



SURREY
COUNTY COUNCIL

Children with Disabilities Occupational Therapy Service Eligibility Criteria for Assessment.



Version: FINAL v5

Approved by: Jenny Brickell

Date: 9.10.24

About this document

Title:	Children with Disabilities Occupational Therapy Eligibility Criteria for Assessment.
Purpose:	To provide a clear, accessible set of criteria to determine eligibility for an assessment by the CwD Occupational Therapy Service.
Updated by:	Abigail Lewis & Keir Fuller, CwD OT Team Managers.
Approved by:	Jenny Brickell, CwD Assistant Director.
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Version Control

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Date issued:	Version:	Summary of changes:	Created by:
22.12.21	Draft V2	Incorrectly applied definition of disability and test of substantial level of disability identified by external barrister.	Children with Disabilities Occupational Therapy Service.
02.08.22	Draft V3	Updated definition of disability and test of substantial level of disability.	Children with Disabilities Occupational Therapy Service.
4.10.23	Final V4	Approved by external barrister, CwD OT Service Manager Laura Hoyles, and CwD AD, Jenny Brickell.	Children with Disabilities Occupational Therapy Service.
8.10.24	Final V5	Reviewed version V4 and found some minor changes required, so updated to V5.	Children with Disabilities Occupational Therapy Service.

Intended Audience

This document has been issued to the following people for Review (R) Information (I) and Review and Sign off (S). The Child in Need procedure is mandatory and must be shared with all staff and partners working with Children in Need and their families.

Name	Position	S/R/I
Matt Ansell	Director	R
JB	Assistant Director	S
LH	Service Manager	R
All Staff	Team Managers, Children's Occupational Therapists.	

Introduction

The role of the Children with Disabilities (CwD) Social Care Occupational Therapist (OT) is to undertake occupational therapy assessments, identify the needs of children/young people with a variety of disabilities, then address these needs.

The aim of the service is to offer solutions that minimise the effects of a child/young person's disability, promote their independence wherever possible and reduce the risks associated with their care. This may include:

- Providing advice and demonstrating alternative ways of undertaking activities.
- Assessment for equipment for use at home.
- Assessment for adaptation to family homes.
- Moving and handling assessment.
- Signposting to other statutory services such as, but not limited to, GPs, Schools, and NHS service providers.

Who can refer?

Before a referral to the CwD OT Service is sent, it must have (written or verbally) expressed parental consent provided by at least one person with parental responsibility for the child.

If a child is not known to the CwD Social Work Team, then new referrals to the CwD OT Service must be made via the Children's Single Point of Access (CSPA) and can be made by the person with parental responsibility for the child. If the person with parental responsibility has provided their consent for the referral to be made, then the CwD OT Service can also accept referrals from carers, statutory service professionals, charitable organisations, and any other person involved with providing support to the child.

[Contact Children's Services - Surrey County Council \(surreycc.gov.uk\)](http://surreycc.gov.uk)

OR

<https://www.surreycc.gov.uk/social-care-and-health/childrens-social-care/contact-childrens-services#spa>

If the child is already known to the CwD Social Work Team, new referrals should be requested to the allocated Social Worker/Family Support Worker in the first instance. The allocated worker must then arrange for the referral to be processed to the CwD OT Service directly.

The CwD OT Service aims to review all new referrals within fourteen working days to determine eligibility criteria (see below) If a referral has been made and no response has been received since making it, then the best way to follow this up is to contact the CwD OT Service via the duty email address:

cwdot.duty@surreycc.gov.uk

Who is eligible for an assessment from the Children with Disabilities Occupational Therapy Service?

The Children Act 1989, Sch. 2 para. 1 says that “[e]very local authority shall take reasonable steps to identify the extent to which there are children in need within their area”, from which a duty on social service authorities to assess the needs of disabled children and their families can be inferred.

It is the responsibility of the person(s) with parental responsibility to provide care for their child(ren) However, some children may have needs that cannot be met by the person(s) with parental responsibility, even with support from extended family and/or community resources. The CwD OT Service provides a specialist service to children who are defined as children in need through their disabilities, as outlined below. The presenting need for involvement from the CwD OT Service is the child’s disability. The CwD OT Service considers the definitions of “disability” in both of the following two Acts when determining whether a child is disabled.

Children Act 1989

Section 17(1) of the Children Act 1989 places a general duty on Local Authorities to provide services to safeguard and promote the welfare of children within their area who are in need. The definition of a “child in need” under the Children Act 1989 includes children who are disabled. The act defines “disabled” as follows:

“For the purposes of this Part, a child is disabled if he is blind, deaf or dumb or suffers from mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity or such other disability as may be prescribed; and in this part ‘development’ means physical, intellectual, emotional, social or behavioural development; and ‘health’ means physical or mental health.”

Surrey County Council recognises the breadth of this definition and, in particular, that children suffering from the identified sensory or speech impairments or mental disorders of any kind, no matter how substantial or long-term, are considered disabled under the Children Act 1989.

Equality Act 2010

The Act defines a disabled person as a person with a disability. A person has a disability for the purposes of the Act if he or she has a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities (S6(1)).

This means that, in general:

- the person must have an impairment that is either physical or mental.
- the impairment must have adverse effects which are substantial.
- the substantial adverse effects must be long-term.
- the long-term substantial adverse effects must be effects on normal day-to-day activities.

The “long-term” element means “likely to last for the rest of the person’s life, or has lasted at least 12 months, or the total period for which it lasts is likely to be at least 12 months.”

Application of the legislation to CwD OT Service referrals.

To ensure Surrey County Council meets its duties, the CwD OT Service will consider whether it is necessary to assist children who are defined as disabled under the Children Act 1989 or the Equality Act 2010, rather than children who are defined as disabled under both. This is particularly important for children who have not yet, or have never, been given a confirmed diagnosis by a health professional qualified to diagnose medical conditions.

“Substantial”

The Children Act 1989 defines children who are blind, deaf, non-verbal or who suffer from a mental disorder of any kind as disabled. Both Acts include the element of “substantial” within their definitions of disability in relation to all other conditions. If a child is blind, deaf or non-verbal, or suffers from a mental disorder, then they will automatically be considered disabled. In all other cases, to ensure that children referred to the CwD OT Service meet the “substantial” element of the eligibility criteria for OT assessment, the following list of indicators will be applied once the referral has been received by the CwD OT Service duty OT and duty OT manager.

This will be used as an illustrative and non-exhaustive list of factors which, if they are experienced by a child, it **would** have a substantial adverse effect on normal day-to-day activities. The CwD OT Service accepts there may be other indicators in addition to this list that would also indicate a substantial effect on normal day-to-day activities.

The CwD OT Service also accepts that normal day-to-day activities include activities that are required to maintain personal well-being or to ensure personal safety, or the safety of other people. Account will be taken by the CwD duty OT and duty OT manager at the point of referral of whether the effects of an impairment has an impact on whether the child is inclined to carry out or neglect basic functions such as eating, drinking, sleeping, keeping warm or personal hygiene; or to exhibit behaviour which puts the person or other people at risk.

In the following examples, the effect described should be thought of as if it were the only effect of the child's condition/presentation:

- difficulty in getting dressed
- difficulty carrying out activities associated with toileting, or caused by frequent minor incontinence
- difficulty preparing a meal
- difficulty eating
- difficulty going out of doors unaccompanied
- difficulty waiting or queuing
- difficulty using transport
- difficulty in going up or down steps, stairs or gradients
- a total inability to walk, or an ability to walk only a short distance without difficulty
- difficulty entering or staying in environments encountered in day-to-day life
- behaviour which challenges people around the person, making it difficult for the person to be accepted in public places
- persistent difficulty crossing a road safely
- difficulty accessing and moving around buildings
- difficulty operating a computer
- difficulty picking up and carrying objects of moderate weight, such as a bag of shopping or a small piece of luggage, with one hand
- inability to converse, or give instructions orally, in the person's native spoken language
- difficulty understanding or following simple verbal instructions
- difficulty hearing and understanding another person speaking clearly over the voice telephone (where the telephone is not affected by bad reception)
- persistent and significant difficulty in reading or understanding written material where this is in the person's native written language, (except where that is due to a visual impairment corrected by glasses or contact lenses)
- intermittent loss of consciousness

Alternatively, the CwD OT Service duty OT will use the following as an illustrative and non-exhaustive list of factors which, if they are experienced by a child, **would not have** a substantial adverse effect on their normal day-to-day activities.

Whether a child satisfies the definition of a disabled person for the purposes of the Acts will depend upon the full circumstances of the case. That includes, whether the substantial adverse effect of the impairment on normal day-to-day activities is long-term:

- inability to move heavy objects without assistance or a mechanical aid, such as moving a large suitcase or heavy piece of furniture without a trolley

- experiencing some discomfort as a result of travelling, for example by car or plane, for a journey lasting more than two hours
- experiencing some tiredness or minor discomfort as a result of walking unaided for a distance of about 1.5 kilometres or one mile
- minor problems with writing or spelling
- inability to reach typing speeds standardised for secretarial work
- inability to read very small or indistinct print without the aid of a magnifying glass
- inability to fill in a long, detailed, technical document, which is in the person's native language, without assistance
- inability to speak in front of an audience simply as a result of nervousness
- some shyness and timidity
- inability to articulate certain sounds due to a lisp
- inability to be understood because of having a strong accent
- inability to converse orally in a language which is not the speaker's native spoken language
- inability to hold a conversation in a very noisy place, such as a factory floor, a pop concert, sporting event or alongside a busy main road
- inability to sing in tune
- inability to distinguish a known person across a substantial distance (for example, across the width of a football pitch)
- occasionally forgetting the name of a familiar person, such as a colleague
- inability to concentrate on a task requiring application over several hours
- occasional apprehension about significant heights
- a person consciously taking a higher-than-normal risk on their own initiative, such as persistently crossing a road when the signals are adverse, or driving fast on highways for own pleasure
- simple inability to distinguish between red and green, which is not accompanied by any other effect such as blurring of vision
- infrequent minor incontinence
- inability to undertake activities requiring delicate hand movements, such as threading a small needle or picking up a pin

<https://www.gov.uk/government/publications/equality-act-guidance/disability-equality-act-2010-guidance-on-matters-to-be-taken-into-account-in-determining-questions-relating-to-the-definition-of-disability-html>

Surrey County Council recognises that some of the above factors may arise from blindness, deafness, a mental disorder or the child being non-verbal, and that a child who suffers from those conditions will automatically be considered as disabled under the Children Act 1989.

A child must be regarded as disabled under the Children Act 1989 **or** the Equality Act 2010 to receive an assessment from the CwD OT Service after the above points have been considered in the first instance by the CwD duty OT and duty OT manager. For this policy, Surrey County Council considers a child/young person to be aged between 0 and 18 years.

The examples of what it would, and what it would not, be reasonable to regard as substantial adverse effects on normal day-to-day activities are indicators and not tests. They do not mean that if a child can do an activity listed then he or she does not experience any substantial adverse effects: the person may be affected in relation to other activities, and this instead may indicate a substantial effect. Alternatively, the person may be affected in a minor way in several different activities, and

the cumulative effect could amount to a substantial adverse effect. For example, these needs could be around safety within the home and/or risk of family breakdown.

Eligibility for an assessment by the CwD OT Service

To be eligible for an assessment by the CwD OT Service, the child/young person being referred must:

- have their presentation or diagnosis/es be confirmed as blindness, deafness, being non-verbal or a mental disorder

or

- have their presentation or diagnosis/es be confirmed as another long-term condition or be in the process of being assessed for a diagnosis by a health professional qualified to make medical diagnosis/es **and** experience at least one of the substantial factors listed above, or some other identified factor which indicates a substantial effect on normal day-to-day activities.

The discussion between the referrer and the CwD duty OT at the point of referral will enable the CwD OT Service to make an informed decision on whether the child meets criteria for OT assessment at that time. This may involve the duty OT asking for more information from the referrer, as required, to assist with the decision-making process. Referrals must identify the unmet need as clearly as possible. If no clearly identified needs are referred in the first instance, then the discussion with the duty OT will seek to confirm any. If none can be confirmed, then the CwD OT Service may consider declining the referral. As an example, the needs could be around safety within the home and/or risk of family breakdown if the child is not provided services through OT intervention following OT assessment.

If the child being referred to CwD OT Service is open to CwD Social Worker/Family Support Worker, then they would meet the eligibility criteria for the Occupational Therapy Service by default.

Adopted and Special Guardianship Order (SGO) children

If referred for CwD OT input, these children would be subject to the same eligibility criteria.

Fostering placements

If another Local Authority/County Council/London Borough has permanently placed a child with foster carers living in Surrey, the assessment and provision of equipment and adaptations will remain the responsibility of the placing Local Authority/County Council/London Borough.

If a foster child from Surrey is placed in another Local Authority/County Council/London Borough, it is Surrey's responsibility to assess and provide any equipment and adaptations required. Surrey

would also be responsible for any ongoing maintenance of equipment and when appropriate any issues with adaptations completed for the child.

Children not meeting criteria

If the child referred does not meet the eligibility criteria for the CwD OT Service and the referral is declined, the referrer will be offered signposting and/or other universal services that may be better placed to support instead of the CwD OT Service.

If the referrer/family are STILL not in agreement with this, they can contact the children rights team to appeal this decision at any time after it has been made:

[Children's social care, education and SEND complaints - Surrey County Council \(surreycc.gov.uk\)](https://www.surreycc.gov.uk/council-and-democracy/contact-us/complaints-comments-and-compliments/children-and-education-send)

OR

<https://www.surreycc.gov.uk/council-and-democracy/contact-us/complaints-comments-and-compliments/children-and-education-send>

Equipment provision

The Occupational Therapy service does not provide all specialist equipment. Some provision will be the responsibility of other statutory services such as the Surrey Wheelchair Service or community NHS therapy teams. The list of equipment is too extensive to include here, but for confirmation of which service provides which equipment, please contact the CwD OT Service or any of the contacts below:

[Surrey Wheelchair Service | Ross Care](https://www.rosscare.co.uk/pages/surrey-wheelchair-service)

OR

<https://rosscare.co.uk/pages/surrey-wheelchair-service>

[Occupational Therapy: Children and Family Health Surrey](https://childrenshealthsurrey.nhs.uk/services/occupational-therapy)

OR

<https://childrenshealthsurrey.nhs.uk/services/occupational-therapy>

All equipment from Surrey County Council is provided on loan free of charge to the child/young person for as long as they need it, and if they still meet the eligibility criteria. Occasionally equipment alone cannot address the issues, so adaptations to a child/young person's home may be considered once equipment provision has been assessed and ruled out by the CwD OT.

Direct Payments for equipment

If parents/carers would like to purchase different equipment from what the CwD OT recommends, then a Direct Payment for the cost of what the OT recommended equipment would cost can be made towards the total cost of the equipment the parents/carers would like to purchase.

The Direct Payment from the CwD OT will be the total amount the equipment they recommended would have cost. The shortfall in the total cost between the CwD OT equipment and the parents/carers option will then be funded by the parents/carers.

Example:

OT recommended equipment costs £100

Parent/carer preferred equipment costs £150

If OT agrees parent/carer equipment meets needs, then Direct Payment for £100 from OT can be put together with the parent/carer cost of £50 to fund the equipment.

This option will need to be discussed with the CwD OT to confirm they agree the equipment being requested meets the child/young person's needs. If it is agreed as meeting need, then the parents/carers can request a Direct Payment from the CwD OT. If the parent/carer are put additional funding of their own on top of the direct payment for a preferred piece of equipment, then it is their responsible for any ongoing repair/maintenance of the equipment and not the CwD OT Service.

If the requested equipment is not agreed as meeting need by the CwD OT, then the parents/carers have the choice to fully fund it themselves or request a letter from the OT to state the reason/s why OT is not providing the equipment so the family can apply to charities to fund it instead. For fully funded equipment or equipment by parents/carers, then funding any ongoing repair/maintenance of the equipment is the responsibility of the parent/carer who purchased it and not the CwD OT Service. If the parent/carer cannot fund this need, then the CwD OT Service will review the provision and consider funding the repair/service of it or recommend any other equipment that may be more suitable at that time.

For further information and advice on using Direct Payments for equipment, contacting the Surrey Independent Living Council (SILC) is recommended:

[SILC - Surrey Independent Living Council. \(surreyilc.org.uk\)](http://surreyilc.org.uk)

OR

<https://www.surreyilc.org.uk/home>

Reviews

As children's development and ability can change over time, a review of their needs may become necessary. If parents/carers notice changes in the children's/young person's needs that mean any previously provided equipment or adaptations are no longer suitable, then they will need to contact

the CwD duty OT service on cwdot.duty@surreycc.gov.uk to alert the service to the need to review provision. If the child/young person has not been referred to the CwD OT Service at this time, a new referral via the CSPA or CwD Social Work team will be required to request a CwD OT review is completed.

Hospital discharge

Hospital discharges for children/young people are the responsibility of the NHS Children's Occupational Therapy and the Children's Community Nursing services. The NHS Occupational Therapist involved should co-ordinate with the hospital for a safe discharge home. Equipment essential for discharge is arranged through the community equipment service. Hospital discharges should be referred to the Children and Family Health Surrey Service:

[One Stop Referral Service :: Children and Family Health Surrey \(childrenshealthsurrey.nhs.uk\)](http://childrenshealthsurrey.nhs.uk)

OR

<https://childrenshealthsurrey.nhs.uk/services/one-stop>

If a child is open to the CwD OT Service for active intervention at the time of discharge, the NHS Occupational Therapist will need to work collaboratively with the SCC Occupational Therapist to facilitate discharge.

Children and young people's continuing care

Children and young people with severe and priority health needs may be eligible for support from NHS Continuing Care services including care packages, equipment, and personal health budgets.

Children and Young People's NHS Continuing Care is defined as 'a package of continuing care needed over an extended period for children or young people with continuing care needs that arise because of disability, accident or illness, which cannot be met by universal or specialist services alone. Children and young people's continuing care is likely to require services from health and local authority children and young people's services.'

'A continuing care package is a combination of resources, planning, co-ordination and support designed to meet a child or young person's assessed needs for continuing care.' National Framework for Children and Young People's Continuing Care 2016. More information about NHS Children's Continuing Care can be found here:

[National Framework for Children and Young People's Continuing Care \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

OR

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/499611/children_s_continuing_care_Fe_16.pdf

[Continuing Care: Children and Family Health Surrey](#)

OR

<https://childrenshealthsurrey.nhs.uk/services/continuing-healthcare>

Some children the CwD OT Service supports are already seen by the NHS Continuing Care Service. For those children, the CwD OT Service works with the NHS Service to facilitate the provision of equipment and adaptations for the children.

If a CwD OT identifies a child who they feel would have their needs more appropriately met by the NHS Continuing Care Service, then the CwD OT will refer to them with the parent/carer's consent. If the NHS Continuing Care Service identifies input is required from the CwD OT Service, then they will refer to them on behalf of the parents/carers, but only with their consent.

Parent/carer's needs and young carer assessments:

The Care Act 2014 and the Children and Families Act 2014 strengthen the rights and recognition of carers. New rights entitle carers and the people they care for to a clear right to an assessment of their needs regardless of their income and finances and level of need. Young carers and the parents of disabled children are included.

The Children and Families Act 2014 amends the Children Act 1989 and requires local authorities to assess parent carers on the appearance of need or where an assessment is requested by the parent. The Local Authority must be satisfied that the child and their family come within the scope of the Children Act 1989, i.e., that the child is in need.

The Local Authority must then assess:

- whether a parent carer has needs for support and, if so, what those needs are
- 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 needs for support, other needs and wishes

Parent/carer needs assessments must also consider:

- the wellbeing of the parent carer
- the need to safeguard and promote the welfare of the disabled child who is cared for, and any other child for whom the parent carer has parental responsibility.

Where a sibling under the age of 18 is providing support as a Young Carer, their needs should also be assessed, and they may be referred to the Surrey Young Carers Service.

[Surrey Young Carers](#)

OR

<https://www.actionforcarers.org.uk/who-we-help/young-carers-under-18/>

Surrey County Council CwD Service completes Carer's Assessments and Young Carer's Assessments and considers this information within the Child and Family Assessment or the relevant assessment, in identifying the need for support and services.