

Dorset Multi-Agency Protocol for working with disabled parents.

1. Purpose of this protocol

- 1.1 The purpose of this protocol is to ensure that all professionals working with children, young people, and families in Dorset work with disabled parents in a manner that is strengths-based and non-discriminatory and that always promotes the wellbeing of their children.
- 1.2 This protocol was written following a recommendation of a Local Child Safeguarding Practice Review published in August 2022.

2. Scope

- 2.1 This protocol applies to the work with disabled parents by Dorset Children's Services social care officers. Under the Equality Act 2010 a person is disabled if they have:

'a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities.

'substantial' is more than minor or trivial, e.g., it takes much longer than it usually would to complete a daily task like getting dressed

'long-term' means 12 months or more, e.g., a breathing condition that develops as a result of a lung infection¹

A person may also be disabled if they have a recurring or fluctuating condition.²

- 2.3 This protocol does not cover work with parents who have learning disabilities, as there is separate guidance for this in the [Multi-Agency Protocol for Parents who have a Learning Disability](#). Where a parent is both disabled and has a learning disability, both protocols should be referred to in work with them.

3. Approaches and outcomes.

- 3.1 Dorset Council officers will demonstrate an inclusive and non-discriminatory approach in all their work with disabled parents.
- 3.2 Where a family has one parent who is disabled and one who is not, Dorset Council officers will give equal attention, consideration and respect to the experiences, strengths and needs of the disabled parent.

¹ [Definition of disability under the Equality Act 2010 - GOV.UK \(www.gov.uk\)](#), viewed November 2022

² For further information, see [Equality Act 2010: how it might affect you - GOV.UK \(www.gov.uk\)](#)

- 3.3 The work of Dorset Council officers will be person-centred and strengths-based; that is, it will seek to help parents to identify and build on the resources and networks that can sustain and strengthen family life.
- 3.4 Dorset Council will ensure that disabled parents have the information they need to represent their needs and those of their children effectively at all times.
- 4. Accessibility, communication, and transparency**
- 4.1 Dorset Children's Services will ensure that its services, resources and communications are as accessible as possible to disabled parents. Its officers will ask parents about their access requirements at the start of any engagement and will seek to agree with each parent a plan for meeting these requirements.
- 4.2 Dorset Children's Services officers will ask disabled parents for their consent to view any relevant assessments and to speak to any health or care professional with knowledge of the parent in order to understand their strengths and needs more fully. This consent will only be overridden where the duty to prevent harm to a child requires it.
- 4.3 Parents can only engage effectively with Children's Services where they receive comprehensive and timely information. Where parents are invited to attend meetings about their own needs and support, or the needs of their children, they will always be given at least 5 working days' notice of such meetings (save where the meeting has been called on an exceptional and emergency basis).
- 4.4 Where parents are invited to meetings about their children that will include reports from agencies, these reports will be made available to parents, in an accessible format, at least 5 working days before the meeting (save where the meeting has been called on an exceptional and emergency basis).
- 4.5 Parents have a right to access information about them and their children held by Dorset Children's Services by making a **Subject Access Request**, except where:
- Sharing this information with them might bring a risk of significant harm to a child or adult at risk, or
 - Where the person or agency that provided the information has asked that it remain confidential
- 4.6 For more information about Subject Access Requests, see the [Dorset Council website](#).

5. The legal framework

- 5.1 The following legislation and statutory guidance should be followed in working with disabled parents, and has been consulted in the development of this document:

The Human Rights Act 1998

Article 8 sets out the right to respect for private and family life.

The Equality Act 2010

It is against the law to discriminate against a person on the basis of a 'protected characteristic.' Disability is a protected characteristic. The act also creates the public sector equality duty, which requires local authorities to have due regard to the need to achieve the following objectives:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Care Act 2014

Local authorities have a duty to assess the need for support where it appears an adult may have social care needs that affect their wellbeing. Wellbeing is affected where the adult's impairments mean they cannot achieve two or more life outcomes without assistance; one of the outcomes is 'Carrying out any caring responsibilities the adult has for a child.'

Eligibility for local authority-funded services under the Care Act is established through the assessment process:

The purpose of an assessment is to identify the person's needs and how these impact on their wellbeing, and the outcomes that the person wishes to achieve in their day-to-day life. The assessment will support the determination of whether needs are eligible for care and support from the local authority and understanding how the provision of care and support may assist the adult in achieving their desired outcomes. An assessment must be person-centred, involving the individual and any carer that the adult has, or any other person they might want involved.³

The assessment focuses on three key criteria:

³ [Care and support statutory guidance - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

In considering whether an adult with care and support needs has eligible needs, local authorities must consider whether:

- the adult's needs arise from or are related to a physical or mental impairment or illness
- as a result of the adult's needs the adult is unable to achieve 2 or more of the specified outcomes (which are described in the guidance below)
- as a consequence of being unable to achieve these outcomes there is, or there is likely to be, a significant impact on the adult's wellbeing

An adult's needs are only eligible where they meet all 3 of these conditions.

The act gives some people a right to advocacy support during assessment and care and support planning.

Carers have a similar right to an assessment, and to services that meet their assessed needs. The act recognises that some children are carers for their parent(s) and sets out how young carers' needs should be assessed and met.

Children and Families Act 2014

The act aims to make it easier for parents of children with special educational needs and disabilities (SEND) to find out about and get the support they need. It also aims to make it easier to find a childminder.

The Children Act 1989

This Act forms the basis of all modern children's legislation. It is founded on the principle that the interests of the child are always paramount.

Working Together to Safeguard Children 2018

This statutory guidance from the Department for Education sets out how local authorities and their safeguarding partners must work together to safeguard and protect children and young people.

The Care Planning, Placement and Case Review (England) Regulations 2010

These regulations cover local authorities' responsibilities for children in their care.

6. Support for disabled parents

- 6.1 Disabled parents who need care or support and who believe they are eligible for help from Dorset Council should contact Dorset Council Adult Access Team in the first instance:

Phone 01305 221016

Adult Access Team contact form [Contact Us AAT - Dorset Council self-service portal \(achieveservice.com\)](#)

- 6.2 Your GP or other health worker may be able to make a referral on your behalf; they will need your consent to do this.

7. **Assessing the need for assistance**

Adult Social Care and Children's Social Care are separate directorates of Dorset Council. To save parents having to tell their story twice, wherever it appears that children as well as their parents may have needs for support, Dorset Council will undertake joint assessments. Where the children have no currently established support needs, or are receiving Early Help, these joint assessments will be co-ordinated by Adult Services. Where the children are known to Dorset Council as Children in Need, or are subject to a Child Protection Plan, the joint assessment will be co-ordinated by Children's Services.

8. **Advocacy**

- 8.1 Independent advocacy helps people to express their needs, wishes and views and to make sure that these are taken seriously.
- 8.2 As set out at S5, some disabled people are eligible for advocacy support under the Care Act; this applies where they have 'substantial difficulty' engaging with the local authority on account of their impairment and have no family or friends who can help them to engage effectively.
- 8.3 In addition, where a disabled person is eligible for services funded by Dorset Council, they may also be eligible for advocacy support. Contact the local advocacy provider, Dorset Advocacy, to find out more.
- 8.4 Where Dorset Council is considering taking a child into its care (this is termed 'Pre-Proceedings') advocacy may be available, irrespective of whether their parent(s) are eligible for council-funded services.
- 8.5 Where Dorset Council has started court proceedings to take a child into its care, the child's parents will be offered support by the Court Intermediary Service.

9. **Where parents are eligible under the Care Act**

Where a disabled parent is found eligible for support paid for by the local authority following their Care Act assessment, Adult Social Care and, where relevant, Children's Social Care officers will help them to create a support plan that meets their needs. This can include help with caring for their children.

10. **Personal Budgets**

Once the parent has completed their support plan, they have several options:

- i) They can ask the local authority to find the support services they need using their Personal Budget; this is the amount that the authority commits to paying for their services.
- ii) They can choose how their Personal Budget is spent, so long as it is used to meet the goals of their support plan.
- iii) They can ask to be given the money from their Personal Budget, so that they can manage how it is spent; this is a Direct Payment, and it too must be spent on meeting the goals of their support plan.

11. Where parents are not eligible under the Care Act

11.1 Where a parent is found not to be eligible for local-authority funded support under the Care Act, they remain entitled to free information and advice provided by the local authority. The Care Act guidance states:

‘The local authority must ensure that information and advice services established cover more than just basic information about care and support and cover the wide range of care and support related areas set out in para. 3.22. The service should also address, prevention of care and support needs, finances, health, housing, employment, what to do in cases of abuse or neglect of an adult and other areas where required. In fulfilling this duty, local authorities should consider the people they are communicating with on a case-by-case basis and seek to actively encourage them towards the types of information and/or advice that may be particularly relevant to them.’⁴

11.2 Those who are not eligible for support under the Care Act remain eligible for free medical treatment and assistance from the NHS. Those with very high health needs may qualify for NHS Continuing Healthcare funding (CHC); this means that the NHS pays for all of the person’s care and support needs. Parents who would like to check their eligibility should contact NHS Dorset.

11.3 Parents who have been in hospital for treatment of their mental ill-health under one of the main sections of the Mental Health Act are likely to qualify for free s117 Aftercare.

12. Where children have additional needs

Where a child in the family is assessed as being disabled, Dorset Council must record them as a Child in Need and offer suitable services to them and their parent(s). This will include working with the parent(s) to ensure that the child has excellent educational opportunities.

⁴ [Care and support statutory guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60422/care-act-guidance.pdf), Section 3.5

13. Young Carers

Where it appears that one or more children in the household has a carer role, the officer leading the assessment process will ensure that they are assessed under Dorset Council’s Guidance for Assessing Young Carers, and that any services indicated by the assessment are provided.

Version:	1
Document owner:	Pan-Dorset Safeguarding Children Partnership Business Manager
Date agreed by Dorset Policy and Procedure Group:	14 March 2023
Date agreed by Dorset Multi-Agency Policy and procedure group:	10 May 2023
Date for review:	June 2024