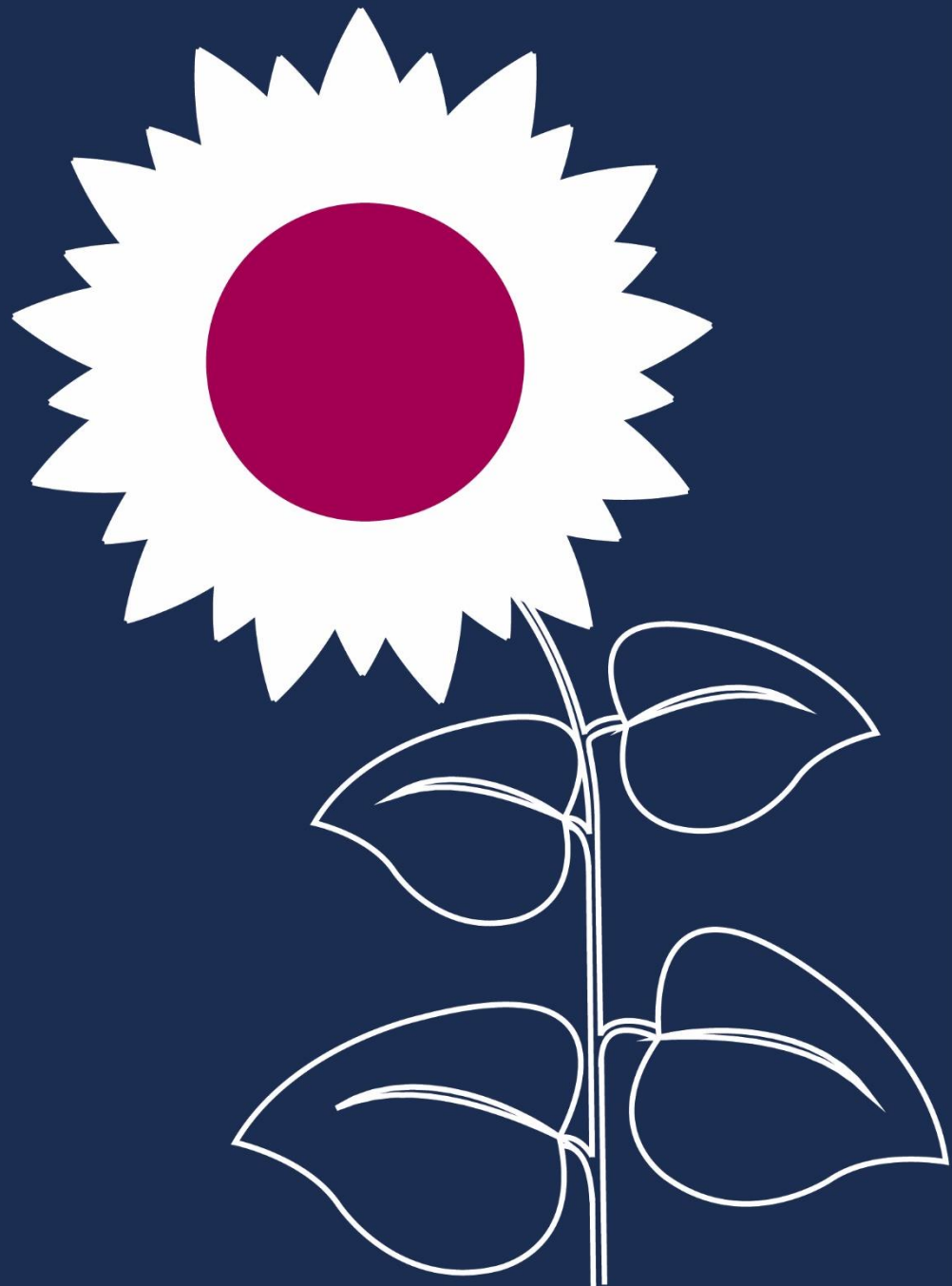


Children with Disability and Family Policy Statement

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1 Legal Framework

1.1 The rights of all children and their families are enshrined in key pieces of legislation, in particular:

- The **UN convention on the Rights of the Child** that recognises the rights of all children to protection, provision and participation.
- The **Human Rights Act (1998)** that recognises the right to privacy and family life, and protection from inhumane and degrading treatment.

1.2 These form a foundation for other legislation that promotes the interests of children and families such as:

- The **Children Act 1989** that required local authorities to identify children in need, support families in caring for children and to develop services around the centrality of a child's best interests
- The **Children Act 2004** that established arrangements to promote better outcomes for all children in the areas of physical/mental health and emotional wellbeing; protection from harm and neglect; education, training and recreation; children and young people's contribution to society and social and economic wellbeing.
- The **Children and Families Act 2014** has transformed the way children and young people with special educational needs are supported collaboratively by a local authority and its partners. Effective collaboration between education, health and social care services is required – including Early Help and Adult Social Care - to provide high quality services and support for children and young people with SEN or disabilities so they can achieve their ambitions, experience the best possible educational and other outcomes, including transition to adulthood, getting a job and living as independently as possible.

1.3 Other legislation and regulations apply specifically to people/children with a learning difficulty and/or a disability (LDD) and their carers:

- The **Disability Discrimination Act 1995** makes it unlawful to discriminate against disabled people in connection with employment, the provision of goods and services and buying or renting land or property.
- The **Carers and Disabled Children Act (2000)** gives local councils the power to supply services for carers, including parents of disabled children, which will support them in their caring roles. The Act gives parents of disabled children the right to ask for an assessment as carers, which would be undertaken while assessing the child's needs. In addition, the Act gives local councils the power to make direct payments to carers to meet their own assessed needs, and also direct payments to parents of disabled children to purchase services to meet the assessed needs of the disabled child and family.

- The **Special Educational Needs and Disability Act 2001** (SENDA) extended the coverage of the Disability Discrimination Act to education. The legislation requires that all higher education institutions do not discriminate against disabled students and prospective students.
- The **Disability Discrimination Act 1995 (Amendment) Regulations 2003** that updated and amended the 1995 Act
- The **National Service Framework for Children, Young People and Maternity Services 2004** establishes clear standards for promoting the health and well-being of children and young people and for providing high quality services that meet their needs. There are eleven standards and **Standard 8** relates to Disabled Children and Young People and those with Complex Health needs.

The main themes of this standard are:

- ❖ Services promote social inclusion for disabled children and young people, to enable them to participate in childhood, family and community activities.
 - ❖ Disabled children and young people have increased access to hospital and primary health care services, therapy and equipment services and social services.
 - ❖ Services are coordinated around the needs of the child and family.
 - ❖ Services provide early identification of health conditions, impairments and any social and physical barriers to inclusion, through integrated diagnosis and assessment processes.
 - ❖ There is better early intervention and support to parents of disabled children through the development of multi-agency packages of care, including the use of direct payments and employment of 'key workers'.
 - ❖ Palliative care is available for those who need it. A range of flexible, sensitive services is available to support families in the event of the death of a child.
 - ❖ Services have robust systems to safeguard disabled children and young people, who are more likely to be vulnerable to abuse than non-disabled children.
 - ❖ Multi-agency transition planning takes place to improve support for disabled young people entering adulthood.
- The **Carers (Equal Opportunities) Act 2004** that gives carers new rights to information, places a duty on local authorities to inform carers of their right to a carers assessment and to take into account their work, education and leisure commitments in completing the assessment and gives local authorities new powers to gain the help of housing, health, education and other local authorities in providing support to carers.
 - The **Disability Discrimination Act 2005** that further amended the 1995 Disability Discrimination Act to create a new duty to promote disability equality for the public sector. This included duties to promote positive attitudes towards disabled people, tackle all forms of harassment and bullying, promote participation in public life and ensured that discrimination law covered all the activities of public authorities.

- 1.4 Although affected by this range of legislation the key legislation for promoting the wellbeing of children with disabilities is the Children Act legislation that is applicable to all children. Local authorities are required to safeguard and promote the welfare of children in need in their area and promote their upbringing by their families by providing a range and level of services appropriate to the children's needs. Children who are disabled, or affected by disability, are included in the statutory definition of children in need.

A child shall be taken to be in need if:

- a) He is unlikely to achieve or maintain or to have the opportunity of achieving or maintaining a reasonable standard of health or development without the provision for him of services by a local authority
- b) His health and development is likely to be significantly impaired or further impaired, without the provision for him of such services, or
- c) He is disabled

Section 17(10) Children Act 1989

PRACTICE GUIDANCE

Work with children with disabilities in the context of the Children Act should be based on the following principles:

- The welfare of the child should be safeguarded and promoted by those providing services.
- A primary aim should be to promote access for all children to the same range of services.
- Children with disabilities are children first.
- Recognition of the importance of parents and families in children's lives.
- Partnership between parents and local authorities and other agencies.
- The views of children and parents should be sought and taken into account.

Children Act Guidance and Regulations Volume 6, 1.6

- 1.5 The policy and procedures set out in Stoke-on-Trent's **Child in Need Procedures** should therefore be followed in all work concerning a child with a disability.
- 1.6 Where safeguarding concerns arise, the Safeguarding Children Board's procedures should be followed.

2 Principles and Values

- 2.1 Stoke-on-Trent's vision for children and young people as set out in the Children, Young People and Families Plan is for them to be:

- Happy, safe and healthy
 - Inspired and enabled to succeed in all aspects of their life
- 2.2 This vision includes children with disabilities. In addition, services for children with disabilities aspire to achieve the following:
- Every child with a disability in Stoke-on-Trent is supported and encouraged to fully participate in all aspects of their community alongside their peers.
 - Specialist, preventative and universal services are delivered in a co-ordinated, multi agency and multi-disciplinary way to ensure timely access to the appropriate service.
- 2.3 The aspirations of children with disabilities and their families are no different to anybody else's. Parents want to see their children growing up safe, happy, healthy, well-educated and equipped to take their place as adults in the community. Children hope to have access to play services, to live in a safe home and environment, to have a good job when they leave school, good friends, somewhere safe and decent to live, and perhaps a family.
- 2.4 The needs of children with disabilities and their families include the same needs experienced by any other families. In Stoke-on-Trent, however, there are likely to be additional needs for the child and/or their family because of their disability.
- 2.5 Services for children with disabilities must be designed to minimise the adverse effect of disability on the child and enable them to lead, as far as possible, normal lives. Children who are affected by disability should have access to local community-based resources for non-disabled children provided by social work, health and education services, as well as specialist services to meet their needs. Wherever possible they should be supported in mainstream nurseries and schools, use generic health services for child surveillance, screening and health promotion and have access to the same range of services as non-disabled children. In addition, services should be provided that respond to the assessed additional needs experienced by children and/or their families, in order to assist them in achieving their aspirations.

The aims for service provision should be:

To support the child in all aspects of their development including:

- Providing health care. Factors contributing to disability may be evolving and review of secondary impairment in areas such as feeding and sleeping may be needed
- Providing educational and therapeutic input needed to maximise social and cognitive development
- Providing support to the family needed to maximise emotional development
- Providing support which respects the cultural and religious views of the family
- Helping to tackle the disabling social and physical factors which are inhibiting the child's access to a good quality of life

To provide families with support including:

- information they need to understand their child's situation, make informed choices and to access sources of help
- Emotional and practical support to enable them to adjust to their situation and provide the support their child will need
- Advice on practical ways in which they can maximise their child's development
- Access to childcare and other appropriate community services
- Opportunities for the family to lead an active and "ordinary" life

Together From the Start DfES May 2003

- 2.6 Services for children with disabilities and their families will support children within their own families and communities; respond to their individual needs recognising the diversity of both families and communities; work in partnership listening to the views of both children and parents/carers and promote the achievement of good outcomes for children with disabilities in health, education, positive contribution and economic wellbeing whilst ensuring safe care both at home and within the community.

PRACTICE GUIDANCE

- The needs of most children will be met within a family setting. This should be reflected in an integrated response to child and family need, which is sensitive to differing family cultures and religions. Early intervention should include support for the child, support for the parents and support for the parent-child relationship.
- Disabled children and their families should be treated fairly and with respect for their particular lifestyles. Services, supported by policies and procedures, should positively attempt to meet needs and preferences with respect to race, religion, language, culture, gender and disability.

2.7 We will deliver services that are characterised by:

- **Flexibility** – Services will put the needs of the child at the centre of service delivery.
- **Choice** – where possible we will have a range of different services available with elements of choice for children and families
- **Accessibility** – while some services provided by statutory agencies will be subject to assessment and threshold criteria, other services in the community will provide open access to children and families. Whether services are universal or subject to assessment the process for accessing them should be simple, clear and avoid duplication.
- **Transparency** - where access to services is subject to assessment, these processes will be fair and transparent with the child and family participating fully and having access to all information recorded about them.
- **Multi-Agency** – Social Services, Education, Health, the voluntary sector and other agencies will work in partnership, together with parents to improve outcomes for disabled children with complex needs.
- **Inclusion** - Disabled children have the right to be included and to access services and activities within their local communities. The inclusion of every child in the mainstream early years setting or school of parental choice should be promoted.
- **Participation** – services will promote participation of young people within their communities
- **Valuing** – services will promote self-esteem and self-reliance, and value children and their families
- **Holistic** – the provision of services will not focus exclusively on needs arising from disability, but will respond to other needs of children and their families
- **Outcome Focussed** – services will focus on improving outcomes and will be able to evidence improvements.

- 2.8 In addition the Children with Disabilities Team will:
- Ensure that children are properly protected and provided for, wherever possible within the context of their family
 - Make the views of children and parents a central part of professional assessment in determining the best interests of the child
 - Take full account of the individual needs of the child and any factors that may serve to hinder access to equal opportunity.
 - Support children to enable them to live with their own families including by providing short breaks. Where children cannot be cared for by their own family we will seek to find an alternative family.
 - Promote the best interests of children throughout their childhood and into adulthood.
 - Support children and their family in accessing advocacy/ complaints procedures.
- 2.9 The standards which are applied to work with children with disabilities can be found in the [Children's Social Care Practice Standards](#).

3 Integrated Working

- 3.1 The Children with Disabilities Team within Early Intervention and Children's Social Care, Children and Families Services provides specialised assessment and support for children with disabilities and their families. This group of children with complex needs are a fairly stable group who often require ongoing support throughout their childhood.
- 3.2 This service is provided in close working relationships with other agencies and teams providing services to children with disabilities with the aim of establishing more integrated services for children with complex needs. A lead professional will be appointed to co-ordinate provision of services and to lead ongoing planning and review meetings. The development of integrated working is the subject of current development work within CFS.
- 3.3 New requirement for LAs, health and care services to commission services jointly for SEN and disability;
- 3.4 LAs to publish a clear, transparent 'local offer' of services;
- 3.5 More streamlined assessment process, co-ordinated across education, health and care;
- 3.6 New 0-25 Education, Health and Care Plans for those with more complex needs;

- 3.7 New statutory protections for young people aged 16-25 in FE
- 3.8 A new duty on health commissioners to deliver the agreed health elements of EHC plans;
- 3.9 The option of a personal budget for families and young people with an EHC plan.

4 Threshold Criteria

- 4.1 CFS's Children with Disabilities Team provides services at Level 4 of Stoke-on-Trent Children's Social Care Threshold Criteria for children with more complex needs related to disability and substantial impairment:

Rigid criteria are not appropriate. However, to receive services, some or all of these factors would be present:

- **Family breakdown**, either imminent or likely in the future, which is due to the additional stresses caused by bringing up a child with a disability, which would be eased by the provision of a service.
- **Challenging behaviour** from a child with a disability beyond that which it would be reasonable to expect from a young person of that age.
- **Complex medical needs** requiring a significant level of care beyond that which it would be reasonable to expect when looking after a young person of that age.
- **Single carer**, particularly if there are other children in the household.
- **Poverty**, poor or inadequate housing and/or neighbourhood difficulties.
- **No** or a limited **extended family network**.
- **Social exclusion** because young person's ability to have a new experience and/or to have acquaintances outside the professional arena is limited.
- Opportunities for a young person to gain skills and experience to **support independence** appropriate to their ability are not available.
- **Discrimination** due to disability

5 The Disabled Child

- 5.1 Children with disabilities and their families should be involved at all stages of the assessment, planning and review process.
- 5.2 Additional support will be provided, as needed, using a variety of formats and methods of communication to ensure these children with complex needs participate fully in their planning and review meetings.

- 5.3 Children with disabilities are first of all children. They have the same rights as non-disabled children and their needs include the same needs experienced by all children. The focus of the Children with Disability Team involvement will be on the whole child and the uniqueness of each child rather than just their disability.
- 5.4 Disabled children will be treated fairly and with respect for their particular lifestyle. The Children with Disability Team will always attempt to meet needs and preferences with respect to race, religion, language, culture, gender, sexuality and disability.
- 5.5 Support will be provided to children with disabilities to access advocacy and complaints procedures.
- 5.6 Children with disabilities will also be fully supported to participate in CFS planning and service development processes.

6 Carers

- 6.1 Assessments of children with learning difficulties and/or disabilities will also entail an assessment of carer's needs . Ref: **Carers (Equal Opportunities) Act 2004/ Section 2 Carers & Disabled Children's Act 2000;**
- 6.2 All carers will be provided with information about their right to a carer's assessment and will be offered a separate assessment of their needs.
- 6.3 Assessments will take account of the carer's existing work, education and leisure commitments as well as any new commitments they may wish to take up.
- 6.4 CFS will work closely with partners in housing and health to access the support for carers indicated by their assessment.
- 6.5 The Children with Disabilities Team will work in partnership with carers to provide the best possible care for their children. Parents will be enabled to access information about disability services for their children and the provision of services will seek to support rather than undermine the parent's responsibility for their child.
- 6.6 Where the views/interests of the child do not coincide with those of his/her parents or carers, the Children with Disabilities Team will ensure that parents/carers are listened to and understood before making any decisions about the welfare of the child and/or the provision of services. However, the welfare of the child will always be the paramount concern and this will include ensuring that children are adequately protected.

7 Transition

- 7.1 The Stoke-on-Trent Multi Agency Transition Strategy for Young People with Complex Needs sets out the actions that all agencies will take to ensure that young people with complex needs and their families experience a positive transition into adulthood and into adult services. The strategy sets out the structure for delivering the service that ensures that this significant and important phase of life for young people with complex needs is supported at the highest political and management levels.
- 7.2 The Strategy sets out the process that should be followed by all agencies and professionals and focuses particularly on the period in a disabled young person's life when they are moving between children's and adults services and/or establishing their independence for adulthood
- 7.3 The focus of the Strategy is to achieve positive outcomes for young people with disabilities and complex needs in all areas but particularly in education, training and leisure, making a positive contribution to society, and social and economic wellbeing.
- 7.4 Central to achieving these positive outcomes is the need to ensure that young people are fully involved and participate in the planning process and are supported to have as much choice and control over their lives as possible.