**West Sussex – Practice Guidance**

IROs are qualified social workers with at least five years’ experience, and who have acquired the right skills to carry out this role.

**LEGISLATION**

**CHILD IN NEED**

Please note that this is only an easy access guide to where a Social Worker can find the relevant legislation. It is not intended to be a comprehensive statement of the law, it simply guides you to where in the law specific provisions relating to the powers and duties of the LA can be found.

Child in Need (General)

Young Carers

Services for Disabled Children

Education, Health and Care Plans

Personal Budgets and Direct Payments

Transition to Adulthood

Parent Carers

**CHILD IN NEED (GENERAL):** [Children Act 1989 Section 17,](http://www.legislation.gov.uk/ukpga/1989/41/section/17)[Section 26](http://www.legislation.gov.uk/ukpga/1989/41/section/26)

See also **Services for Disabled Children** - any child who is disabled falls within the definition of child in need.

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| Definition of child in need | S17(10),(11) |
| Duty to safeguard and promote the welfare of children in need and promote their upbringing by their own families | S17(1) |
| Assessment of the needs of the child is dealt with in [*Working Together to Safeguard Children*](http://www.workingtogetheronline.co.uk/) |  |
| Duty to establish a procedure for considering complaints from children in need, their parents etc. | S26(3),(7) |
| Duty to consult the child about services to be provided | S17(4A) |
| Power to provide services to the family in general or to any family member | S17(3) |
| Power to provide services indirectly (for example through a voluntary organisation) | S17(5) |

**YOUNG CARERS:** Children Act 1989[Section 17ZA,](http://www.legislation.gov.uk/ukpga/1989/41/section/17ZA)[Section 17ZB,](http://www.legislation.gov.uk/ukpga/1989/41/section/17ZB)[Section 17ZC](http://www.legislation.gov.uk/ukpga/1989/41/section/17ZC)

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| Definition of young carer | S17ZA(3)  S17ZB(3),(4),(5) |
| Duty to assess the needs of young carers | S17ZA(1),(4),(5)  S17ZB(6),(7) |
| Issues to be considered in a young carer’s needs assessment | S17ZA(7),(8) |
| Persons who must be involved in a young’s carer’s needs assessment | S17ZA(9) |
| Duty to make a written of the assessment and give written copies to the young carer and his/her parents | S17ZA(10),(11) |
| Duty to decide what services, if any, to provide | S17ZC |

**SERVICES FOR DISABLED CHILDREN**

See also Child in Need: **Education, Health and Care (EHC) Plans**

Children and Families Act 2014 [Section 36,](http://www.legislation.gov.uk/ukpga/2014/6/section/36) [Section 37,](http://www.legislation.gov.uk/ukpga/2014/6/section/37) [Section 38,](http://www.legislation.gov.uk/ukpga/2014/6/section/38) [Section 39,](http://www.legislation.gov.uk/ukpga/2014/6/section/39) [Section 40,](http://www.legislation.gov.uk/ukpga/2014/6/section/40) [Section 42,](http://www.legislation.gov.uk/ukpga/2014/6/section/42) [Section 44,](http://www.legislation.gov.uk/ukpga/2014/6/section/44) [Section 45.](http://www.legislation.gov.uk/ukpga/2014/6/section/45)

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| Duty to assess EHC needs | S36(1),(3),(6),(7)  (8) |
| Duty to consult parent and young person-  During assessment | S36(4) |
| About draft EHC plan | S38(1),(2) |
| During the review of the EHC plan or a re-assessment | S44(4) |
| Duty to notify parent and young person of the outcome of the assessment | S36(9) |
| Definition EHC plan | S37(2),(3) |
| Duty to prepare and maintain EHC plan | S37(1) |
| Duty to consult the parent or young person about the draft EHC plan | S38 |
| Duties when finishing the EHC plan | S39,S40 |
| Duty to secure the educational provision and health care provision specified in the EHC | S42(2),(3),(5) |
| Duty to review the EHC plan annually | S44(1),(5) |
| Duty to re-assess the young person’s EHC needs on request | S44(2),(5) |
| Power to cease to maintain an EHC plan | S45 |

**Personal Budgets and Direct Payments**

Children Act 1989 [Section 17A](http://www.legislation.gov.uk/ukpga/1989/41/section/17A)

Children and Families Act 2014 [Section 49](http://www.legislation.gov.uk/ukpga/2014/6/section/49)

The [Special Educational Needs (Personal Budgets) Regulations 2014](http://www.legislation.gov.uk/uksi/2014/1652/contents/made)

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| Power to make direct payments | CA S17A |
| Definition of personal budget | C&F S49(2) |
| Duty, when preparing or maintaining an EHC plan, to prepare a personal budget or request | C&F S49(1) |
| Power to include direct payments in a personal budget | C&F S49(3) |
| Duty to inform parent and young person about personal budgets and direct payments | Reg. 3 |
| Persons to whom direct payments may be made | Reg. 5 |
| Conditions for making direct payments | Reg. 6, Reg.8, Reg. 9 |
| Amount of direct payments | Reg. 10, Reg. 12 |
| Duty to monitor and review the use of direct payments | Reg. 11 |
| Power to require repayment of direct payments | Reg. 13 |
| Power to cease direct payments | Reg. 14 |

**Transition to Adulthood**

Children Act 1989: [Section 17ZG,](http://www.legislation.gov.uk/ukpga/1989/41/section/17ZG) [Section 17ZH,](http://www.legislation.gov.uk/ukpga/1989/41/section/17ZH) [Section 17ZI](http://www.legislation.gov.uk/ukpga/1989/41/section/17ZI)

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| Power, when providing child in need services for a child who has an EHC plan, and the child reaches the age of 18, to continue to provide those services for as long as the EHC plan is maintained | S17ZG |
| Duty to continue to provide child in need services until an assessment for adult services is complete and any services to be provided are in place. | S17ZH, S17ZI |

**Parent Carers**

Children Act 1989 [Section 17ZD,](http://www.legislation.gov.uk/ukpga/1989/41/section/17ZD) [Section 17ZE,](http://www.legislation.gov.uk/ukpga/1989/41/section/17ZE) [Section 17ZF](http://www.legislation.gov.uk/ukpga/1989/41/section/17ZF)

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| Definition of parent carer | S17ZD(2), S17E(2) |
| Duty to assess a parent carer’s support needs | S17ZD(1),(3),(4)  (6),(7) |
| Issues that must be considered in a parent carer’s needs | S17ZD(9),(10) |
| Persons who must be involved in a parents carer’s needs assessment | S17ZD(12) |
| Duty to give a written record of the assessment to the parent carer | S17ZD(13) |
| Duty to consider the assessment and decide whether to provide services in relation to the parent carer or the disabled child | S17ZF |

**Reference Points;**

[West Sussex Children's Services Procedure Manual Regulatory Framework Section](http://www.minimumstandards.org/regulations.html)