



**Law
Commission**
Reforming the law



Disabled children's social care

**Tell us how you think the
law needs to change**



EasyRead version

Who we are



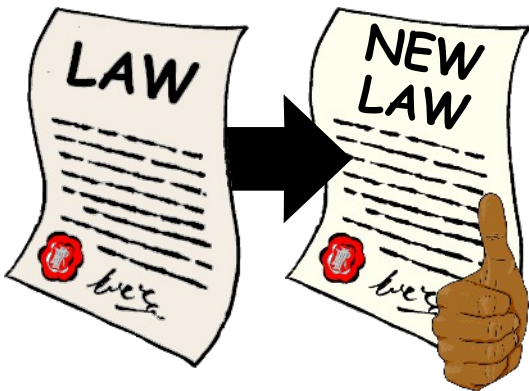
**Law
Commission**
Reforming the law

We are the Law Commission of England and Wales.



We are **independent**.

Independent means we are not part of the government.



We look at the law and suggest changes to make it better.

What we are doing



We are looking at disabled children's social care law in England.

These are the rules which tell us:

- whether a disabled child can get help from social services to meet their needs
- what help they can get
- how they get that help.



The help could be:

- personal care for a disabled child in their home





- a short break, so a child can do activities in the community while their parent or carer has a break from looking after them



- making a disabled child's home accessible for a wheelchair



- or other similar things.



We want to make sure that the law is fair, modern and easy to understand, so disabled children can get the help they need.

What this booklet is about



This booklet is part of a **consultation** on disabled children's social care law.

A **consultation** is a chance for you to tell us what you think.



The booklet will help you take part in the consultation. It is an Easy Read version of a summary of our consultation paper.



We want to hear from:

- children and young people
- parents and carers.





We have not covered everything in this booklet.

But we have tried to focus on the things we think will matter most to you.

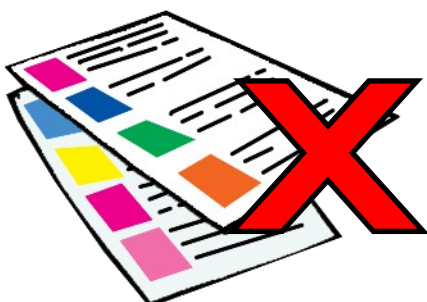


In this booklet we tell you our ideas for changing the law and ask some questions to find out what you think.



The full consultation paper and the complete list of questions are on our website at:

lawcom.gov.uk/project/disabled-childrens-social-care/



There is also a summary of the consultation. But they are not in Easy Read.

How to take part in the consultation



Please send us your answers to the questions in this booklet.



By email:
dcsc@lawcommission.gov.uk



A response form is available at:
lawcom.gov.uk/project/disabled-childrens-social-care/

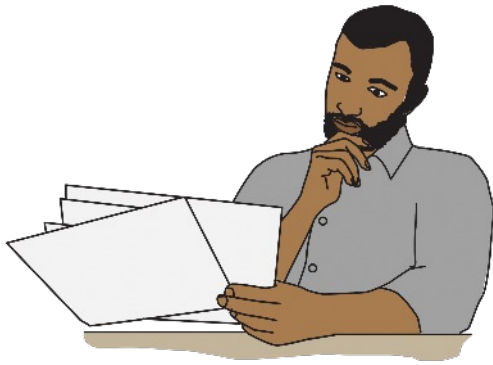


Or by post:
**Disabled Children's Social Care Team,
Law Commission,
1st Floor, Tower,
52 Queen Anne's Gate,
London, SW1H 9AG.**



Please send us your answers by
20 January 2025.

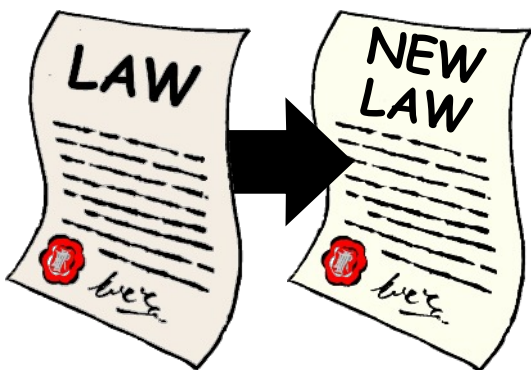
What happens next



When the consultation closes we will read all your responses and decide what changes to the law we should recommend.



We will make our recommendations in a final report in 2025.



Then the Government will look at our report and decide whether to follow our recommendations and change the law.

How people get help



Assessments for disabled children

The first step to getting help is an **assessment**.



An **assessment** is a tool to work out:

- whether a disabled child needs help
- what sort of help they need
- whether social services can provide that help.





The law on assessments is too complicated.



There are different rules and not all of them are written down in the law.



We have been told that assessments:

- are not always done when they should be



- are not always carried about by someone who knows about disability



- sometimes focus on whether the parents or carers are doing something wrong, instead of focusing on whether the child needs help.



Question 1: what are your experiences of assessments?

Our suggestions



- There should be one single way to assess the needs of a disabled child written down in law. This will make the law clearer and simpler.



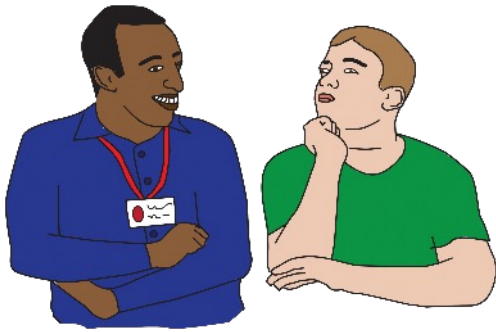
- Families should have a right to a copy of the assessment.



- Assessments should be flexible. If a disabled child has complex needs they might need a long assessment.



But if a child wants something simple, like help accessing swimming lessons, then they may only need a short assessment.



- Assessments should be carried out by people who have expertise in disabilities.



Question 2: what do you think about our suggestions on assessments for disabled children?



We want you to tell us about who should get an assessment.

- Any child with a disability?



- Only disabled children who need help from social services?



- Only disabled children who will probably get help from social services?



Question 3: who do you think should get an assessment?



Disabled children sometimes end up having lots of different assessments. This may mean that the children and their families have to tell their stories over and again to different people.



If we did these assessments at the same time, families would not have to re-tell their stories.

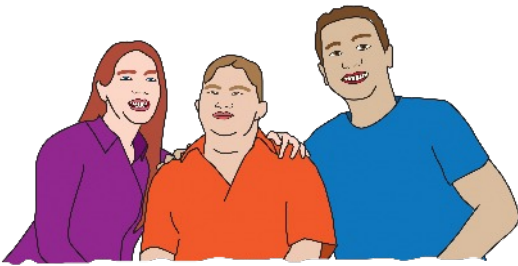


Question 4: we would like your ideas on the best way to combine different assessments for disabled children.

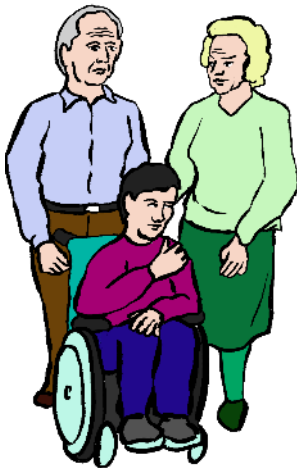


Assessments for parents and carers

Care for disabled children is often provided by their families.



This can be someone who has legal responsibility for the child – like their mum or dad.



Or it can be someone who does not have legal responsibility – that could be a grandparent.



All of these carers have a right to an assessment. The purpose of the assessment is to find out whether the carer needs help.



But the law makes it more difficult for carers who do not have legal responsibility to get an assessment, than carers who do have legal responsibility.

Our suggestion



- All parents and carers should have a right to an assessment if they need help.



- It should not matter whether they have legal responsibility for the child they are caring for.



Question 5: what do you think of our suggestions on assessments for parents and carers?

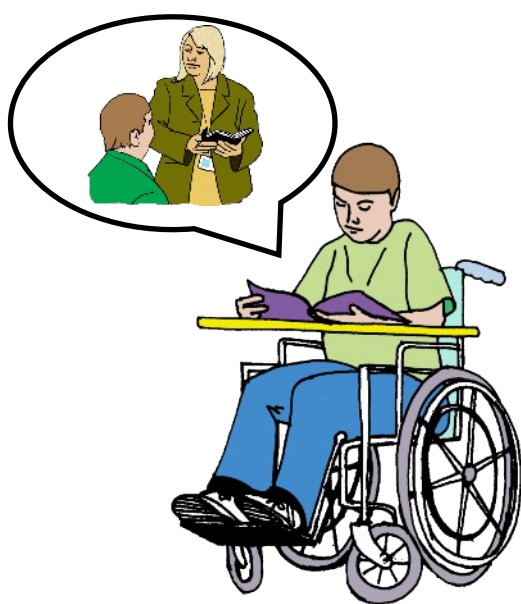
Being involved in your assessment



People have told us that disabled children and their parents and carers are not always involved in assessments, or in decisions that are made about them.

Our suggestions

- Children should have a right to ask for an assessment of their needs and to speak up for themselves during the assessment, as long as they understand what they are doing.
- In carrying out an assessment for a disabled child, or doing anything to help them, social services should always try and involve the child in decisions that are made about them.





- To make that happen, the child may need to be given extra information or help. Social services should always think about this too.



- Parents and carers should also be involved in decisions, and social services should think carefully about parents' and carers' expertise and knowledge.



- Disabled children who may need help to be involved in their assessment should be allowed to have an independent **advocate** to help them.

An **advocate** is someone who helps a disabled person to speak up for themselves.



- Parents and carers who would struggle to be involved in their assessment should also have a right to an **advocate**.



Question 6: what do you think about our suggestions on involving children, parents and carers in making decisions?

Who can get help?



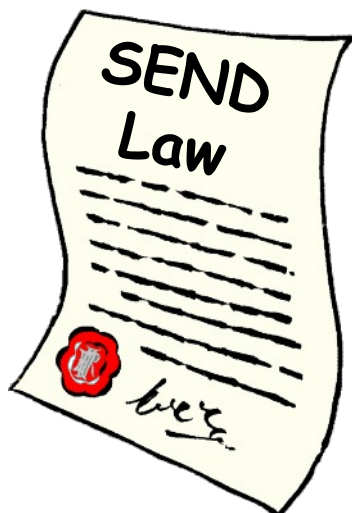
We are looking at the help that is available to disabled children from social services.



We have a **definition** of disability that comes from the 1940s.

Definition means the words we use to say what a disability is.

We need to bring this definition up to date.



Our suggestions

We suggest using the definition that Special Educational Needs and Disability (SEND) law uses.

This says that a person has a disability if:



1. They have a physical or mental **impairment**.

Impairment means part of your body or brain does not work as it normally would or as it does in most people.

and



2. The impairment has a substantial and long-term adverse effect on their ability to carry out normal day to day activities.

Number 2 means the impairment makes it really hard for someone to manage from day to day, over a long period.



We think that challenging behaviour and difficulties caused by addiction should fall within this definition of disability.



Putting it another way, a child should not be stopped from getting help just because they display challenging behaviour or because their problems arise from addiction.



Question 7: what do you think about our suggestions on the definition of disability?



Eligibility

Disabled children can only get help from social services if they are **eligible**.

Being **eligible** means that you meet certain conditions. An example of eligibility is that you must be 18 in England to be eligible to vote.



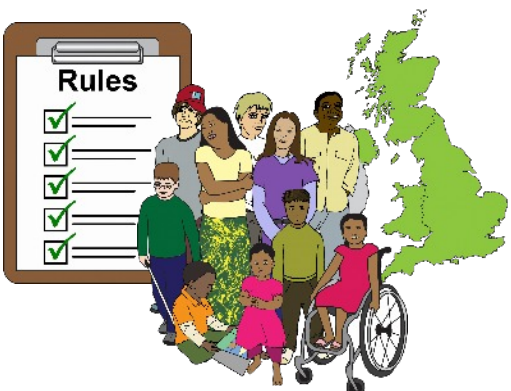
Councils in different areas use different rules to decide if disabled children are eligible for help from social services.



This means that disabled children with the same needs get treated differently depending on where they live in the country.



This is different for adults who need help from social services. There are national eligibility rules for adults that apply across the country.



Having national eligibility rules for disabled children may make the law fairer for children.



But it may make things more difficult for social services and some councils worry they would not be able to pay for it.



Our suggestions

- We need national eligibility rules for disabled children.
- The Government should talk to councils to decide what the rules should be.



Question 8: what do you think about our suggestions on eligibility?



Preparing for adulthood

The rules that we currently have for disabled children only apply until they turn 18. After that, the rules for adults apply.



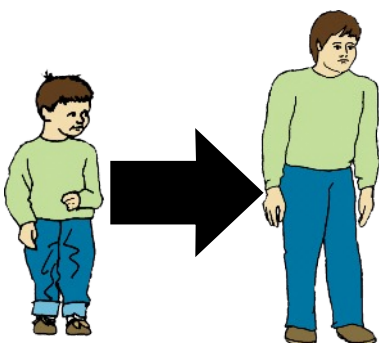
Many parents, carers, social workers and young people worry about what happens when a disabled child turns 18.



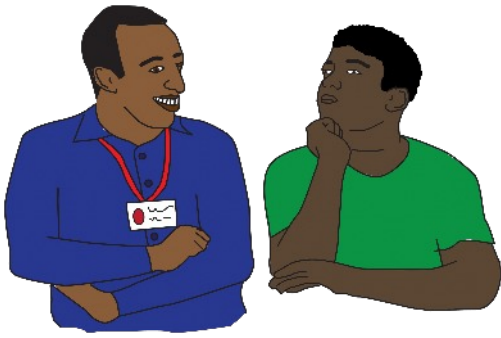
Services that a child was getting can stop or change significantly.



The child can feel unsupported and unprepared for being an adult and maybe living on their own in the future.



Question 9: tell us about your experiences of preparing for adulthood.



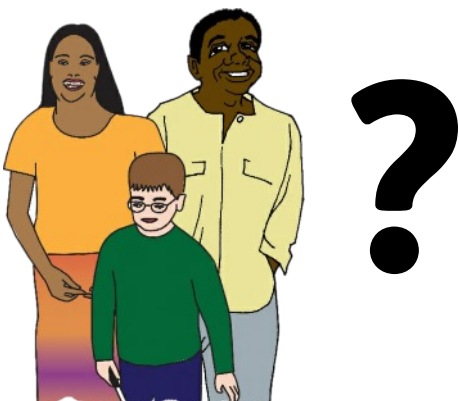
There is no set age when social services have to start preparing disabled children for adulthood.



We think planning should start at a set age, but we are not sure what age that should be.

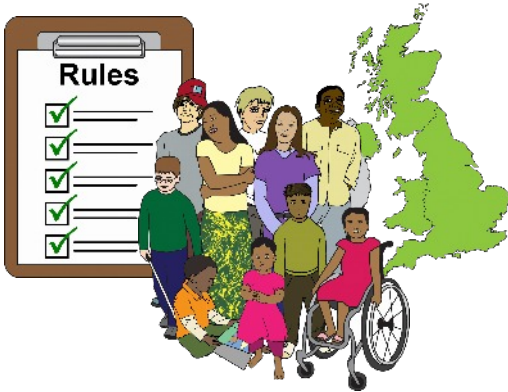


Question 10: should preparation for adulthood start at a particular age?



Question 11: if yes, what age should that be?

How help is provided



Types of help

If we have one set of rules about help for disabled children across the country, the rules need to say what types of help can be provided.



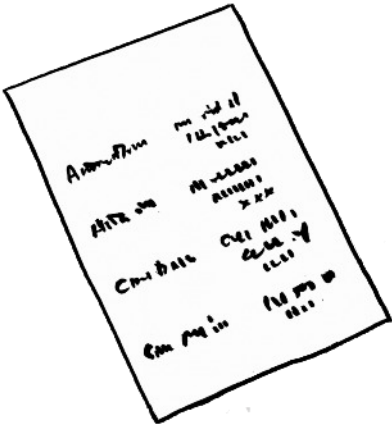
Question 12: tell us what types of help from social services you, or the child you care for, have needed.



Question 13: tell us what types of help have been available in your local area.

Our suggestions

We think social services should have a list of the types of help they can provide.



We think the list should include:

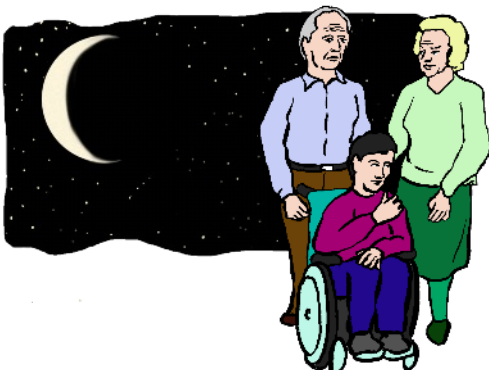
1. accommodation (housing)



2. personal care at home or elsewhere



3. education or leisure activities



4. services that help parents and carers in the evenings, weekends and during school holidays



5. **adaptations** to the home.

Adaptations are changes to the home to make it safe and accessible.



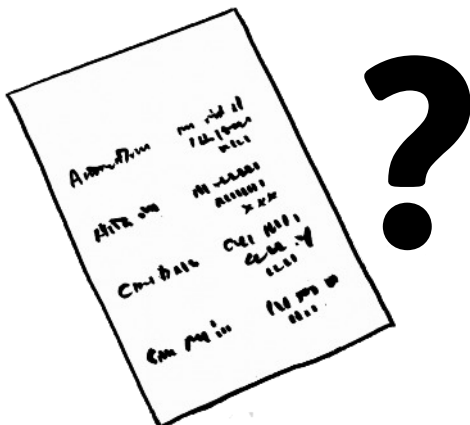
6. counselling



7. information and advocacy.



But we also think social services should be able to provide help that is not on this list if they need to.



Question 14: what types of help do you think should be included in the list?

Care plans

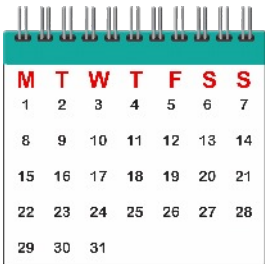
A care plan is a document which says:



- what help a disabled child is eligible to get



- who is going to provide the help



- when the help will be provided.



The law does not say that disabled children who receive social care must have a care plan.



But the Government and the courts have said that disabled children should have a care plan.



Our suggestions

- The right to have a care plan should be written down in the law.
- When a child already has another plan, like an education health and care plan (EHCP) to meet their special educational needs, it could be combined with their care plan. Otherwise, having lots of different plans doing similar things could be confusing.



Question 15: what do you think about our suggestions on care plans?

What to do when things go wrong



There are various ways for a disabled child or their parent or carer to say they are unhappy with a decision or the way they have been treated.

We call these **remedies**.



Remedies include:

- complaints to the council



- complaints to the Ombudsman



- appeals to the SEND Tribunal



- judicial review.



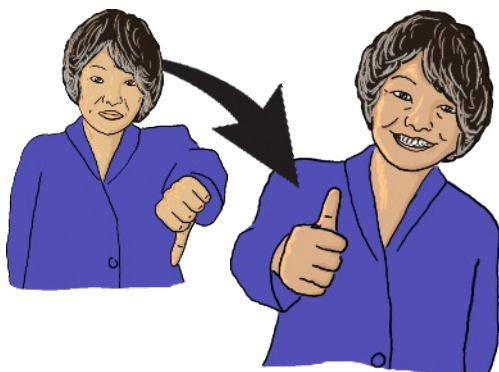
People have told us that these remedies do not always work for them.



They can be expensive, complicated or slow, and may not always fix the problem.



Question 16: tell us about your experiences of remedies.



Question 17: tell us how you think remedies could work better.

What the words mean

Adaptations: changes to the home to make it safe and accessible.

Assessment: measuring and understanding a person's needs for services.

Care plan: a document which sets out what services are to be provided, where, when and by whom.

Child: any person under the age of 18.

Consultation: a chance for you to tell us what you think by answering some questions.

Education, health and care plan (EHCP): a plan setting out a child's special educational needs, together with related social care and health care needs.

Eligibility: being eligible means that you meet certain conditions.

Impairment: part of your body or brain does not work as it normally would or as it does in most people.

Judicial review: the process where someone goes to court because a council or the Government has made a legal error.

Remedies: various ways for a disabled child or their parent or carer to say they are unhappy with a decision or the way they have been treated.

Safeguarding: measures taken to protect a child and keep them safe from harm.

Short breaks: so a child can do activities in the community while their parent or carer has a break from looking after them.

SEND: special educational needs and disability

Credits



This paper has been designed and produced by the EasyRead service at Inspired Services Publishing Ltd.
Ref: ISL188 24. October 2024

www.inspiredservices.org.uk



It meets the European EasyRead Standard. © European Easy-to-Read Logo: Inclusion Europe.

More information at
www.easy-to-read.eu



Artwork includes material from the Inspired EasyRead Collection and cannot be used anywhere else without written permission from Inspired Services.

www.inspired.pics
