

# Identifying the social needs of disabled children and young people and those with special educational needs as part of Education, Health and Care Needs Assessments and Plans

A briefing from the Council for Disabled Children



## About this briefing

This briefing is for social care teams, disabled child teams, and special educational needs and disability teams, particularly those responsible for education, health and care (EHC) needs assessments and plans.

It is designed to help those coordinating EHC assessments and plans to have the confidence to gather information which will provide accurate social care advice, particularly where a young person is not known to a social work team.

It is one of a series of briefings which draws on the Council for Disabled Children's work with local authorities and their partners.

## A note on social needs and social care

Everyone needs some kind of support for their social needs. For many children and young people that support is provided by friends, family, and local groups. But at times it may be necessary for particular support to be provided through social care services delivered or commissioned by local authorities.

Under the Children Act 1989 disabled children are regarded as 'children in need'. However, identifying the social care needs of disabled children and young people does not necessarily require an assessment by a social worker. In many cases needs can be met through universal services or early help without the need for a formal assessment, provided there is a good understanding of those needs and families have access to clear information about what support is available and how to get it. In some cases there will be a need for a more formal assessment.<sup>1</sup>

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<sup>1</sup> For the purposes of the Children Act 1989, all disabled children are children 'in need' and have a right to an assessment under section 17 of the Children Act 1989. The form of the assessment is not set out in either the Act or regulations and is therefore such assessments are governed by statutory guidance, currently Working Together to Safeguard Children (2015).



## Developing an understanding of social needs

The key to supporting the child, young person and their family is having a clear understanding of their social needs and what they require by way of support. This could be information, advice or practical support.

Engaging children, young people and parents is the starting point for establishing social needs and for any assessments for education, health and care plans for children and young people with special educational needs, where a focus on enabling the child or young person to achieve specific outcomes is central.

In all conversations with families it is important to:

- ‘Signpost’ families to services under the Local Offer or explain how to access early help services.
- Recognise that some families feel there is a stigma associated with social care support and may be reluctant to share information.
- Be alive to safeguarding issues and consider whether you have gathered any information or are aware of any circumstance which raises safeguarding concerns. Working Together to Safeguard Children (2015) and Safeguarding Disabled Children: Practice Guidance (2009) give advice on what to do if this is the case.

As part of their initial conversations about social needs, professionals working with children, young people and parents should ask:

- What is important to the child?
- What does the child do outside of school? Do they see friends, attend groups, clubs or activities? What are their hobbies or interests? Where do they go to do these things? Do they face any challenges or barriers accessing these activities?
- In their day to day lives, what is going well for the child and their family?
- What support do they receive from family, friends, community members and other professionals?
- What do the child and family find difficult, challenging or stressful? What is not working well?
- Is the child safe at home and in the community? Do they feel safe?
- Has the family had any previous social care assessments or involvement?
- Does the family know how to access Local Offer and Family Information Services?

These questions were developed by social workers during regional training run by the Council for Disabled Children to help professionals leading on EHC needs assessments and plans have supportive conversations with families, ascertain how their social care needs are currently being met and where there might be a need for additional support. But they are useful in other contexts.



## Education, health and care needs assessments and plans – providing advice on social care

When a local authority decides it may be necessary for special educational provision to be made for a child or young person through an EHC plan it **must** carry out an assessment of their special educational needs, and related health and care needs. The local authority **must** seek social care advice as part of that assessment.

It is important for conversations with children, young people and their families to begin very early in the EHC needs assessment process so that information can be shared with the social care team when the request for social care advice is made. This cannot be left until the point at which an EHC plan is being drawn up. When carrying out EHC needs assessments the local authority should seek views from the child or young person using appropriate methods, which might include observation for a very young child, or the use of different methods of communication.

It is important that the nominated point of contact in the local authority's social care team is provided with any information that has already been collected about the child or young person's social care needs. In addition to the information gathered from the questions above, this should include:

- Name, date of birth of child and parents
- Address
- Names and contact information for professionals involved
- Information about current social care needs
- How current social care needs are being met
- Any concerns about social inclusion
- Any direct payments provided for social care
- Details of any previous social care involvement mentioned by the family
- Any concerns about safeguarding or capacity of the parents/carers to meet the child's needs.

When providing social care advice for EHC needs assessments professionals will need to:

- identify any social care needs which relate to the child or young person's special educational needs, their aspirations and relevant outcomes;
- consider the relevance of information about historical involvement to the child or young person's current education, health or care needs, desired outcomes or required provision. This will depend on the individual but generally the more time that has elapsed since historical information was gathered, the less likely that information is to be relevant; and,
- decide whether it is proportionate to include such information as part of their advice – does the benefit of including the information outweigh any negative consequences, particularly for the child or young person?

When, following an EHC needs assessment, an EHC plan is made it **must** contain details of the child or young person's social care needs which are related to the learning difficulties and disabilities which result in them having special educational needs. The plan **must** specify any social care provision which must be made, for a child or young person under 18, under section 2 of the Chronically Sick and Disabled Person's Act 1970.

It may also include social care provision reasonably required by the learning difficulties or disabilities which result in the child or young person having special educational needs which is not to be made under section 2 of the Chronically Sick and Disabled Person's Act 1970, including any adult social care provision made under the Care Act 2014 to meet the needs of young people over 18.

Local authorities can choose to specify other social care provision reasonably required by the child or young person, which is not linked to their learning difficulties or disabilities. This will enable them to include social care provision in child in need or child protection plans.

*The Special Educational Needs and Disability Code of Practice – 0-25 years (2015)* provides statutory guidance on EHC needs assessments and plans.

## Education, Health and Care needs assessments and plans - sharing information

In responding to a request for social care advice, those providing advice will need to consider carefully what information to share with others, taking account of Government advice on information sharing<sup>2</sup> which sets out 'seven golden rules' and some key principles. It is important to note this advice makes clear that:

'Whilst the Data Protection Act 1998 places duties on organisations and individuals to process personal information fairly and lawfully, it is not a barrier to sharing information where the failure to do so would result in a child or vulnerable adult being placed at risk of harm. Similarly, human rights concerns, such as respecting the right to a private and family life would not prevent sharing where there are real safeguarding concerns.'

(Link to FAQ's)

## Developments in local practice

The Council for Disabled Children has been working with local authorities through the Department for Education's Social Care Innovation Programme to consider innovation in assessment of social care needs of disabled children and young people.

As part of that work, the London Borough of Bromley has developed, and is currently trialling, social needs questions for use by professionals involved in Education, Health and Care needs assessments and in supporting those with EHC plans. The questions are for use during periodic reviews or transition reviews to help generate supportive conversations about social needs. See (link) for more information.

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<sup>2</sup> HM Government, Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers, March 2015 (particularly pages 8 and 9)

## Your chance to share...

If you have examples that you are happy to share showing how you are establishing the social needs of disabled children and young people and those with special educational needs and supporting the inclusion of social care needs and provision in EHC needs assessments and plans, please contact:

**Amanda Harvey, Assistant Director, Council for Disabled Children at: [aharvey@ncb.org.uk](mailto:aharvey@ncb.org.uk)**

For further information please see:

The role of Social Care in implementing the Children and Families Act (Council for Disabled Children, 2014) which is available to download free at:

[www.councilfordisabledchildren.org.uk/resources/the-role-of-social-care-in-implementing-the-children-and-families-act](http://www.councilfordisabledchildren.org.uk/resources/the-role-of-social-care-in-implementing-the-children-and-families-act)

Transforming culture and practice in children's social care assessment – Part 1 (Council for Disabled Children, 2016) which is available to download free at:

<http://www.councilfordisabledchildren.org.uk/resources/transforming-culture-and-practice-in-childrens-social-care-assessment-pt-1>

Working Together to Safeguard Children (HM Government, 2015) at:

<https://www.gov.uk/government/publications/working-together-to-safeguard-children-2>

Information sharing – Advice for practitioners providing safeguarding services to children, young people, parents and carers (HM Government, March 2015) at:

<https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice>

The Special Educational Needs and Disability Code of Practice – 0-25 years (Department for Education and Department of Health, January 2015) at:

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>