

FACTSHEET

Children act assessments

Children who have additional care and support needs as a result of disability are entitled to support from their Local Authority. This factsheet sets out what to expect during a needs assessment and some of the services a Local Authority is required to provide as a result.

Needs Assessment

When your child presents to the Local Authority as someone who may be in need of services, whether that be through disability or previously being known to them, the Children Act says that the Local Authority must undertake a full assessment of your child's needs.

The assessment process should not only look to identify the specific needs of your child, but also what services exist that can meet their needs. This will of course vary in individual circumstances and from region to region. Guidance recommends that the process and assessment should be completed within a maximum of 45 working days.

A Children Act assessment will look at your child's care needs and is used to gain an overall picture of them and their specific needs within your family environment. The Working Together guidance, from which the template for these children's assessments

are based recommends that an assessment consider the following three areas:

- Your child's developmental needs;
- Your parental capacity; and
- Your family and environmental factors.

By examining these areas, the Local Authority should be able to consider your child's social, health and educational needs which will also feature in any Education Health and Care Plan for schooling purposes. It is critical that the assessment also considers your child's behavioural development, safeguarding concerns and self care skills to ensure a well-rounded report is prepared.

It is also advisable to ensure that you as parents or carers are involved with every step of the assessment where practicable and, where necessary, seek the involvement of medical professionals.

Crucially the assessment must be sufficiently detailed and clear to ensure that the Local Authority are able to make a decision as to what services are required by your child to meet their needs.

Provision of Services

Provided the Local Authority determine that support is appropriate and necessary they will then be under a duty to then provide that support in the community. Services must be provided to minimise the effects of your child's disabilities to empower them to lead as normal a life as possible. Support from the Local Authority will vary from case to case with your child's welfare at the heart of every decision. When undertaking the assessment process the Local Authority will also need to consider the types of services that are available and additional provision required to meet that need.

If your child's needs are of a relatively minor level whereby services such as home help, a sitting service, help with personal care, short breaks / respite, minor adaptations or equipment will be sufficient, the Local Authority are under a duty to provide that service regardless of resources and cost.

Provision should be enacted within a reasonable timeframe after identification of need without your child being placed on a waiting list or awaiting a Panel decision. Other services such as respite in a residential placement will usually require additional consideration by the Local Authority, usually with a third party to provide that service or enact their own assessment.

In order to document all the investigations and provision of services, the Local Authority would, after completing the needs assessment, be expected to draft a care and support plan known as a Child in Need Plan.

This will set out the key decisions and outcomes that have been assessed and what actions and services are to be implemented to meet that specified outcome. It serves as a useful document for not only you but social workers and carers to learn from when providing care and monitoring progress.

Direct Payments

After services have been assessed it is possible that you as a parent could then receive the funds for that care to manage going forward. Known as Direct Payments they are designed to empower families to take control of the care and have a degree of choice over its provision.

How we can help

If the Local Authority comes to a decision that you are dissatisfied with there are a number of options that can be explored. This can either be through a formal complaint to the Local Authority, or if appropriate, consideration of an urgent application to challenge the decision at the High Court. A Judicial Review will examine the legitimacy of any decision reached by the Local Authority and if successful that decision will be quashed forcing them to reconsider their assessment and processes.

We can advise on all elements with a challenge and what option would be best to pursue in the circumstances. Public funding may also be available for certain challenges as well.



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