Law Commission
Reforming the law

Disabled children's social care

How we think the law needs to change

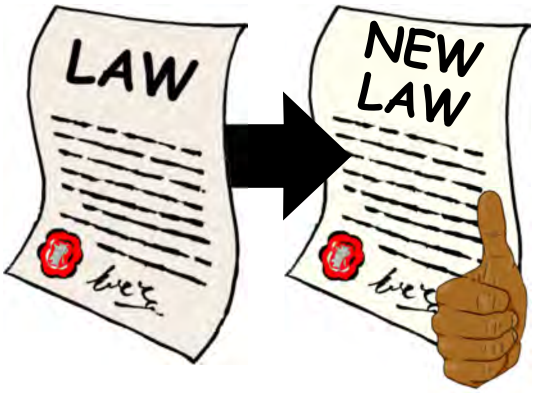
EasyRead version

Who we are

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 have been doing

Over the last two years we have been looking at disabled children's social care law in England.

These laws 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.

We have heard from:

- disabled children and their families

- councils

- other people who know about the law.

They have helped us to work out what is wrong with the law and what needs to change.

What this booklet is about

This booklet contains our **recommendations** for change.

A **recommendation** is our advice about the best thing to do.

This booklet is for children and young people and 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.

Our full report is here **lawcom.gov.uk/project/disabled-childrens-social-care/**

There is also a summary of the report and an audio version of the summary.

What happens next

Our report will be given to Parliament.

The Government will think about our report carefully and decide whether to make the changes we recommend.

Our recommendations for change

A new law

There should be a new law about disabled children's social care that is:

- simple
- easy to find
- easy to understand.

A guide that explains the law

Alongside the new law there should be a guide for families and councils.

The guide will explain their rights and responsibilities.

The guide will be in accessible formats like Braille and Easy Read so everyone can understand it.

The guide will make it clear that families who ask for help should not be blamed or made to feel like they have done something wrong.

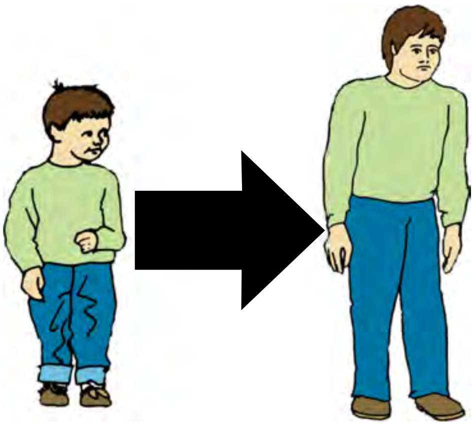
Rules for councils

Councils need rules that help them think about:

- what the best interests of the child are

- what the child wants and how they can help the child be involved in decisions

- what the child's parents or carers want and what they know about their child



- the need to prepare the child for adulthood when they turn 18.

This will help councils to make better decisions.

Assessments

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

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

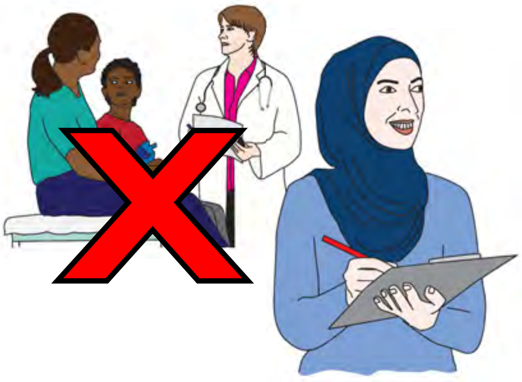
- whether a disabled child needs help

- what sort of help they need

- whether social services can provide that help.

The law on assessments is too complicated.

The law needs to be clearer so disabled children and their families get assessments when they need them.



The rules should explain that a disabled child does not need to have a diagnosis to get an assessment.

Families should have a right to a written 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.

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.

Assessments should be done at the same time if possible to cut down on families having to re-tell their stories.

Eligibility: working out who can get help

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.

At the moment councils in different areas use different rules to decide if disabled children are eligible for help.

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

We think there should be rules about eligibility for disabled children that work across the country.

This will make the law fairer.

But first the Government will need to:

- check if councils can afford this

- talk to councils and families to work out the rules for testing eligibility.

Councils should be able to provide services to help disabled children and their families.

This should include:

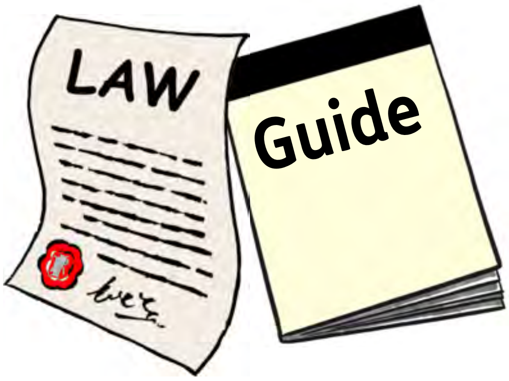
- care and support at home or elsewhere

- short breaks for children or their families

- **adaptations** to the home

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

- help with travel.



The law and the guidance should say what main services are available to disabled children and their families.

How help should be provided

Some families get **direct payments**.

A **direct payment** is money from the council so people can pay for help themselves.

The rules on direct payments should be changed to make sure that families get enough money to pay for the help they need.

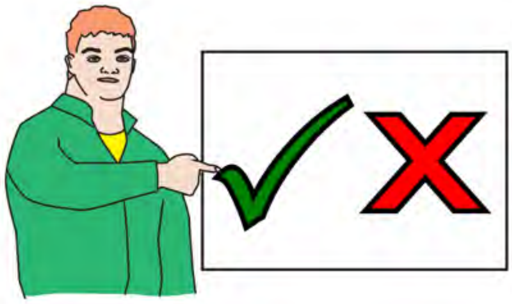
Plans

Families who get help should have a written plan explaining what they are going to get, how it will be provided and when.

Having lots of different plans can be confusing.

Where a disabled child already has another plan, like an education health and care plan (EHCP) to meet their special educational needs, it could be combined with this plan.

Give disabled children a say

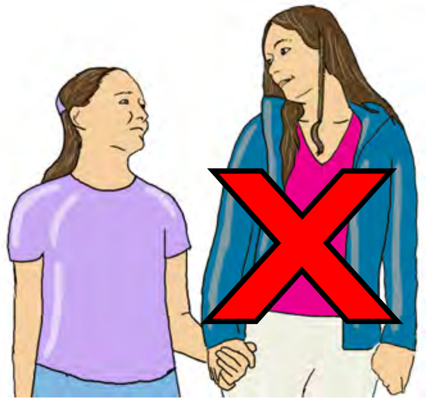


We want disabled children to have a right to make some decisions for themselves if they can understand what this means.

For example disabled children should have a right to ask for an assessment and tell their council what help they need.

A disabled child should have an **advocate** if:

- they find it hard to understand a decision that is being made about them and



- they do not have someone who can help them.

The job of the **advocate** is to help the child understand what is happening and make sure the child's voice is heard.

Preparing for adulthood

Councils should start helping disabled children to prepare for adult life when they are **14**.

Planning for adulthood should not be left until the last minute.

What to do when things go wrong

There needs to be a system for disabled children and their families to say when something has gone wrong and to try and make things right.

That system needs to be:

- fair and independent
- easy to access
- effective and reliable.

What the words mean

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

Advocate: someone who helps the child understand what is happening and make sure the child's voice is heard.

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

Direct payment: money from their council so people can pay for help themselves.

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.

Recommendation: advice about the best thing to do.

Credits

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