



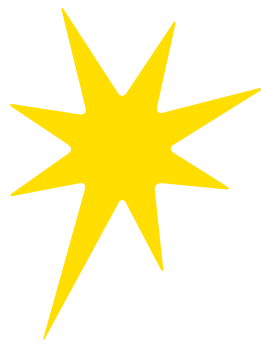
Project Guidelines

Legal Entitlements & Problem-Solving
(LEaP) Project

CEREBRA

Working wonders for children
with brain conditions





Working wonders for children with brain conditions

Families where a child has a brain condition face challenges every day. Just to learn, play, make friends and experience the world can feel difficult, even impossible. But we don't believe there's any challenge that can't be overcome.

So we listen to families, we learn from them. We carry out research, we design and innovate, we make and share. From new equipment to new learning resources, to new ways to play and support each other, everything we find out together makes life better. It opens doors to discovering the world.

It's an incredibly rewarding journey for everyone involved. Why not be a part of it? You never know what we'll discover together.

www.cerebra.org.uk

Our guides for parents help you find the answers you need. You can view and download the full series of our guides and factsheets completely free from our website www.cerebra.org.uk.

If you would like to make a donation to help cover the cost of producing our guides please just text **CERE12** and the amount you want to give to **70070** or give us a call on **01267 244216**. You can also donate online.

Thank you.

Legal Entitlements and Problem-Solving Project

LEaP is an innovative problem-solving project that helps families of children with brain conditions cope with the legal barriers they face.

We listen to families and help them get the knowledge they need to access health, social care and other support services. We identify the common legal problems that prevent families getting access to services and we develop innovative ways of solving those problems. We aim to reach as many families as we can by sharing our solutions as widely as possible.

How the Project started

Public bodies have certain legal duties to provide health, social care and other services for disabled children, but research suggests that families can experience considerable difficulties in accessing these support services. The Legal Entitlements and Problem-Solving Project evolved from a number of initiatives set up by Cerebra to inform parents of their legal rights, including seminars, parent guides and template letters. Cerebra recognised that some parents might need additional support to approach the relevant authorities and decided to fund the Project, which is led by Luke Clements, Professor of Law and Social Justice at the School of Law, University of Leeds.

What is the Project?

There are two parts to the Project:

(1) Legal advice scheme

Our Project Team at the University of Leeds, under the direction of Professor Luke Clements, can provide legal advice to families who are having difficulty accessing health, social care or other support services. Requests are received and assessed by Cerebra staff and those cases which meet our eligibility criteria are referred to the Project Team for consideration. The advice scheme is subject to the usual quality control procedures, including insurance / indemnity cover and confidentiality protocols. See below for further information about how the advice scheme works.

(2) Research programme

As well as helping individual families, the legal advice scheme will generate vital information for the Project's wider research programme. The research is aimed at improving our understanding of the difficulties faced by families in accessing support services and learning how these problems can be resolved effectively. The team will use the research data (which will be held securely and anonymised) to study practical problem-solving techniques and identify which approaches work best, with a view to refining the legal advice scheme's approach and disseminating good practice findings for the wider public benefit.

The aim of the research project is to better equip families to resolve problems and to enable statutory agencies to improve their decision-making processes and reduce the likelihood of such problems arising in future.

Who is eligible for help?

The Project is open to parents and carers of children aged 16 or under who have a brain condition.

'Brain condition' means any disorder or disability that affects the brain, including those caused by illness, genetics or traumatic injury. Brain conditions include (but are not limited to) autism, ADHD, Down's Syndrome, learning disabilities, cerebral palsy, epilepsy and developmental delay. Please contact us for advice if you're not sure whether your child's disability constitutes a 'brain condition'.

Eligibility for the Project will also depend on the type of problem you are seeking help with, as explained below.

What we can do

The Project is aimed at helping parents of disabled children who are having problems getting access to the health, social care or other support services they need from public bodies such as the NHS or local authorities. We aim to provide parents with the information and/or advice they need to resolve those problems.

Our scheme focuses on health, social care and related issues, including:

- Adaptations and disabled facilities grants
- Assessments
- Child and Adolescent Mental Health Services (CAMHS)
- Care & Support (plans / services)
- Carers' rights
- Continence services
- Direct Payments
- School transport
- Short breaks

If you're not sure whether your problem is one that we can help with, please contact us at probono@cerebra.org.uk or on 01267 242582.

What we can't do

Special educational needs provision

We don't generally deal with special educational needs provision – but you can find more information in our Parent Guides on Education (available at www.cerebra.org.uk), including links to other sources of help.

Other areas of law

We're unable to deal with the following legal issues:

- Clinical negligence or personal injury
- Family law matters, such as contact or residence
- Safeguarding and child protection

If you need more information on how to find legal advice, you can refer to our Parent Guide on Finding and Assessing Sources of Legal Help (available at www.cerebra.org.uk).

Complex, prolonged and highly contested cases

The Project is not a comprehensive legal advice or advocacy service and we're unable to provide the kind of ongoing casework that a firm of solicitors may be able to offer, due to our limited resources. Unfortunately, we aren't able to commit those resources to complex or prolonged cases – we have to give priority to those cases which will benefit from the time-limited support available.

Our Project has a strong emphasis on practical problem-solving, so we focus on cases which are capable of being resolved with the resources available to us. We target cases where an intervention by our team could make a real difference to the outcome. As such, we won't be able to help with problems which have become intractable or have already reached the point of legal proceedings.

Cases with a narrow impact

We have to think about the broader impact of the cases we consider and give priority to those issues which have the potential to affect a large number of disabled children and their families, rather than problems arising from very specific or isolated incidents.

Urgent cases

The Project is unable to deal with very urgent enquiries, but we will try wherever possible to refer you to other sources of legal advice and support.

How can I get advice from the Project?

Before you start...

... think about what needs to happen to put things right

Before contacting us, please take some time to consider your current situation and identify what you feel should happen in order to put things right from this point forward. We fully understand that many families will feel aggrieved and may find it difficult to isolate a current problem from past events. The Project is, however, aimed at helping parents to overcome barriers to services and move forward, rather than rehearsing past difficulties. We ask all parents to try as far as possible to set aside historic issues, and focus on resolving the present problem.

... get it in writing

If you're concerned about a comment or decision which has been communicated to you in person or by telephone, we would suggest that you ask the relevant body to confirm the reasons for its decision in writing, as this will help us to assess your case.

Asking for help from the Project

If, having read these guidelines, you would like to get advice from the Project, please complete the online form available on our website at www.cerebra.org.uk. Cerebra staff will then consider your enquiry to check that it is eligible for the Project. We may need to contact you for further information before reaching this decision. If you have any problems using the online form, you can contact us at probono@cerebra.org.uk or on 01267 242582.

What happens next?

If your case is suitable for the Project, we'll ask you to complete and return a consent form before we share your information with the University. Your case will be considered by the Project Team and we may need to contact you for further information. The final decision on whether or not to accept your case will rest with the University.

The Project operates with restricted resources and the support we offer is time-limited. As such, the extent of the legal support that we're able to offer is usually a one-off advice letter.

If you ask us to look into your problem, we'll explain any particular restrictions that may apply in your case and if we're unable to help we will, wherever possible, give you details of other support and advice agencies which may be able to assist.

How long will it take?

Our Project Team will acknowledge receipt of your case and keep you informed of progress, however we cannot guarantee a response within a particular time scale, as this will depend on the particular facts of the case and the Project's capacity at that time (particularly during the University's summer recess, for example).

What does it cost?

The Project is free of charge.

Contact us

If you would like any further information, please refer to our website at www.cerebra.org.uk or contact us at probono@cerebra.org.uk or on 01267 242582.

Information about the author

Carys Hughes joined Cerebra in April 2014 as project co-ordinator for the Legal Entitlements and Problem-Solving (LEaP) Project. The Project Team is led by Professor Luke Clements at the University of Leeds and aims to provide legal support to families who are experiencing difficulties in accessing health, social care and other services. Part of Carys' role is to assess requests and manage referrals made to the scheme. Having qualified as a solicitor in private practice in 2002, Carys spent 11 years in a complaints-handling role at a local authority before joining Cerebra. Carys' legal background and experience in the public sector have given her a useful perspective on how the Project can develop effective ways of helping families overcome problems in accessing services.



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