

Title/Version	Completed by and date:
Disabled Children's Safeguarding & Specialist Team. Terms of reference.	Diana McKenna OBE , Head of Service Final May 2020

Derbyshire County Council Children Services Specialist and Safeguarding Disabled Children's Services

Introduction

The purpose of this document is to clearly set out the Specialist Disabled Children's Service ethos and eligibility criteria, and how the Specialist Disabled Children's Service, along with colleagues, partners and service users, will work together to meet the assessed needs of disabled children and their families.

This protocol is underpinned by the following principles:

- Protection and Safeguarding of children and young people.
- Each child and young person's support is based on their own individual circumstances. This document is intended to help practitioners carry out good assessments and develop tailor made plans to support each child, young person and their family.
- Children, young people and their family's participation is valued and vital within their own support planning and needs assessment.
- Our aim is to ensure that resources from Social Care and partner agencies are targeted to benefit those most in need. Including those at risk of significant harm, whilst ensuring that all children and young people with a disability have access to universal services.

Safeguarding and Specialist Disabled Children's Service

The service covers the whole county and is made up of six Social Care teams (Social Workers and Community Care Workers) which correspond with locality areas, and a separate Paediatric Occupational Therapy team. We also work closely with Health and Education as well as a range of specialist in-house services which include:

- Specialist Outreach Support (Outback/Getaway)
- Domiciliary Care provision
- Specialist Residential Provision (Spire Lodge, The Willows, The Getaway)
- Link Care via Derbyshire's Fostering Services

The team also works closely with the Community Sensory Team which is comprised of Community Care Workers.

Context and Legislation

Across Derbyshire, many disabled children, young people and their families are living 'typical lives' without requiring additional support from Specialist Social Care Services.

However, all families will have different circumstances that require a range of agencies and interventions. Disabled children and their families are entitled to ask for an assessment of their needs which will incorporate the needs of those caring for them. The Derby and Derbyshire Safeguarding Children's Partnership (DDSCP) threshold document details when and how an assessment will be undertaken, either an Early Help Assessment which is completed by professionals from universal or targeted services, or a single assessment completed by a Social Worker from Children's Services. The application of the different assessment processes will depend on the level of need and circumstance for the child and the family.

The principal legislation for care and support services for children, young people and their families is the Children Act, 2004/1989. Section 17 of the Children Act states that Authorities have a duty to assess children where:

- He/she 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/her of services by a Local Authority under this Part;
- His/her health or development is likely to be significantly impaired, or further impaired, without the provision for him/her of such services; or
- He/she is disabled.

The Act places two general duties on Local Authorities to help and support children in need; these are:

- To safeguard and promote their welfare.
- To promote their upbringing by their families wherever possible.

Derbyshire County Council works to this legislation and general duties. There are also other relevant pieces of legislation. The Children and Family Act 2014, Part 3 also places a duty on Local Authorities to:

"Promote the well-being of children or young people in its area who have special educational needs or a disability"

This includes:

- (a) Physical and mental health and emotional well-being;
- (b) Protection from abuse and neglect;
- (c) Control by them over their day-to-day lives;
- (d) Participation in education, training or recreation;
- (e) Social and economic well-being;
- (f) Domestic, family and personal relationships;
- (g) The contribution made by them to society.

This means that young people and families could experience an integrated service from relevant agencies working together to help to meet their needs. Derbyshire Children's Services are committed to the above principles and any assessment completed will cover the above factors and also explore what services are already being accessed to support the child, young person and their family. This information would be provided via the Early Help Assessment or Single Assessment completed at the initial stages of an intervention by any agency.

The following legislation and guidance is also relevant and provides framework for day-to-day working practices:

- Working Together to Safeguard Children 2015
- Short Breaks Duty Regulations in Section 25 of the Children and Young Persons Act 2008
- Section 20 of the Children Act 1989;
- Chronically Sick and Disabled Persons Act 1970, Carers and Disabled Children Act 2000
- Disability Discrimination Acts (1995 and 2005)
- Equality Act 2010
- Disabled Persons Act 1986
- Carers (Recognition and Services) Act 1995
- United Nations Convention on the Rights of the Child 1989
- The Human Rights Act 1998
- Special Educational Needs and Disabilities (SEND) reforms; The Children and Families Act 2014
- Special educational needs and disability code of practice: 0 to 25 years
- Preparing for Adulthood Derbyshire Pathway
- Threshold Document

Definitions and Eligibility Criteria

The general definition of disability used is that contained in the Equality Act 2010:

'A person has a disability if he/she has a physical or mental impairment and the impairment has a substantial and long-term adverse effect on a person's ability to carry out normal day to day activities.'

The definition of Special Educational Needs (SEN) contained in the SEN Code of practice 2015:

'When a child has any type of learning difficulty which calls for special educational provision to be made for them i.e. **significantly greater** difficulty in learning than their peers and this requires **different or additional** educational provision'.

The Specialist Disabled Children's Service do not work with all children who have special education needs and/or disability but do work with those with more complex needs as set out in this document or determined via the DDSCP threshold document.

The Specialist Disabled Children's Service will work with children and young people who have an EHC Plan but will in addition meet one or more of the following criteria.

In families where there are multiple children and/or there are significant child safeguarding concerns which are predominantly the area of need for help, then Starting Point may refer the family to the Locality Teams for assessment rather than the Specialist Disabled Children's Service. The Specialist Disabled Children's Service will offer support/consultancy advice and sometimes co-working with the Locality workers if they are working with a disabled child and need help to ensure the right level of analysis and support is provided. Other professionals as highlighted below may also receive support/consultancy advice and co-working in the same way as the Localities.

Where there is a child under 5 years old who may not have an EHCP but does however meet two or more of the following criteria, further discussions will be held between managers prior to determining how best the child and their family's needs will be met and whether this necessitates the direct involvement of the Specialist Disabled Children's Services.

A significant, permanent and enduring physical disability which leads to dependence on aids and adaptations to support daily living.

An assessment by a Paediatric Occupational Therapist (POT) for aids/adaptations may be undertaken to support children and young people with needs as noted above.

The request for an assessment is via Call Derbyshire and the request will be triaged by Starting Point, Children's Services 'front' door. It is essential for the child or young person being referred by an agency to have their referral supported by an Early Help Assessment undertaken by professionals who know them well and alongside their parents or carers.

Children and young people who are open cases to Children's Services Social Workers in the Locality teams may need to have an occupational therapy assessment. In this instance the Team Manager of the social work team will discuss this with the Paediatric Occupational Therapy Team Manager and agree the next steps to progress the help required. Sometimes this will result in the case transferring to the Specialist Disability Team who will review/undertake a further assessment.

A significant sensory impairment (if the child or young person's needs cannot be met via the Community Sensory Team) that requires significant multi-agency support.

Support for children with a significant sensory (hearing and/or sight) impairment will usually be provided by the Community Sensory Service who undertake a range of interventions including Early Help Assessments of a child's needs and provide some

equipment. Where there is a need for statutory Social Care input in light of safeguarding concerns, this will be in conjunction with the Specialist Disabled Children's Service or the Locality Children's Services.

Children and young people with severe/significant global learning disability that is diagnosed by professionals.

The Specialist Disabled Children's Service will undertake an assessment for children with this level of disability and where there are significant communication difficulties.

Children experiencing complex health care needs, which may result in a physical or learning disability and that require significant multi-agency support.

Children who experience complex health care needs are those children whose health needs cannot be met by universal services. They will require specialist Health input and potentially Continuing Health Care. The health needs may be as a result of congenital conditions, long-term deteriorating conditions and life-limiting conditions.

The Specialist Disabled Children's Service will undertake an assessment for children with this level of complex health needs/disability.

Autistic spectrum disorders (ASD) that are diagnosed by professionals and require significant and complex multi-agency support plans. In addition, the child will be displaying associated challenging behaviours to autism and significant communication difficulties. *Please note Attention Deficit Hyperactivity Disorder is not an autistic spectrum disorder.*

Children diagnosed with ASD will have very varying needs and the impact of the disability will manifest in different ways. Many children with a diagnosis of ASD will not require specialist services and can be signposted to universal and voluntary services or can be supported by their Locality Team.

The Specialist Disabled Children's Service will undertake an assessment for children and young people as noted in this document/the DDSCP threshold document who have complex ASD, significant associated challenging behaviours and a substantial multi-agency plan e.g. where Learning Difficulty Child Adolescent Mental Health Services (CAMHS), Specialist Education provision, Specialist Health professionals are involved.

Please note 'challenging behaviour' is defined as "consistent challenging behaviours such as severe aggression, extreme destruction, serious self-injury, or other challenging sensory behaviours".

Emotional Health and Wellbeing

Children and young people with emotional health and wellbeing needs can be supported in a variety of different ways. If a child is being supported by CAMHS then the CAMHS professional should complete an early help assessment before referring the child or young person for a Social Care assessment by Children's Services.

Those children and young people who have moderate and severe learning disabilities and are experiencing emotional health and wellbeing problems are eligible for an assessment by a worker from the Learning Disability CAMHS Services.

These multi-disciplinary services offer a range of psychological and psychiatric interventions depending upon the outcome of the assessment. They also offer training and support for parents, carers and professionals.

These children may have entitlement to a social care assessment by the Specialist Disabled Children's Service if the threshold for child in need is met. Again, the referral would be supported by an Early Help Assessment by LD CAMHS.

Request for Assessment.

The request for an assessment can be by self-referral from families or from other professionals known to the child or young person. This would normally be via Call Derbyshire for self-referral, or electronically for professionals supported by an Early Help Assessment completed by professionals known to the child (for example Education or Health). All contacts are triaged by Starting Point using the DDSCP threshold document to clarify how help for the child or young person is best achieved. Consent and permission for agency checks to be undertaken will be sought at this stage in order to proceed to an assessment; this may include police checks and universal service checks for all family members.

The Specialist Disabled Children's Service can receive requests for internal transfers from Locality Teams as appropriate, including step up/step down from early help services. The Specialist Disabled Children's Service may also seek to transfer cases to the Locality Teams. The assessment will identify outcomes that are to be met which will enable children and families to be signposted to the most appropriate service.

Short Breaks

The Derbyshire Local Offer aims to provide information in one place about services for all children and young people, including those with Special Educational Needs and Disabilities. If children and families require services that they are unable to access independently through the Local Offer, then an Early Help Assessment could be completed by a professional known to the child, for example Health or Education.

If, however, the Early Help Assessment identifies further unmet need then please follow the request for assessment as noted above.

With regards to short breaks please see Derbyshire's Short Break Statement for further details.

<https://www.derbyshire.gov.uk/site-elements/documents/pdf/social-health/children-and-families/disabled-children/derbyshire-short-breaks-statement.pdf>

Preparing for Adulthood / Transition Planning

Preparing for adulthood needs to be a person centred and active process where the young person will be central to the planning. The plan should set out the commitment each agency has made and how and when support will be delivered. For example, Education may plan to help the young person with a range of needs to achieve in school and be able to prepare for choices afterwards. Health Services should also consider services beyond those related to a young person's disability for example sexual health including contraception advice, advice on healthy eating etc. Further key outcomes for preparing for adulthood should explore how the young person will acquire skills for their adult life, which could be provided by further education training, local services and information from Adult Services teams.

Young people with complex needs, as described in this criterion will be supported by the Specialist Disabled Children's Services with regards to transition planning. Those that are outside of this criterion will be supported by Education or Health or a SEND Officer who will be responsible for coordinating the assessment and gathering information to gain a holistic plan based on clear objectives, which will prepare the young person for adulthood.

Most children and young people are supported through education settings in preparation for adult life, and this should be considered alongside other educational requirements.

Where it has been identified that a young person may require support as an adult then an involved professional or parent/carer can refer for an assessment via Starting Point who will use the threshold document for clarifying need. The process should start early enough for there to be a transition plan, for example a child with high level needs should be referred no later than 16 years of age.

Specialist Disabled Children's Service and Locality Teams Working Together

There is a professional responsibility to ensure children with all forms of disability to receive the right level of support and services at the right time based on the assessed needs of the child.

The Specialist Disabled Children's Service will work with children where there are severe or significant disabilities that impact on the child's daily functioning and

require multi-agency support to meet their overall needs. These children will have a diagnosis by a professional or several professionals.

The Specialist Disabled Children's Service can work with the whole family, however the primary focus of the work will usually be with the child with disabilities. If the Specialist Disabled Children's Service are already working with a family and a safeguarding issue arises, then the team will continue to support the family until such time as the service is no longer required, or a referral on to other services would be more beneficial.

If new referrals are made in families where there are multiple children and/or there are significant child safeguarding concerns which are predominantly the area of need for help, then Starting Point may refer the family to the Locality Teams for assessment rather than the Specialist Disabled Children's Service. The Specialist Disabled Children's Service can support and advise the Locality Team regarding the needs of the disabled child.

If following the locality intervention there is still identified unmet assessed needs for the disabled child, then the case could be transferred to the Specialist Disabled Children's Service, as agreed by managers, who will explore this further.

Children in Care

The Specialist Disabled Children's Services provide a through care service working with children and young people with disabilities and their siblings who are subject to care proceedings, those who may require permanent placements away from their birth families and those who are looked after by agreement with their families. A case may transfer from the localities to the Specialist Disabled Children's Service if the permanence plan for the child has been achieved and longer-term support for a child in care with a disability is required. Vice versa applies in that the Specialist Disabled Children's Service may seek to transfer a case to a mainstream Child in Care Team if the disability needs of the child are not of primary concern in the care package and the child can be supported without the need for the Specialist Disabled Children's Service whilst in care.

Stepping up and down/Case transfer and support for Locality teams

Locality Teams can request consultation meetings and visits by the Specialist Disabled Children's team who can offer support, advice and signposting of services.

The transfer of cases is fluid and therefore children with disabilities can step up or down across the continuum as their needs or the needs of their family change. This may mean that following social work intervention, children or young people may require allocated workers for short breaks or assessment for occupational therapy. All case transfers between teams require discussion and the agreement of the team managers across services. The timing of a case transfer should be child focused and

taking account of the relationship the child has with the worker.

Carers' Assessments

Under Section 6 of the Carers and Disabled Children Act 2000, parents of or persons with PARENTAL RESPONSIBILITY for a child with disabilities have a right to an assessment of their needs as Carers, if the Local Authority is satisfied that the child and their family are persons for whom it may assess under Section 17 Children Act 1989. The needs of parents or Carers can be recorded under section 4 (parents or Carers profile) of the Single Assessment being undertaken for their child.

For the Specialist Disabled Children's Service to undertake this, the criteria need to have been met in respect of the child.

Please note

Parents of children with disabilities are not entitled to a Carer's Assessment under the Care Act 2014 given that their caring responsibilities are in line with what is expected of a parent. Any assessment should be a holistic assessment that takes account of the whole family's needs and circumstances, but its primary focus is the needs of the child, taking account of the needs of parents based on the outcomes of the assessed needs of their child.

Not sure who should support?

Where there is doubt as to which team should have case responsibility, a discussion will take place between a Team Manager in the Specialist Disabled Children's Service and for new referrals a Starting Point Manager or for internal transfers the Locality Team Manager.

Referrals should **not** be transferred between teams without discussion and agreement between Team Managers.

Please note that where there are two or more children in the family and the main concerns are not related to the disabled child, then the Specialist Disabled Children's Service will provide consultancy to the Locality Teams who will take on case responsibility.

If you have any queries about this document, then please seek clarification from the Specialist Disabled Children's Service on 01629 537600.

