

Family Support

1. About this advice sheet

1.1 What information will I find in this advice sheet?

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. In this advice sheet you will find information about family support services in England, including:

- Universal services which are open to all children. These include schools, nurseries and GP services.
- Support from early help or early intervention services. These are support services for children who have needs which can be supported with extra help from the agencies who already know them (like school or a health visitor).
- Support from children's services. This includes support 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 a 'child in need' plan.

This advice sheet also sets out the law and guidance that professionals should follow when giving families help and support.

Note that this advice sheet applies to children and families in England. A different legal framework applies in Wales and is not covered in this advice sheet

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1.2 Using this advice sheet

This advice sheet is divided up into sections to make it easier to understand. The references for the different legal and practice requirements mentioned throughout this advice sheet can be found in section 5 below. You may also want to ask a friend, your social worker, or your solicitor to explain anything in the advice sheet that you don't understand.

Note: “Social services” are now known as “children’s services”. This is how they are referred to throughout this advice sheet.

1.3 Important terms used in this advice sheet

The important terms used in this advice sheet include:

- **Child arrangements order:** this is a court order which sets out the arrangements for who a child should live with or spend time with.
- **Child in need:** is a child in England child who is disabled, or who is 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 family, or child, with extra help if their needs have a high enough priority according to local eligibility criteria. See Family Rights Group advice sheet on [Family Support](http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets) <http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets>. Note that in Wales, the ‘child in need’ framework does not apply and there is a different legal framework for assessing, and taking steps to meet, the needs of children.
- **Child protection 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 carrying out an assessment and seeing your child unless they can find out enough information about them from other sources, for example by asking their teacher.

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- **Child protection conference:** If there are on-going concerns about your child's safety and wellbeing 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 wellbeing, and to improve the situation for your child. This will only happen if the professionals at the conference think that your child has suffered or is likely to suffer significant harm. For more information on this see Family Rights Group advice sheet on Child Protection Procedures <http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets>.
- **Looked after child** means that the child is in care under a court order or is provided with accommodation by children's services under a voluntary arrangement, with the agreement of the parents/someone with parental responsibility.
- **Parental responsibility** means the legal right to make decisions about a child's care. (For more information on who has parental responsibility see Family Rights Group advice sheet on [parental responsibility: http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets](http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets)

Note that an explanation of other words and expressions can be found in the glossary section ('An A-Z of terms') on the Family Rights Group website <http://www.frg.org.uk/need-help-or-advice/an-a-z-of-terms>

2. What family support services are available for children?

2.1 All children

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.

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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.

2.2 Children with special educational needs:

Children can receive additional support at school if they are assessed as having special educational needs and/or disabilities (SEND). In 2014, the government introduced new Education, Health and Care (EHC) plans for children and young people aged 0-25 with special educational needs and/or disabilities (SEND). EHC plans replace SEN Statements which were previously used to set out the additional support provided for children with SEND.

2.2.1 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. You can also contact your local **Information, Advice and Support (IAS) 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 (IAS) 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 (often referred to as a 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 kind of support is called SEND support. This replaces the old categories of School Action and School Action Plus.

2.2.2 What is SEND support?

- Under the system for ensuring the right support plans are in place for all children with special educational needs and disabilities, schools must use a

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four-part process. The SEND Code of Practice explains this as “Assess, Plan, Do and Review”¹. 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.

2.2.3 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 (EHC)** needs assessment. This replaced 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 and/or disability may require more help than a mainstream education setting can normally provide.
- You can ask for an EHC needs assessment from your local authority. The local authority must tell you within 6 weeks of your request if they are going to carry out an EHC assessment.
- The EHC needs 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 child or young person to achieve what they want to in their life

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2.2.4 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

2.2.5 What can I do if I am not happy with the support being provided for my child?

- You have the right to challenge your local authority's decisions on:
 - Not proceeding with an EHC needs assessment
 - Not producing an EHC plan, or
 - The support included in the EHC plan,
- You should first raise your concerns with the local authority and try to reach an agreement.
- If you can't reach an agreement, they should advise you on their procedures for challenging decisions. A young person aged 16 or over can also challenge decisions on their own behalf.
- Your local Information, Advice and Support Service (IASS) 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 5 of this advice sheet.

2.3 Children who need additional help

- When children need extra support for their physical development and/or emotional wellbeing, they may be able to get additional help from early help, or early intervention services. For example:
 - speech therapy;

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- bereavement counselling'
- family or parenting support work; or
- a referral to a young carers group.
- They should be able to get this early help in a co-ordinated way, through agencies that already know them (for example via their school or health visitor) without necessarily having to be referred to children's services.

2.3.1 How can I get early help services for my child?

- 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.
- An early help assessment 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.²
- 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.

2.3.2 What kind of help will I be offered?

Your child does not need to have an early help assessment if you don't want them 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 as part of early help may include:

- Family and parenting programmes,
- Assistance with health issues or
- Help for problems relating to drugs, alcohol and domestic abuse.

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The support available 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 other support services for disabled children at: <https://www.gov.uk/help-for-disabled-child/early-support-programme>

2.4 'Child in need' support from children's services

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 section 3.4 for more about young carer's needs assessments.

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.³ 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

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

3. Support for children in need from children's services

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 safe⁴. 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 the local authority threshold for getting help published on either the local authority's Local Safeguarding Children Board (LSCB) website⁵ or the local safeguarding partners website.⁶

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Note : Following changes in legislation, local safeguarding children’s boards, LSCBs, set up by local authorities, have been replaced by safeguarding partners. The three safeguarding partners (local authorities, chief officers of police, and clinical commissioning groups) must make arrangements to work together with relevant agencies (as they consider appropriate) to safeguard and protect the welfare of children in the area. They will be known as the safeguarding partners.

3.1 Who is a child in need?

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.⁷ 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 section 3.2

3.1.1 Disabled

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:

- Autism Spectrum Disorder (ASD)
- Attention Deficit Hyperactivity Disorder (ADHD)
- A learning disability

will be treated as disabled if the condition is ‘substantial’.

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3.1.2 Health and Development

Health doesn't just mean your child's physical health, it also includes their mental health.⁸ 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.⁹

3.1.3 Examples of children in need

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 responsibilities¹⁰. If a local authority thinks that a young carer may need support they must carry out a young carers assessment¹¹. See further below at section 3.4
- 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

If your child has a diagnosed disability which is not 'substantial', they can still be a 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.

3.2 What is my local safeguarding partners threshold document?

Threshold documents are published by local safeguarding partners and set out the local 'threshold' (or eligibility) criteria for when a case should be referred to children's

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services, and which category of help is needed. You can look on your safeguarding partners website or ask children's services for a copy of this document.

This local 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 gets help should be based on what their needs are assessed to be and how serious 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.

3.3 How do I get my child's needs assessed?

You can ask for your child's needs 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 to be assessed if they are old enough and mature enough to understand what they are asking for and why.

3.3.1 Practical tips to getting an assessment of your child's needs

- Ask to see the threshold document published by your local safeguarding partners or the eligibility criteria set by your local authority's 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 local safeguarding partners threshold document, or why their needs are serious enough to need services anyway

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- 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 further at section 2.3.1

3.3.2 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.¹²
- 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' section 2.3 above).
- Children's services should assess your child's need for support if you ask for help and :
 - You can show that your child has a diagnosed disability or
 - You can explain why you think your child's health or development is being (or will be) significantly damaged without support (see section 3.1 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 section 3.4 or seek further advice from Family Rights Group's advice service – contact details in part 5 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 section 3.3.4

3.3.3 How will my child's needs be assessed?

Your child's needs should be assessed following:

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- i) Working Together 2018¹³, the government guidance that sets out the basic national framework for assessing and responding to children's needs;
- ii) Your local safeguarding partners 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;¹⁴ and
- iii) Your 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.¹⁵

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 section 3.4

3.3.4. Making a referral

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 decide¹⁶.

If they decide to assess whether your child is a child in need (under s.17 Children Act 1989), they must make sure that¹⁷:

- 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.
- The social worker assesses:
 - Your child's developmental needs
 - Your (or the other parents/carers') capacity to meet your child's needs; and

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- The impact and influence of your child's wider family, community or environmental factors.
- 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.¹⁸ 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 Family Rights Group advice line - contact details in part 5 of this advice sheet.

3.3.5 How will children's services work with my family during an assessment of my child's needs?

The guidance says that all assessments should involve children and families and that children's services should consider all children and their parents as individuals. Family's structure, culture, religion, ethnic origin and other relevant characteristics should be respected.¹⁹ 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.²⁰

3.3.6 How long will the assessment take?

- The social worker should tell you how decisions will be made and how long the assessment will take.
- An assessment 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.

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- In some cases, your child may have such serious needs that a very quick assessment is needed;
- In other cases, for example, if your child is disabled with communication difficulties, more time may be needed for the assessment.²¹

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 finished²².

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

The social worker will usually want to gather information about your child and your family from other professionals working with your child so that they get a full picture of your child's needs. But 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 guidance²³ on this which children's services' policy should follow.

3.3.8 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.

3.4 What is a young carers needs assessment?

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3.4.1 What is a young carer?

- 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.

3.4.2 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 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.

3.4.3 What is the purpose of a young carer’s assessment?

The purpose of the assessment is to 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 wellbeing, 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.²⁴

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The local authority should use a ‘whole family’ approach. This means the assessment must consider whether any of the young carer’s needs could be reduced if additional support were provided to the person being cared for, or any other member of the young carer’s family, by someone other than the child. But, the assessment must also consider whether the young person would still need support even if they no longer had any caring duties, or if their caring duties were 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.

3.4.4 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 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 effectively²⁵
- Wherever possible, the information about the assessment should be provided before the assessment takes place, and in a format which the young carer can understand²⁶.
- Information about the assessment 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.

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- 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 the local authority must take account of:
 - 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 assessment²⁷.
- The assessment must involve
 - The young carer
 - The young carer's parents and
 - 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.²⁸
- 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'.

3.4.5 What will the assessment decide?

- The assessment must decide whether there is a need for support and whether any of the young carer's support needs 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;
- 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

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provides care, the authority must then decide what support (if any) it is going to provide to meet those needs²⁹.

- Support 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 need³⁰ (see the next section of this advice sheet).
- If support is provided to the adult they are caring for, it will be under the Care Act 2014. For more information about assessment and support for adults go to <https://www.carersuk.org>

3.5 What happens if my child is assessed as being a child in need and eligible for support?

3.5.1 Child in need plan

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 out³¹:

- 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.

3.5.2 What kind of help can children's services give me and my child?

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

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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 or after 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 Home Start 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.
- **Parenting Skills Programmes:** these can be provided in different settings, such as family or children's 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 at family centres, child guidance clinics and specialist counselling organisations.
- **Advice and guidance:** This can be provided in a variety of places, from family or children's 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.³²

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- **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.³³ 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.³⁴ 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.³⁵
- **Accommodation:** see section 3.6 below

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.

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

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 wellbeing³⁶. This means that children's services could give you, or anyone else with parental responsibility for your child³⁷, extra help to be able to parent your child.

3.5.4 Can I decide what support my child gets?

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 the plan for support with the child and their family,³⁸ and it is good social work practice for the plan to be provided

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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 section 4.6); 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 section 2.2 above.

3.6 When can children’s services provide accommodation for a child in need?

3.6.1 Accommodation for a child with their family

Where a child has been assessed as a child in need, children’s services have the power to provide financial assistance and accommodation using their general powers under section 17 of the Children Act, see section 3.5 above. In appropriate circumstances, they may use this power to help a family access accommodation by paying a deposit and rent in advance, or enable them to meet any rent shortfall after housing benefit. If the family is homeless, the power may be used to help fund accommodation for the child with their family.

For more information about help with housing for a child together with his/her family, contact Shelter, see the details at section 5 of this advice sheet

3.6.2 Accommodation under a voluntary arrangement

A child may be provided with accommodation by children’s services separately from their family under a ‘voluntary arrangement’. This kind of accommodation is sometimes called ‘section 20 accommodation’, ‘voluntary accommodation’ or a ‘voluntary arrangement’. In this and other Family Rights Group advice sheets it is referred to as a voluntary arrangement.

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3.6.3 When can a child be provided with accommodation under a voluntary arrangement?

The law says that children's services in England shall provide accommodation to any child in need in their area because:

- There is no-one with parental responsibility for them or;
- They have been lost or abandoned or;
- The person normally caring for them is unable to provide them with suitable accommodation or care, for whatever reason;³⁹
- The child is sixteen and children's services consider that if they don't provide the accommodation the child's welfare is "likely to be seriously prejudiced"⁴⁰.

In England children services may provide accommodation to a child in their area who is in need if it is necessary to safeguard or promote the child's welfare⁴¹

You may be asked if you will agree to your child being removed from your care for a short period while social workers consider whether it is safe for your child to remain at home, or you may ask children's services to accommodate your child to give you a break if there is a good reason.

When a child is provided with accommodation under a voluntary arrangement, 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 they are looked after: suitable parents are first, suitable relatives/friends are next followed by unrelated foster carers or residential care.

3.6.4 Accommodation under voluntary arrangements in Wales

Wales has a different child in need framework to England. In Wales, accommodation under a voluntary arrangement is sometimes called voluntary accommodation or 'section 76' accommodation'. In Wales there is no requirement for a child to be in need in order to be provided with accommodation under a voluntary arrangement. In Wales any child may be provided with accommodation under a voluntary arrangement - the child does not need to be a child in need.

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In Wales there is no power for children's services to provide accommodation under a voluntary arrangement on the grounds that it would promote the child's welfare. This is a power which exists in England.

A local authority in Wales can provide a child with accommodation as part of the overall support plan provided to a family in response to an assessment of the child's needs. Providing accommodation in this way is **not** the same as a voluntary arrangement and is not done under section 76. This kind of arrangement would not mean that the child is a 'looked after child'.⁴²

3.6.5 What does it mean if my child is looked after under a voluntary arrangement?

A voluntary arrangement is not a court order. The UK Supreme Court (the highest Court in the UK) has described a voluntary arrangement between a parent and children's services as the "delegation of parental responsibility" by the parent, or other person with parental responsibility, to children's services. This means that the child's parent, or other person with parental responsibility, has agreed that children's services can act on their behalf by providing accommodation for their child⁴³.

3.6.6 If I am not coping, can I ask for my child to be accommodated under a voluntary arrangement?

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

3.6.7 Do children's services have to accommodate my child if I ask?

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.⁴⁵ 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;

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- When there is a serious family breakdown with teenage young people;
- When teenagers are homeless;
- When parents of disabled children feel that the family needs support/respite because they are at breaking point;

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

3.6.8 What information should I be given about the voluntary arrangement?

Before your child is accommodated under a voluntary arrangement and becomes looked after, you should be provided with clear and accurate information about your rights and about the responsibilities of the local authority. You should not be made to feel that you have no choice about whether your child goes into a voluntary arrangement or not⁴⁶.

Children's services should give you clear and accurate information that includes telling you the following:

- That your child has been provided with accommodation (if you were not physically present at the time the voluntary arrangement started)
- That you can object to your child going into a voluntary arrangement, as long as you can provide accommodation yourself, or arrange for accommodation to be provided
- That you can remove your child from accommodation at any time. The social worker should not try to place any restriction on your right to remove your child, for example they must not say 'you must give 2 days-notice to children's services before removing your child'
- Where your child will be living
- Who will be looking after your child
- What the arrangements are for your child to see you and other family members while they are under a voluntary arrangement.

When proposing or putting in place voluntary arrangements for a child, it is good practice⁴⁷ for children's services to:

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- Put the voluntary arrangements in writing so that you understand what is being proposed for your child
- Explain the voluntary arrangements to you in a 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 through an interpreter, or if it is in writing, translated into your own language.

If you don't understand anything that is said or written, you should be given the opportunity to seek legal or other advice.

If the voluntary arrangements are set out for you in writing and you should be asked to sign the document. Even if you don't sign a written document, make sure that you fully understand what is happening.

3.6.9 What is fostering for adoption?

- In some circumstances children's services may suggest a voluntary arrangement where your baby or very young child is placed with foster carers who are also approved as prospective adopters. This is called fostering for adoption.
- It means that children's services are considering adoption as the long term option for your child. These adopters could go on to adopt your child if your child 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.
- Children's services can only place your child with foster for adoption carers under a voluntary arrangement (i.e. without having an emergency protection order or an interim or full care order) if you cannot provide or arrange other accommodation for your child AND you have not objected to the voluntary arrangement with foster for adoption carers. If you do object, children's services cannot proceed with the voluntary arrangement with foster for adoption carers. They would need to seek a court order.
- If a foster for adoption placement is suggested for your child when you are discussing a voluntary arrangement with children's services, it is essential that you take legal advice from a solicitor specialising in child care law and/or Family

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Rights Group advice line immediately – contact details are in section 5 of this advice sheet.

- The law in Wales is different. Although provision is made for a child to be placed with a prospective adoptive family before a placement order is made, that family must be specifically “matched” to that child.

For more information about children accommodated under voluntary arrangements, see Family Rights Group advice sheet ‘Children looked after by children’s services under a voluntary arrangement’: <http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets>

3.7 Can children’s services accommodate my child if they are 16 or 17 and homeless?

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

- i) Children’s services can accommodate them under a voluntary arrangement. This means that they become looked after children, as outlined in section 3.6 above, with children’s services becoming responsible for their care and support including when they leave care; or
- ii) Children’s services can help them with accommodation as a young person in need, under s.17 (6) Children Act 1989.

Sometimes homeless teenagers fall between local authority housing departments and children’s services, without either really helping them. However, the government has issued statutory guidance⁴⁸ jointly to housing and children’s services to say what should happen if a teenager becomes homeless::

- Housing departments **must** refer the young person to children’s services as well as complying with their own duties to provide emergency accommodation until children’s services respond⁴⁹
- If a young person presents to children’s services as homeless, children’s services **must** assess their needs, including their need for accommodation under s.20 Children Act 1989⁵⁰.

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- If, as part of the children's services assessment, the young person is found to be in need of accommodation, children's services must accommodate them under a voluntary arrangement.⁵¹ The reasons set out at 3.6.1 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 that young people who don't want to be accommodated under a voluntary arrangement properly understand the consequences and the implications of this decision.⁵²
- If the young person is in need of immediate accommodation, children's services must accommodate them under a voluntary arrangement while they carry out an assessment of the young person's needs⁵³
- If Children's services then refuse to provide accommodation 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.⁵⁴ Children's services should still assess their other needs alongside.⁵⁵
- 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.⁵⁶
- Housing and children's services departments should develop joint protocols about how they meet the needs of homeless 16 and 17 year olds.

3.8 Can children's services charge me for the support they give me or my child?

Children's services may charge a parent for any support services they give to their family or child if it is reasonable to do so⁵⁷ but they cannot charge for advice, guidance and counselling.⁵⁸

If children's services are thinking of charging you for the support you are given, they must take account of your finances and only charge what is 'reasonable'⁵⁹. 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.⁶⁰

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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 allowance⁶¹ .
- Your child is in a voluntary arrangement 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.⁶²

3.9 Disagreements and complaints about assessments

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

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 Family Rights Group advice sheet on Child Protection Procedures:<https://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets>

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 the Family Rights Group advice service – contact details in Part 5 of this advice sheet.

If you do decide to refuse an assessment of 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 the Family Rights Group advice service – contact details in part 5 of this advice sheet.

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

- 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 document⁶³ and local eligibility criteria for supporting children who are in need, to see whether they match your child's needs. If you feel that your child's needs fit within the local eligibility criteria, you need to make this clear to the social worker.
- 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 child⁶⁴. 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 assessment⁶⁵.

You can also:

- Contact other local agencies that provide support. You can ask local voluntary agencies and family or children's centres to see if they can give you support to meet your child's needs. (See further information in part 5 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. Many children's services departments have Family Information Services (FIS), where you can find out more about local support services. 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.

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- Ask for an ‘early help assessment’⁶⁶ instead (See section 2.3 above).
 - You can ask for a family group conference (FGC) which is a meeting that brings the child’s whole family together to make a plan for the child. For further information see Family Rights Group advice sheet on What is a family group conference: <https://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets>
 - You can ask for the decision to be formally reviewed through the complaints procedure.⁶⁷ For further information see Family Rights Group advice sheet on Challenging decisions and making complaints: <https://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets>
- 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. For more information see the Public Law Project – guide to judicial review <https://publiclawproject.org.uk/resources/an-introduction-to-judicial-review/>

4. GETTING SPECIFIC HELP FOR DISABLED CHILDREN

Sections 1 to 3 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 living in England only.

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

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 section 3.9, on challenging unlawful

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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 support to meet their needs.

Children's services must specify which legislation they are providing services under, as the eligibility criteria are different.⁶⁸

4.2 How will my disabled child's needs be assessed?

Your child's needs should be assessed following the local protocol for assessment in your area and government guidance as outlined above in section 3.3.3. Extra time may be needed to complete the assessment if your child has communication difficulties or the assessment is particularly complex.

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

Adults with parental responsibility for a disabled child have a right to a separate parent carer needs assessment⁶⁹. This will be carried out by adult social services if requested by the parent, or if a social worker considers that they parent carer appears to need support.

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.⁷⁰

The local authority must assess whether the parent or carer has support needs 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 support needs, other needs and wishes.

The assessment must also have regard to:

- The well being of the parent /carer; and
- The need to safeguard/promote the welfare of the disabled child and any other child

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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 for the family under a child in need plan.

Guidance states that adult social care services should liaise with children's 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 carer assessments see: <https://www.carersuk.org>

For more information about who has parental responsibility see Family Rights Group advice sheet Parental responsibility: <http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets>

4.4 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.

4.4.1 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 section 3.2). This applies to all children in need under the Children Act, including disabled children.

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.

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4.4.2 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. Children's services 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.

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

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.⁷¹

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 other people,⁷² for example by providing interpreters, wheelchair ramps, lifts or other similar adjustments.⁷³

In all other respects, the help available for disabled children is the same as that for children in need, listed at sections 3.5.2 above. However there are some additional services available as well:

- Direct payments;

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- 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.

4.6 What are direct payments?

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.⁷⁴ 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 has a guide to direct payments - see <https://contact.org.uk/advice-and-support/social-care/how-to-access-services/personal-budgets-and-direct-payments/>

Government guidance is available at: <https://www.gov.uk/apply-direct-payments>

See also the website of the [Council for Disabled Children](https://councilfordisabledchildren.org.uk/resources-and-help) help and resources section <https://councilfordisabledchildren.org.uk/resources-and-help>

4.7 What are personal budgets?

A personal budget is the amount of money that is available to meet the services that the disabled person is assessed as needing. It allows a disabled person to control what services they want to use to meet their care needs, and who provides them.

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 personal**

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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 1989.⁷⁵

4.8 What are short breaks?

Regulations⁷⁶ 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.⁷⁷ For information about the support a child may get for their special educational needs, see section 2.2 above.

5. Where to get further information

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

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

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

Website: www.carersuk.org

Citizens Advice is an independent organisation providing free, confidential and impartial advice. Their goal is to help everyone find a way forward, whatever problem they face. This may be money, benefits, housing or employment problems. You may be facing a crisis, or just considering your options. Online advice is available on the Citizens Advice website. They also have a national phone service called Adviceline. This is available in Wales for people who live or work there and is being rolled out in England:

- For England telephone: 03444 111 444
- For Wales telephone: 03444 77 2020
- TextRelay users should telephone: 03444 111 445
- Website: citizensadvice.org.uk

Civil Legal Advice A free and confidential advice service run on behalf of the government. It provides information directly to the public on a range of common legal issues; helps people find out if they are eligible for free legal advice from a solicitor; and helps them find a solicitor. It can also help you find legal advisors and find out if you are eligible for publicly funded free legal help. Check to see if you're eligible for advice on www.gov.uk/check-legal-aid or apply online:

- Telephone: 0345 345 4345 Mondays to Friday, 9am to 8pm and Saturday 9am to 12.30pm
- Minicom: 0345 609 6677
- Text 'legaid' and your name to 80010 to ask CLA to call you back. This costs the same as a normal text message.
- Website: gov.uk/civil-legal-advice

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Contact are a charity providing advice and support to families with disabled children. They run a helpline and also provide online support and resources

Website : <https://contact.org.uk/about-us/what-we-do/>

- **Helpline: Freephone: 0808 808 3555**
9.30am-5pm, Monday-Friday, free from UK landlines and UK mobiles.
Press 1, to speak to an education adviser, press 2 for all other helpline enquires.
Access to interpreters from Language Line Solutions.
- **Facebook: [facebook.com/contactfamilies](https://www.facebook.com/contactfamilies)**
(Response within two working days)
- **Twitter: [@contactfamilies](https://twitter.com/contactfamilies)**
(Response within two working days)
- **Email: helpline@contact.org.uk**
(Response within 10 working days)

Coram Children's Legal Centre provides independent legal advice to children, parents, carers and professionals. Its Child Law Advice Service provides legal advice and information on areas of child, family and education law. To access this advice and information please visit www.childrenslegalcentre.com and follow the link to the Child Law Advice Service where you will be able to view a range of factsheets and 'how to' guides. Should you have clarifying questions following your visit to their website, their helpline number is available at the end of each factsheet. The helpline is available Monday to Friday 8am to 6pm.

Council for Disabled Children is the umbrella body for the disabled children's sector bringing together professionals, practitioners and policy-makers. Their help and resources section has factsheets, legal guides and FAQs and can be found at <https://councilfordisabledchildren.org.uk/resources-and-help>

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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 the Family Rights Group's advice line for specific advice about your case on 0808 801 0366. It is open Monday-Friday 9.30am-3pm.
- You can also visit http://www.frg.org.uk/advice_sheets.html where you can download other relevant advice sheets.
- Join the Family Rights Group parents' or family and friends carers' discussion boards.

Fostering Network is an organisation which provides advice to foster carers who are approved by Children's Services. They produce detailed pamphlets on benefits and tax as it affects foster carers:

- Telephone information line: 0207 261 1884
- Website: www.fostering.net.
- **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/>

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/>

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Specialist child welfare solicitor:

To find a solicitor who specialises in childcare law, you can contact:

1. Solicitors Regulation Authority, Ipsley Court, Redditch, Worcestershire B98 0TD
Telephone: 0870 606 2555 <http://www.sra.org.uk/consumers/find-use-instruct-solicitor.page>;
2. 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 details of local solicitors who are members of the Children Panel:
<http://www.lawsociety.org.uk/choosingandusing/findasolicitor.law>
3. Civil Legal Advice (CLA) See details above.
4. Citizens Advice may be able to recommend

Children Act 1989

<http://www.legislation.gov.uk/ukpga/1989/41/contents>

a local solicitor specialising in child care law. 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

Advice on line Website www.adviceguide.org.uk

References

ACA	Adoption and Children Act 2002 http://www.legislation.gov.uk/ukpga/2002/38/contents
BCDCR	Breaks for Carers of Disabled Children Regulations 2011 http://www.legislation.gov.uk/uksi/2011/707/made
CA	Children Act 1989

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	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
CYPA	Children and Young Persons Act 2008 http://www.legislation.gov.uk/ukpga/2008/23/contents
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
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
Info Sharing Guidance	<u>Information sharing</u> <u>Advice for practitioners providing safeguarding services to children, young people, parents and carers</u> July 2018
Homeless 16/17's Guidance	<u>Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation</u> Statutory Guidance DfE 2018 https://www.gov.uk/government/publications/provision-of-accommodation-for-16-and-17-year-olds-who-may-be-homeless-and-or-require-accommodation

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Short breaks Guidance	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/245580/Short_Breaks_for_Carers_of_Disabled_Children.pdf
WT 2018	Working Together 2018 https://www.gov.uk/government/publications/working-together-to-safeguard-children--2

Last updated 1 March 2019

¹ SEND code of Practice section 6.44

² Working Together 2018 para 7 page 14

³ 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."

⁴ s.17(1) Children Act 1989

⁵ Working Together 2015 chapter 1 para 18

⁶ Working Together 2018 chapter 1 para 16

⁷ 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."

⁸ s.17(11) Children Act 1989

⁹ s.17(11) Children Act 1989

¹⁰ Working Together 2018 Chapter 1 paragraph 30; and Young Carers' (Needs Assessment) Regulations

¹¹ Children Act 1989 s17ZA

¹² *R(G) v Barnet LBC* [2004] 2 AC2008

¹³ Working Together 2018. This is statutory guidance, which must be followed unless there are exceptional local reasons to justify not following it. <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

¹⁴ Para 18 page 15 Working Together 2015 / Chapter 1 para 16 Working Together 2018

¹⁵ Working Together 2018 Chapter 1 Para 39 to 43

¹⁶ Working Together 2018 chapter 1 para 73

¹⁷ Working together 2018 Chapter 1 para 51

¹⁸ Working Together 2018 chapter 1 para 62

¹⁹ Working Together 2018 chapter 1 para 53-55

²⁰ Working Together 2018 chapter 1 para 54 and Working with foreign authorities on child protection cases and care orders (2014).

²¹ Working Together 2018 chapter 1 para 75

²² WT 2018 Chapter 1 para 76

²³ WT 2018 chapter 1 para 23-27. Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers July 2018 <https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice>

²⁴ Young Carers (Needs Assessments) Regulations 2015 Reg 4(2)

²⁵ Young Carers (Needs Assessments) Regulations 2015 Reg 2(3)

²⁶ Young Carers (Needs Assessments) Regulations 2015 Reg 2(5)

²⁷ Young Carers (Needs Assessments) Regulations 2015 Reg 2

²⁸ CA 17ZA (8),(9),(10)

²⁹ CA 17ZC

³⁰ CA89 s17

³¹ Working Together 2018 pages 36-38

³² Schedule 2 para 10 Children Act 1989

³³ Schedule 2 para 5 Children Act 1989

³⁴ S.17(6) Children Act 1989

³⁵ S.17(6) or s.20 (4) Children Act 1989; para 2.1 [Short Breaks Guidance](#) .

³⁶ s.17(3) Children Act 1989

³⁷ s.17(10) Children Act 1989

³⁸ Working Together 2018 chapter 1 para 63 and 64

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- ³⁹ Section 20(1) Children Act 1989
⁴⁰ Section 20(3) Children Act 1989
⁴¹ Section 20(4) Children Act 1989
⁴² This can be done under section 34 or section 37 of the Social Services & Well-being (Wales) Act 2014
⁴³ Williams & Anor v London Borough of Hackney [2018] UKSC 37

- ⁴⁶ Williams & Anor v LB Hackney [2018] UKSC 37 at 39
⁴⁷ Re N (Children) (Adoption: Jurisdiction) [2015] EWCA Civ 1112
⁴⁸ <https://www.gov.uk/government/publications/provision-of-accommodation-for-16-and-17-year-olds-who-may-be-homeless-and-or-require-accommodation>
⁴⁹ Para 4.4 Homeless 16/17's Statutory Guidance
⁵⁰ Para 3.1 Homeless 16/17's Statutory Guidance
⁵¹ S.20(1)&(3) Children Act 1989; para 3.12 Homeless 16/17's Statutory Guidance
⁵² Para 2.51 Homeless 16/17's Statutory Guidance
⁵³ Paras 3.4 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;
⁵⁴ Para 4.10 Homeless 16/17's Statutory Guidance
⁵⁵ Para 4.1 Homeless 16/17's Statutory Guidance
⁵⁶ Para 3.58. 3.59 Homeless 16/17's Statutory Guidance
⁵⁷ Sched 2 para 21 CA 1989
⁵⁸ S.17(8) and s.29(1) Children Act 1989
⁵⁹ s.29(1) & (2) Children Act 1989
⁶⁰ s.17(7) & (8) Children Act 1989
⁶¹ s.17(9) Children Act 1989
⁶² Schedule 2 para 21 Children Act 1989
⁶³ Working Together 2018 chater 1 para 16
⁶⁴ Working Together 2018 chapter 1 para 7
⁶⁵ CA s17ZA(1)
⁶⁶ Working Together 2018 chapter 1 para 7
⁶⁷ s.26 Children Act 1989
⁶⁸ JL v Islington (2009) EWHC 458 (Admin)
⁶⁹ Working Together 2018 chapter 1 para 28 and Children Act 1989 section 17ZD
⁷⁰ Working Together 2018 chapter 1 para 28 and the Carers (Recognition and Services) Act 1995.
⁷¹ Part 1 Schedule 2 para 6 Children Act 1989
⁷² S.20 Equality Act 2010; Paras 90-92 Eligibility Criteria Guidance
⁷³ S.20 Equality Act 2010
⁷⁴ s.17A CA; CC(DP)A; CC(DP)Regs; DP Statutory Guidance
⁷⁵ R (Savva) v Royal Borough of Kensington and Chelsea [2010] EWCA Civ 1209
⁷⁶ BCDCR ;s.6(1)C Schedule 2 of Children Act 1989
⁷⁷ Short Breaks Guidance

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