

Support for disabled parents and carers

6

Introduction

If you are a parent or someone else caring for a child, and you have from a disability, you may feel you need some extra help to care for your child.

Your local council is responsible for assessing whether you have a right to this extra help and, if you do, for giving it to you. You may be able to get help from the Adult Services department or the Children's Services department or even both depending on your circumstances:

Adult services should support you if:

- you are an adult with disability-related needs and
- they decide you are eligible for support from them following an assessment of your needs.

The support they can give you includes help with parenting if you need this.

Children's Services should provide support to your child if they are assessed as being 'in need' of support for some reason **other than** your disability. The support that they can give also includes help for you to look after your child. We have a full advice sheet that explains how they decide if your child is 'in need' and the help they can give you - see FRG Advice Sheet on [Family Support Services](#):

<http://www.frg.org.uk/need-help-or-advice/advice-sheets>

Note: Adult Services and Children's Services should work together because these duties overlap. Eligible children should not be left without support from either

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department. See pages 12-14 of this advice sheet for information about how they should work together.

This advice sheet explains in detail what Adult Services must do if you ask them for help because of your disability. It explains how they decide whether you are entitled to that help, the types of help they can give you and how you should be treated. The advice sheet is long so we have divided it into different sections to make it easier for you to read:

Part 1: The responsibilities of Adult Services to support disabled parents (page 4)

Part 2: The equalities framework which promotes equality of opportunity and makes it unlawful to discriminate against disabled parents (page 17)

Part 3: Where to get further information (page 21)

Since things can seem quite complicated when your local council is involved with your family, you may want to ask a friend or an advocate, to go through this advice sheet with you and explain anything that you don't understand.

If you need more help to understand the information or how it applies to your situation, you can telephone the Family Rights Group Advice Line - contact details are in part 3 of this advice sheet.

You can find the references for all the legal and practice requirements mentioned 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 at the end of the advice sheet.

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

You can also get further information and advice about looking after your child in particular circumstances from other FRG advice sheets all of which are available at <http://www.frg.org.uk/need-help-or-advice/advice-sheets>:

- If you need information about support and services for children who themselves have disabilities, see our advice sheet on [Family Support Services](#);
- If you are a relative or friend caring for someone else's child and you need extra help to look after them, see our advice sheet on [Support for relatives and friends caring for someone else's child](#);
- If you are an asylum seeking family and you need extra help to raise your children, you may be able to get this help from Children's Services and other agencies depending on the circumstances – see our advice sheet [Support for asylum seeking children and their families](#)

But note: if you are an asylum seeker, you should be aware that Children's Services may pass on your details to the UK Border Agency. If Children's Services are concerned about your child's safety and well-being, see our advice sheet on [Child Protection Procedures](#).

PART 1: THE RESPONSIBILITIES OF ADULT SERVICES TO SUPPORT DISABLED PARENTS/CARERS

Local councils are under a duty to provide a range of help and support to sick or disabled adults who qualify.¹ This is often called ‘community care’ support.

The aim of community care support is to help you live as independently as possible² in your own home. It can include a wide range of support such as home care services, home helps, support with parenting, adaptations to your home, meals, recreational and occupational activities.

Adult Services must provide information about the support they provide to disabled adults. This should be available to all members of the public in different formats, including different community languages. It’s a good idea to ask for a copy of this information so you can find out what services your council could be giving you.

As a disabled parent, do I have a right to extra support?

You don’t have an absolute right to extra help, but you can get it if your local council assesses your needs and decides that you are a **disabled adult** and you have **priority needs**.

You will be considered a **disabled adult**, if you are over 18 and you:

- are blind, deaf or unable to speak due to verbal impairment; or
- have a mental health disorder; or
- have some other substantial and permanent disability whether it is from an illness, injury or a genetic reason.

The exact legal definition of a disabled adult is set out in the endnotes at the end of this advice sheet.³ If you fall within this definition, then they **must** give you extra support **provided** you also fall within the list of people the council considers to have **priority needs**.⁴ You will have priority needs if you come within the ‘**eligibility criteria**’ which are set by the council to confirm which disabled adults they prioritise when giving help and the type of help they will give. This can include help for disabled adults to parent their children.

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What are Adult Services eligibility criteria?

The eligibility criteria used in your local area are based on national '**eligibility criteria**' framework set out in national guidance called 'the [Guidance on Eligibility Criteria for Adult Social Care](#)'.⁵ These national criteria divide disabled people's needs into four categories of need: **critical, substantial, moderate or low need**. These categories describe the seriousness of the risk to the independence and well being of the disabled person if their assessed needs are not met by services.⁶

When Adult Services assesses your needs, they must follow both their own local eligibility criteria and also this national guidance when deciding whether or not you can get extra help.

It is a good idea to ask for a copy of your local council's 'priority' or 'eligibility' criteria for your area or you may be able to find it on the internet.

Are Adult Services allowed to limit the help they give to those with substantial or critical needs only?

Yes. Although the government guidance says that Adult Services should have policies that provide help before problems get bigger (sometimes called early intervention policies)⁷, they are still broadly allowed to decide the lowest level of assessed need that they will meet.⁸

In practice, most local authority Adult Services now have a policy of only providing services to adults who they assess as having 'substantial' or 'critical' needs. However, with recent public spending cuts, some councils have now published eligibility criteria limiting services to those with 'critical' needs only. It is not yet clear how lawful this is.

Also, the government has published proposals to change the law⁹ including a national minimum eligibility criteria that all council's would have to follow in the future. It is not yet clear what level of need will be considered to be 'eligible' if this national criteria is introduced.

This is an area of law ¹⁰ which is changing quickly so you may want to take further advice from an organisation specialising in disability law or a solicitor – contact details in part 3 of this advice sheet.

As a disabled adult, what do I need to do to get extra help to look after my child?

First of all you need to ask the Adult Services department of your local council to:

- do a **community care assessment** of your needs (see pages 6-10); and
- **decide whether your needs fall within their priorities for giving support** to disabled adults (see pages 5-6 above)

How do I ask for a community care assessment of my needs?

You can ask Adult Services directly to assess your needs or you could ask someone else (like a friend, carer or professional) who knows you to ask them on your behalf.

If you are in touch with Children’s Services and they see that you are a disabled parent and that you may need extra help, they should also tell you that you have a right to a community care assessment of your needs.

Do I have a right to have a community care assessment of my needs?

You have a right to a community care assessment of your needs if:

i) you are having difficulty living independently because you have

- a disability
- a learning disability
- mental health problems
- chronic or severe health problems;

or

ii) you ‘appear to be in need of community care services’.¹¹

Here are some practical tips on getting your needs assessed

- Try to get hold of the 'eligibility criteria' from your council (see page 5 above) and think about how you can show the council that you fall within their criteria.
- See if a professional who knows you is willing to write to Adult services to support your request for an assessment of your needs
- See if an organisation that represents parents with disabilities could help you make your request (you will find details of such organisations in part 3 of this advice sheet)
- Whoever is helping you, make sure that you put your request to the Council to assess your needs in writing. In this letter, you should briefly explain:
 - your disability,
 - how it interferes with your independence and well being
 - how extra help and support from them could change that
 - how your ability to parent your child is affected by your disability and the kind of help they could give you that would make a difference such as:
 - help with taking your child to and from school;
 - a support worker helping you care for a baby or young child for a few hours a day;
 - equipment to enable you to help your child with homework
 - help with transport for teenagers' activities
 - advice about benefits
 - getting direct financial help (known as 'direct payments') which would enable you to have the flexibility to make your own decisions about getting the help you most value (see page 11)
 - anything else that makes your needs high priority.

Then sign and date your letter, send it to Adult Services and keep a copy of it in case you need to refer to it in future.

What should I do if Adult Services refuse to assess my needs?

If they refuse to assess your needs, it is a good idea to ask them to explain in writing why they won't assess your needs. Once you receive this letter, see what they say and consider if you want to write back to them, politely:

- reminding them that government guidance says that adults with disabilities who are also parents should always have a community care assessment if they ask, because being a parent inevitably impacts on their independence and well being;¹² and
- pointing out that, just because they think you will fall outside of eligibility criteria (page 5), this isn't a good enough reason for refusing you an assessment, if you seem to have a need¹³

If that doesn't work then you may need to get help to challenge them – see page 14 below.

How should Adult Services assess my need for extra help?

Adult Services should assess the extent to which your needs (which are related to your disability) prevent you from living independently and achieving/maintaining your well-being. Guidance sets out the things they should keep in mind when assessing you:

- your ability to exercise 'choice and control';
- your health and well-being, including your mental and emotional health as well as your physical health and well-being;
- your personal dignity and respect;
- your quality of life;
- you not being discriminated against
- you being able to make a positive contribution in your community;
- whether you have enough money to meet your needs; and
- you being free from harm, abuse and neglect, taking into account your safety at home and in your community.¹⁴

They should also take into account:

- your view of your needs. This means that professionals should fully involve you in the assessment process by listening to your views about how you want to live your life and the type of care and support that best suits you and by helping you to make informed choices. You can say how you want them to assess your own

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- strengths and needs. They should include your views in their overall assessment report; and
- your parenting responsibilities and any specific needs you have which are linked to your parenting¹⁵

When they assess your needs, they must follow government guidance¹⁶ which says that:

- the purpose of the assessment “*is to identify and evaluate an individual’s presenting needs and how they impose barriers to that persons independence and/or well-being*”;¹⁷ and
- their assessment process should also be “**person-centred**”. This means they should recognise that you know most about your own situation, so they should work in partnership with you and focus on the outcomes you want to *achieve*, rather what you are, or are not, able to do. ¹⁸

Who will be involved in the assessment process?

Adult Services will send either a social worker, an occupational therapist, a community nurse or other health worker to see you and carry out the assessment.

If you want, you can have someone you know, such as a relative or friend, to support you or to speak for you during the assessment.

If you already have someone who helps to meet your needs (for example, a carer), they should be asked for their views about your needs and also whether they want a separate assessment of their needs too. ¹⁹

In most cases the assessment should also involve key health professionals (such as the GP) as well as the social worker, and other people, who have relevant information. Each of these people should ask your permission before sharing information about you with professionals.

How does being a parent/carer of a child affect my eligibility?

If you are a parent, or you are caring for a child who is not your own, there are some other key points you may want to make when being assessed, to try to show that your needs have high enough priority to receive services.

You can politely remind Adult services that in the assessment they must:

- ***recognise that you need extra help with parenting tasks and responsibilities;***²⁰
- ***consider both the immediate and future risks to your well being/independence*** (including your parenting) when they decide whether to give you extra support, for example:
 - they must consider whether there is likely to be deterioration in your situation in the near future if help is not provided; and
 - they must take into account whether the lack of help now would have an impact on key aspects of your independence, including your parenting responsibilities later on. This means that they should take into account what might happen to you and your child if they don't meet your parenting needs (because they think that you currently fall outside their eligibility criteria).²¹
- ***follow government guidance*** about how specific groups of disabled parents should be supported, for example:

Parents with learning disabilities: they should follow Good Practice Guidance on working with parents with a learning disability which says that:

- Adult Services and Children's Services should jointly agree referral procedures to prevent parents and children falling between their two services.²² (Research shows that parents with disabilities can fall between the Adult and Children's Services and struggle to get support from either).
Get advice early if you think a decision of either Adult or Children's services to refuse support may be unfair or unlawful.
- Joint protocols should recognise that a combination of learning disability and parenting responsibilities creates a higher level of need than if needs only relating to learning disability are considered.²³

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- Eligibility (for adult services) should not be determined by blanket exclusions or just relying on one type of criteria, for example the disabled adult's IQ.²⁴

If Adult Services decide that you are not eligible for help with your parenting responsibilities, this may lead to your child becoming a child in need and/or suffering significant harm as a result in which case Children's Services should provide you and your child with support. Joint protocols between Adult and Children's Services can prevent this by ensuring that support is provided at an early stage so it is a good idea to find out if there is one in your local council.

What will happen if I'm assessed as being eligible for support?

If Adult Services decides you are eligible for support because of your disability, then they **must** provide that service.

They must draw up a "**care plan**" setting out your needs and how they will provide services to meet them.²⁵ The plan must be based on the assessment of your needs. **You should receive a copy of this plan.** It is an important document, which you can use to make sure you get the services you have been offered and to make a challenge if you don't get them.

Note: you may be asked to pay a contribution towards the costs of these services depending on your financial circumstances – see page 12-13 below.

Can I receive help in the form of cash?

Yes. There are two different ways in which you can receive cash help (or equivalent):

i) Direct payments:

- A direct payment is a cash or voucher payment which enables you to buy in the services that you need (for example, help with care in the home), in the way that suits you best. You could pay family members or friends to care for you or advertise for a personal assistant, for example, giving you choice and control over the help you receive.
- If Adult Services agree to provide you with support following a community care

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assessment, they **must** give you a “direct payment” if you want this. ²⁶

- Direct payments are usually made regularly so that you can pay for regular support services, but they can also be a one off payment, for example, for a piece of equipment.

Note: If you are disabled and have parental responsibility for a child who has been assessed by Children’s Services as being a “child in need” who needs support, you can also ask Children’s Services for direct payments under the Children Act to assist you in meeting that child’s needs. ²⁷

Direct payments don’t count as income when your benefits are worked out and you can still get benefits like Disability Living Allowance or the new Personal Independence Payment if getting a direct payment.

ii) Personal budget: If you prefer not to receive cash to manage your own help, you can still be offered “a personal budget” by Adult Services. This means you can decide how money is used to buy in the support that suits you best but the actual arrangements are made for you by the local council, a relative or someone else chosen by you.

Unlike direct payments you don’t have a right to a personal budget (although they are increasingly being offered and the government target is to make them available to all by April 2013). Also, you don’t have to have a personal budget, though it can sometimes seem as if this is the only option on offer.

Note: It is now common for something called a **Resource Allocation System** (or RAS) to be used by Adult Services to decide the level of financial help they will give you to pay for your care needs. But these schemes are not allowed to replace the legal requirements about community care assessments and eligibility criteria set out in this advice sheet. ²⁸

Will I have to pay for any services that I receive?

Once you have been assessed to see if you are eligible to receive services, you will be asked to complete a financial assessment, to see if you should pay a financial contribution towards the cost of some or all of those services.

- If you agree to a financial assessment, someone from your local council will visit you to look at your income and expenditure. This is how much money you receive and have to pay out each week and how much money you have saved or invested. The amount you have to pay is calculated on an individual basis using government rules. This means some people do not pay at all, whilst others pay a small sum, larger amount or the full cost. No two people are the same, as everyone's needs, support and financial situation are different.
- Your financial assessment will include a social security benefit check, if you want one, to make sure that you are getting all the benefits and you should be.
- Your financial assessment will take into account your income, savings and expenditure. This will include household expenses and any extra expenses you have as a result of your disability.

Once this is all taken into account the council work out an amount that you should pay towards the cost of your care. This could range from nothing at all, to paying for all the services that you receive. When working out this amount, the local authority has to make sure that you are left with income which does not fall below the basic Income Support levels, + 25%.

How should Adult and Children's Services work together to help me with my parenting?

The starting point for getting help to meet your needs as a disabled adult is to contact Adult Services.

If Adult Services are worried about the impact of your disability on your parenting, they should start by looking at whether this should make your adult social care needs (including your parenting needs), a high enough priority for you to get support from Adult Services. (See pages 9-10 above for tips on how to argue that the impact of

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your disability on your parenting, now or in the immediate future, should increase the level of your assessed needs in terms of the local eligibility criteria.)

Good Practice Guidance also says that if you have needs due to ‘impairment, illness or disabling barriers’ these should be addressed **before** making judgments about your parenting capacity.²⁹ **Adult services may refer you to Children’s Services for additional support for your child.**

As well as assessing what help **you** need to look after your child, Adult Services **must also consider what, if anything, needs to be done to ensure your child is safe and their wellbeing is promoted.** Sometimes this will involve your child being referred to Children’s Services who will assess their needs following the local assessment protocol in your area – it is a good idea to ask the social worker for a copy of this protocol.³⁰ You can find more information about support to children and their carers from Children’s Services in FRG advice sheet on Family Support Services: <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

But note:

- a “child in need” assessment should only be undertaken by Children’s Services if Adult Services have fairly assessed your need for services as an adult (including parenting needs), provided services and found that these are not enough to enable you to meet your child’s needs. You should not be automatically referred to Children’s Services.
- You should be asked by Adult Services if you agree to them referring you to Children’s Services before they make the referral.

Adult services may also refer you to Children’s Services if they are concerned about your child’s safety and well-being. Occasionally, rather than just giving support to their parent/carer, Adult services think a child needs protecting from harm. This is rare and won’t normally come up when a parent is asking for help but if it does, they must refer the case to Children’s Services for further enquiries to be made.

If this happens in your case, they should still let you know that they are doing this and ask for your agreement unless they think that there is sufficient risk to your child to justify them going ahead with the referral even if you don't agree. You can find out more about this in FRG Advice Sheet on Child Protection Procedures:

<http://www.frg.org.uk/need-help-or-advice/advice-sheets>

What if my child is helping to care for me?

Government guidance in Working Together 2013³¹ says that local assessment protocols should set out how the needs of young carers will be looked at when the child's needs are assessed.³² It also says that when Children's Services carry out an assessment of a young carer's needs, they should

- recognise and prioritise their needs in the assessment process.³³
- be alert to their potential need for early help³⁴
- ensure that the assessment considers whether they are suffering, or likely to suffer, significant harm.³⁵
- ensure that if there are other assessments of the child and family going on, these should be coordinated so that the child does not become lost between the different agencies involved and their different procedures.³⁶

It is a good idea to ask the social worker to give you a copy of the local assessment protocol so you know what to expect in your area.

What can I do if I am not getting the support I need?

If you have had your needs assessed but you are still not getting the help you need you can try to negotiate with Adult Services about this. If this does not result in you getting the services you need, you could:

- Contact one of the organisations in Part 3 of this Advice Sheet for further advice or support;
- Make a formal complaint to the local authority;³⁷ and /or
- Ask your local councillor and/or MP to intervene on your behalf;
- Ask the Local Government Ombudsman to investigate your case. You can normally only do this if you have gone through the local authority's formal complaints procedure first and your complaint remains unresolved.

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You could also get legal advice from a solicitor specialising in community care about whether you could

- apply to the court for judicial review of the council's decision. (Again, you can normally only do this if you have gone through the council's formal complaints procedure first and your complaint has not been resolved.)
- apply to the court under the Human Rights Act 1998 if there has been a breach of your human rights; and/or
- apply to the court under the Equality Act 2010 if you think you have been discriminated against (see Part 2 below).

For more information on making complaints, see FRG Advice sheet [Challenging decisions and making complaints](http://www.frg.org.uk/need-help-or-advice/advice-sheets): <http://www.frg.org.uk/need-help-or-advice/advice-sheets> or contact the FRG advice line – contact details in part 3 of this advice sheet.

PART 2: THE EQUALITIES FRAMEWORK

What is the government trying to achieve for disabled parents/carers?

The government believes that disabled parents and carers' main difficulties stem from the lack of suitable support for their needs, rather than from their disability. This is sometimes called the 'social model of disability'.³⁸ It is why government guidance makes it clear that

- ***help with parenting for disabled adults is an essential task for Adult Services teams*** and that ***children should not automatically be seen as in need of help just because they have a disabled parent or carer.***³⁹
- Adult and Children's Services departments should work together to support parents with disabilities and their children.⁴⁰
- It should not be assumed that children and young people can take care of their parents, particularly those with mental illness.⁴¹
- Services should be provided to the parent or carer to enable the children of the family to "*benefit from the same life chances as all other children, and have the opportunity for a full education, and leisure and social activities.*"⁴²

How does the law about equality and anti-discrimination protect disabled parents and carers?

Equality and anti-discrimination law, including about disability, is now in one place in The Equality Act 2010 and the associated statutory Codes of Practice.⁴³ It provides disabled people including parents and carers with the following rights:

- 1. The right not to be discriminated against:** It is unlawful to⁴⁴:
 - treat a person less favourably because of their disability (direct discrimination).⁴⁵ Under the Equality Act this applies to disabled people not just in employment issues and the delivery of public services as before, but also in the supply of all goods and services to them;
 - treat disabled people the same as others without a disability if that would put them at a disadvantage (indirect discrimination);

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- treat someone connected with a disabled person, (like a friend, relative or carer), less favourably because of their connection with the person with the disability⁴⁶

Those who provide services to the public (including local councils, lawyers, children and adult’s social care services, courts, as well as shops, restaurants, sports centres and schools) must make “**reasonable adjustments**” to how they provide services, to ensure that disabled persons are not put at ‘substantial disadvantage’. Failure to do so will be discrimination. ⁴⁷ A ‘reasonable adjustment’ could be providing:

- Ramps and wheelchair access to premises;
- Properly qualified interpreters, to enable the disabled person to use their language of choice;
- Advocates for disabled parents;
- Information in an accessible format; and
- Equipment such as induction loops or large print information;

2. The right to equality of opportunity: All public bodies including Adult and Children’s Services departments in your local council also have a duty to take positive action to protect and promote equality for disabled people. This includes showing that they have proper strategies in place to counter discrimination and promote equality in their policies and delivery of services. ⁴⁸

How can the law on equality and anti-discrimination help me when I ask Adult or Children’s Services for support as a parent?

Adult and Children’s’ Services departments of your local council must pay ‘due regard’ to the need to:

- ensure equality of opportunity between disabled people and other people. This includes encouraging disabled people to take part in public life and taking account of disabled people’ disabilities, even if that involves treating disabled people more favourably than other people;
- eliminate unlawful discrimination against disabled people;
- eliminate harassment or victimisation of disabled people related to their disabilities; and

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- promote good relations between disabled people and those without disabilities; including tackling prejudice and promoting mutual understanding.

What is the effect of the Human Rights Act?

The Human Rights Act 1998 (HRA) makes the European Convention on Human Rights part of UK law. It applies to all people and public bodies in the UK including local councils, health providers and the courts. Any of these bodies can be challenged in court if they act in a way which is incompatible with a person's human rights.⁴⁹ You will need to consult a solicitor if you think that the local authority may have breached your human rights. The following rights may be particularly relevant to disabled parents and carers asking for social care services:

- **Article 6 – right to a fair hearing:** This applies in court cases as well as child protection conferences, looked after children reviews and other meetings arranged by Adult and Children's Services departments. If you have special needs (such as needing an interpreter, or to rest in the afternoons) this should be taken into consideration when meetings/court hearings are arranged. You should also be supported to participate fully in any discussions and have information explained to you that is appropriate to your needs.
- **Article 8 – right to respect for private and family life:** Children's Services can only interfere with your family life if it is necessary for the safety of others (for example, if a child needs protecting). When this is necessary, they should only take as much action as is needed to sort out the problem, not more. The way in which decisions are made to take steps that interfere with your family life is also protected under Article 8. Decision-making must be fair, in the same way as set out under Article 6 above.

Note: Decisions to remove children can only be made by a court, not Children's Services (unless you give your agreement). Before making such a decision, the court must take into account what extra help is available to you, and whether it would be more appropriate for Children's Services to provide you with additional family support rather than remove your child. These kinds of decisions should

be made in a way that is fair and involves the family in the decision making process.⁵⁰

Adult and Children's Services also have a positive duty to promote family life, for example by providing services to disabled people to enable them to access leisure and other activities like other parents.

- **Article 14 – right to enjoy the other rights within the Convention without discrimination of any kind:** This means that a disabled person has the same right as everybody else to have a family life, and a fair hearing, for example at local authority social care services meetings, and that the state should take all steps to enable them to exercise this right.

What is the effect of the European Convention on the Human Rights of Persons with Disabilities?

In July 2009, the UK government formally agreed to be bound by the terms of this Convention.⁵¹ The Convention states that countries must take a full range of measures, in collaboration with people with disabilities, to ensure and promote the human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind. It then sets them out in detail.

The full text of the Convention can be found on the UN Enable website at: <http://www.un.org/disabilities/default.asp?id=259>. The government must report regularly to the United Nations Disability Committee which monitors the UK's success in complying with the Convention.

What can I do if I think I'm being discriminated against or my rights are being breached?

You can't directly take action against the government or a public body for breach of the terms of this Convention. But you can use it to back you up if:

- you bring a claim in the UK for breach of other statutory duties, such as under the HRA or Equality Act.
- you make a complaint against a public body including to the Ombudsman.

Both the UN Disability Commission and the Care Quality Commission can also

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sometimes look into individual cases of breach of the Convention.

For further advice and information about challenging discrimination more generally you can contact the organisations listed in Part 3 of this Advice Sheet.

PART 3: WHERE CAN I GET FURTHER INFORMATION?

1. Independent advice organisations:

Care Quality Commission: This is the independent regulator for health and social care. They can look into individual cases

Telephone: 03000 616161 Fax: 03000 616171; CQC National Correspondence, Citygate, Gallowgate, Newcastle upon Tyne, NE1 4PA

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

Change: This is a charity working for equal rights for learning disabled people.

www.changepeople.co.uk

Children's Society: They run the young carers website at: www.youngcarer.com

You can find "Young Carers and their Families, Good Practice Guidance on working with the whole family: Children's Society, 2011" on their website.

www.childrenssociety.org.uk

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: www.citizensadvice.org.uk and through www.adviceguide.org.uk

Civil Legal Advice 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. You can check to see if you're eligible for advice on www.gov.uk/check-legal-aid or you can apply on line. Contact:

- emailhelp@civillegaladvice.org.uk

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- Telephone: 0845 345 4 345 Mon- Fri 9am to 8pm or Sat 9am to 12:30pm

Minicom: 0845 609 6677

Coram Children's Legal Centre provides free independent legal advice to children, parents, carers and professionals. Their Child Law Advice Line provides free legal advice and information covering all aspects of law and policy affecting children. An advisor can be contacted on 08088 020 008. The advice line is open from 8.00am to 8.00pm Monday to Friday.

Dial UK: They link a network of about 120 local Disability and Information Line Services (DIALS) run by and for disabled people.

www.dialuk.info/

St Catherine's, Tickhill Road, Doncaster, DN4 8QN

Telephone: (01302) 310 123; Fax: (01302) 310 404; Text Phone: (01302) 310 123 -

Please use voice announcer

Gov.uk website: This is the government website for information about all public services. It has lots of information about disability including a good section on the rights of disabled parents to support from Children's Services

Disability Rights UK has information about social security benefits and social care services affecting disabled parents and carers

www.disabilityrightsuk.org/

Universal House, 88-94 Wentworth Street, London E1 7SA Tel: 020 7247 8776

Disabled Parents Network (DPN) is a national organisation of and for disabled people who are parents or who hope to become parents, and their families, friends and supporters. DPN operates a telephone help line run by disabled parents. Their website contains a resource directory consisting of frequently asked questions and other sources of information, fact sheets and books for and about disabled parents.

Tel: 0300 3300 639

Email information@disabledparentsnetwork.org.uk;

www.disabledparentsnetwork.org.uk

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Disability Rights Watch UK monitors the UK's compliance with the UN Convention on the Rights of Persons with Disabilities and welcomes the contribution of persons with disabilities in doing so.

www.disabilityrightswatchuk.org

DPPI (Disability, Pregnancy and Parenthood International) is a small UK based registered charity, controlled by disabled parents, which promotes better awareness and support for disabled people during pregnancy and as parents.

www.dppi.org.uk Unit 9, 89-93 Fonthill Road, London N4 3JH

Information service: 0800 0184730 (freephone); 0800 0189949 (free textphone); Fax: 020 7263 6399

Equality and Human Rights Commission can give advice on any complaints about discrimination or breach of human rights and has useful information.

The Commission has offices in London, Manchester, Cardiff and Glasgow. Contact details can be obtained from the website, <http://www.equalityhumanrights.com>

3 More London, Riverside Tooley Street SE1 2RG

Telephone 020 3117 0235 Helpline: 08456046610

Fax 01925 884 275

info@equalityhumanrights.com

Family and Parenting Institute (FPI) publishes information for parents and practitioners about the needs of disabled parents. See "Think Parent: supporting disabled adults as parents" by Richard Olsen and www.familyandparenting.org

Helen Tyers, NFPI 2004.

430 Highgate Studios, 53-79 Highgate Road, London, NW5 1TL Tel: 020 7424 3460

Family Rights Group: is an organisation which provides free telephone and email 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 email to advice@frg.org.uk.

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- 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

HM Government Office for Disability Issues (ODI): They don't offer advice to individuals but have good information and links on their website including a page called 'choice and control for disabled people' aimed at informing front line practitioners such as social workers about how to go about giving choice and control to disabled persons in practice.

www.odi.dwp.gov.uk

UN Disability Commission:

<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx>

2. Organisations which specialise in supporting people with specific disabilities:

Mencap: A leading charity working with people with a learning disability and their families and carers. www.mencap.org.uk

Mind: A leading national mental health charity. www.mind.org.uk

Scope: A charity whose focus is people with cerebral palsy. www.scope.org.uk

3. Getting a Solicitor:

It should be possible to get support for a parent or child without legal advice from any of the above organisations. However, if there are difficulties in getting services, or matters are likely to go to court, we strongly recommend getting a solicitor who specialises in this area of law. To find a solicitor specialising in community care law, contact:

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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 www.lawsociety.org.uk

You can search their website for solicitors who specialise in community care and children's law: www.lawsociety.org.uk/choosingandusing/findasolicitor.law

Note: We hear of many cases where solicitors have not understood the needs of a disabled parent or carer. We therefore suggest that you ask them the following questions before asking them to advise you:

- Do they have experience of child care law AND community care law?
- Have they successfully represented disabled parents and carers in similar situations to yours?
- Does their law firm do publicly funded cases? You may be able to get public funding (legal aid) for both solicitors depending on how much money you have. The solicitor will advise you about this.
- Are their offices accessible to disabled people and is their information suitable for people who do not follow legal language?

If Children's Services are concerned about your parenting and you can't find a solicitor who knows both about children's law and community care law you could instruct both a family law solicitor and a community care solicitor at the same time. Each should know when to refer you to the other one.

Also if you already have an advocate or supporter (who could be a family member, a friend or person provided by an organisation) s/he can come along to meetings with the solicitor and Children's Services. If you do not, we strongly recommend that you try to find an advocate or supporter, as research shows that advocates have a very important role to play in helping disabled adults to get a proper assessment and adequate support. See the advocacy search tool at: Action for Advocacy:

<http://www.actionforadvocacy.org.uk/>. And FRG advice sheet 10: Advocacy for families: <http://www.actionforadvocacy.org.uk/>

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References

CA	Children Act 1989 http://www.legislation.gov.uk/ukpga/1989/41/contents
CC(DP)A	Community Care (Direct Payments) Act 2010 http://www.legislation.gov.uk/ukpga/1996/30/contents
CC(DP) Regs	Community Care, Services for Carers and Children's Services (Direct Payments)(England) Regulations 2009 http://www.legislation.gov.uk/uksi/2009/1887/contents/made
CDCA	Carers and Disabled Children Act 2000 http://www.legislation.gov.uk/ukpga/2000/16/contents
CEOA	Carers (Equal Opportunities) Act 2004 http://www.legislation.gov.uk/ukpga/2004/15/contents
CRSA	Carers (Recognitions and Services) Act 1995 http://www.legislation.gov.uk/ukpga/1995/12/contents
CSDPA	Chronically Sick and Disabled Persons Act 1970 http://www.legislation.gov.uk/ukpga/1970/44
DP Guidance	Guidance on Direct Payments for Community Care Services for Carers and Children's Services http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_104840
EA	Equality Act 2010 http://www.legislation.gov.uk/ukpga/2010/15/contents
ECHR	European Convention on Human Rights and Fundamental Freedoms http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm
Eligibility Criteria Guidance	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 DH 2010 http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_113154

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Framework	Framework for Assessment of Children and their Families 2000 http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4008144
G&R	Children Act 1989, Guidance and Regulations, 1991, DoH http://www.education.gov.uk
HRA	Human Rights Act 1998 http://www.legislation.gov.uk/ukpga/1998/42/contents
Learning disability Guidance	Practice Guidance on working with parents with a learning disability. DoH 2007 Good practice guidance on working with parents with a learning disability : Department of Health - Publications
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities

Last updated 5th March 2014

¹ Eg. Part III National Assistance Act 1948; S.45 Health Services and Public Health Act 1968; S.21 and Schedule 8 National Health Service Act 1977; S.117 Mental Health Act 1983.

² Para 59 Eligibility Criteria Guidance: 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 2010, Department of Health. (This was previously called Fair Access to Care Services or FACS and is often still referred to as this).

³ S.29 NAA1948: "*blind or deaf or dumb or suffers from mental disorder of any kind, or is substantially and permanently handicapped by illness, injury or congenital deformity or any such other disability as may be prescribed*"

⁴ S.2(1) CSDPA 1970

⁵ Eligibility Criteria Guidance.

⁶ Paras 44 and 54 Eligibility Criteria Guidance

⁷ Paras 33-40 Eligibility Criteria Guidance

⁸ Paras 33-40 Eligibility Criteria Guidance

⁹ Proposals in the Adult Care and Support Bill

¹⁰ B v West Berkshire Council 3rd July 2012 High Court. (Permission was refused by the High Court to a group of disabled adults seeking to judicially review the policy of West Berkshire council. A further appeal to a higher court is expected).

On 11 July 2012 the government published the Adult Care and Support Bill for consultation. This proposes (for the first time) a national minimum threshold for access to care and support.

¹¹ S.4 DPA; s.47(1) NHSCCA

¹² Working Together to Support Disabled Parents: How to develop Inter Agency Protocols: Resource Guide 9; SCIE 2007

¹³ R v Penfold 1997 1 CCLR 315, QBD.

¹⁴ Para 60 Eligibility Criteria Guidance

¹⁵ Para 26 Eligibility Criteria Guidance

¹⁶ Eligibility Criteria Guidance

¹⁷ Para 78 Eligibility Criteria Guidance

¹⁸ Para 83 Eligibility Criteria Guidance

¹⁹ The Carers and Disabled Children Act 2000 and Carers (Equal Opportunities) Act 2004: Combined Policy Guidance

²⁰ Para 26 Eligibility Criteria Guidance

²¹ Paras 52, 105 and 148 Eligibility Criteria Guidance; SCIE Practice Guide 9

²² WT to support disabled parents Guide 9 (SCIE 2007)

²³ Para 1.2.4 Good Practice Guidance Working with Parents with a Learning Disability, Department of Health, 2006

²⁴ Para 1.24 Good Practice Guidance Working with Parents with a Learning Disability, DoH 2006

²⁵ Para 119-121 Eligibility Criteria

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- ²⁶ Community Care Services for Carers and Children's Services (Direct Payments) (England) Regulations 2009 (CCSCCS); and Para 47 Direct Payments Care Services for Carers and Children's Services (Direct payments) Guidance DoH 2009; and Community Care Services for Carers and Children's Services (Direct Payments) (Wales) Regulations and Guidance 2004 CCSCCS(DP) (Wales) R & G
- ²⁷ S.17A(2) CA 1989
- ²⁸ Para 127-132 Eligibility Criteria Guidance
- ²⁹ Page 10 SCIE Practice Guide 9
- ³⁰ [Working Together to safeguard children 2013](#)
- ³¹ [Working Together to safeguard children 2013](#)
- ³² WT para 63 pg 24
- ³³ Further guidance can be accessed at [Safeguarding Disabled Children - Practice Guidance \(2009\) and Recognised, valued and supported: Next steps for the Carers Strategy \(2010\)](#).
- ³⁴ WT, para 5 page 12
- ³⁵ WT para 29 page 18
- ³⁶ WT para 40, page 30
- ³⁷ S1 CSDPA
- ³⁸ Para 2.1 DOH Modernising Social Services (1998); DOH [A Jigsaw of Services: Inspection of services to support disabled adults in their parenting role \(2000\)](#)
- ³⁹ Para 1.25 [Practice Guidance Learning Disability](#)
- ⁴⁰ Para 25 Eligibility Criteria Guidance
- ⁴¹ Paras 25 & 26 Eligibility Criteria Guidance
- ⁴² Michelle Wates, [Supporting Disabled Parents in their parenting role](#), 2002, Joseph Rowntree Foundation; R Olsen and H Clark, [Parenting and Disability: Disabled Parent's Experiences of Raising Children](#) 2003, the Policy Press
- ⁴³ The Equality Act 2010 (EA) and Statutory Codes of Practice
- ⁴⁴ s19 EA
- ⁴⁵ s.13 EA
- ⁴⁶ s15 EA
- ⁴⁷ s20 EA
- ⁴⁸ s.149 EA
- ⁴⁹ s.6 & 7 EA
- ⁵⁰ [Kutzner v Germany](#) [2002] 35 EHRR 25; [R \(A,B,X & Y\) v E Sussex County Council](#) (2003) 6 CCLR 194
- ⁵¹ The United Nations Convention on the Rights of Persons with Disabilities