pages 27 and 28 Working Together 2015

<sup>16</sup> Working Together 2015 para 68 page 28

<sup>17</sup> Working Together 2015 para 35 pg 21

<sup>18</sup> Working Together 2013 para 36 pg 21

<sup>19</sup> Working Together 2015pg 27

<sup>20</sup> Working Together 2015 para 42 pg 23

<sup>21</sup> Working Together 2015 page 28 and Working with foreign authorities on child protection cases and care orders (2014).

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- 22 Working Together 2015 para 60 pg 26
- 23 Working Together 2015 para 57 to 64 pg 26
- 24 Working Together 2015 para 31 pg 20
- 25 Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers March 2015  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/419628/Information\\_sharing\\_advice\\_safeguarding\\_practitioners.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419628/Information_sharing_advice_safeguarding_practitioners.pdf)
- 26 Young Carers (Needs Assessments) Regulations 2015 Reg 4(2)
- 27 Young Carers (Needs Assessments) Regulations 2015 Reg 2(3)
- 28 Young Carers (Needs Assessments) Regulations 2015 Reg 2(5)
- 29 Young Carers (Needs Assessments) Regulations 2015 Reg 2
- 30 CA 17ZA (8),(9),(10)
- 31 CA 17ZC
- 32 CA89 s17
- 33 Working Together 2015 pages 34 and 35
- 34 Schedule 2 para 10 Children Act 1989
- 35 Schedule 2 para 5 Children Act 1989
- 36 S.17(6) Children Act 1989
- 37 S.17(6) or s.20 (4) Children Act 1989; para 2.1 Short Breaks Guidance .
- 38 s.20(1) Children Act 1989
- 39 s.17(3) Children Act 1989
- 40 s.17(10) Children Act 1989
- 41 Working Together 2015 para 55 pg 25
- 42 Re N (Children) (Adoption: Jurisdiction) [2015] EWCA Civ 1112
- 43 s.20(11) Children Act 1989
- 44 S.20(1)(3) or (4) Children Act 1989
- 45 s.20(1) and 20(3) Children Act 1989
- 46 s.20(7) Children Act 1989
- 47 s.20(9) Children Act 1989
- 48 Para 2.11 Homeless 16/17's Statutory Guidance
- 49 S.20(1)&(3) Children Act 1989; para 2.55 Homeless 16/17's Statutory Guidance
- 50 Para 2.51 Homeless 16/17's's Statutory Guidance
- 51 Paras 2.35 & 2.55 Homeless 16/17's Statutory Guidance; R(G) v Southwark (2009); R (M) –v- LB Hammersmith and Fulham [2008] UKHL14; H, X & B v Wandsworth LBC, Hackney LBC & Islington LBC (2007) EWHC 1082 (Admin) R(G) v Southwark (2009)2FLR 380;
- 52 Para 4.10 Homeless 16/17's Statutory Guidance
- 53 Para 4.1 Homeless 16/17's Statutory Guidance
- 54 Para 2.54 Homeless 16/17's Statutory Guidance
- 55 Sched 2 para 21 CA 1989
- 56 S.17(8) and s.29(1) Children Act 1989
- 57 s.29(1) & (2) Children Act 1989
- 58 s.17(7) & (8) Children Act 1989
- 59 s.17(9) Children Act 1989
- 60 Schedule 2 para 21 Children Act 1989
- 61 Working Together 2015 para 18 pg 15
- 62 Working Together 2015 para 14 page 14
- 63 CA s17ZA(1)
- 64 Working Together 2015 para 7 page 12
- 65 s.26 Children Act 1989
- 66 JL v Islington (2009) EWHC 458 (Admin)
- 67 Working Together 2015 para 23 page 59 and Children Act 1989 section 17ZD
- 68 Working Together 2015 para 23 page 59 and the Carers (Recognition and Services) Act 1995.
- 69 Part 1 Schedule 2 para 6 Children Act 1989
- 70 S.20 Equality Act 2010; Paras 90-92 Eligibility Criteria Guidance
- 71 S.20 Equality Act 2010
- 72 s.17A CA; CC(DP)A; CC(DP)Regs; DP Statutory Guidance
- 73 R (Savva) v Royal Borough of Kensington and Chelsea [2010] EWCA Civ 1209
- 74 BCDRC ;s.6(1)C Schedule 2 of Children Act 1989
- 75 Short Breaks Guidance

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