

Accessing services



Many people who work for public bodies and many parents of disabled children misunderstand the law. Many 'myths' develop, a few of which are listed below.

1. Myth: you have to have a diagnosis to get support.

Not true. A medical diagnosis can be crucial in enabling an illness or disorder to be treated. It is not essential however in order to trigger a duty to provide support for a disabled child. Often it can take a considerable time to obtain an accurate diagnosis even though it is obvious that the child has substantial needs. In such a situation it would be unlawful for a public body to refuse to provide care and support, simply because there had been no diagnosis.

2. Myth: you can't get school transport if you live within three miles of the school.

Not true. Local authorities are under a duty to provide transport for some disabled children (e.g. to school or to a respite or community-based service). The fact that the disabled child lives less than three miles from their school or is receiving Disability Living Allowance (DLA)/PIP mobility allowance payments cannot (on its own) be a reason for a local authority refusing to provide them with transport assistance.

3. Myth: if your IQ is 70 or more you can't get help.

Not true. Some public bodies consider that only people who have an IQ below 70 can have a 'learning disability'. Generally this is irrelevant since a person may be 'disabled' even if they have a high IQ.

4. Myth: CAMHS don't support children with Autism or ADHD.

Not true. CAMHS are specialist NHS children and young people's mental health services. They are normally involved if the GP or social care services are unable to provide suitable support. CAMHS should work with all young people in need of specialist help because of their mental health difficulties (and cannot refuse to support certain categories of people – for example people with Autism or ADHD).

5. Myth: children with disabilities get 2 hours respite a week.

Not true. Local authorities must assess how much respite (short break) support a family needs and are then under a duty to provide this. It follows that a local authority cannot have a 'maximum' limit on how much support of this kind can be provided.

6. Myth: you can't get a Disabled Facilities Grant (DFG) if you live in rented property.

Not true. A disabled facilities grant is a grant paid by the local authority housing department to cover the cost of adapting a home to make it accessible or safe for a disabled person. Disabled facilities grants are non-means tested for disabled children and can be paid for rented as well as owner-occupied homes.

7. Myth: you don't have a right to Direct Payments (or you must take a Direct Payment).

Not true Direct payments are cash payments made by social services to people who have been assessed as needing support. There is a general right to have a Direct Payment (rather than having the authority provide the service). Direct Payments for disabled children's needs are usually made to their parents. Equally an authority cannot insist that a direct payment is made instead of providing support directly. Councils cannot simply say 'we don't have anything suitable, so you will either have to use a service outside our area or you will have to arrange this yourself'.

8. Myth: you can't pay your relatives with a Direct Payment.

Not true. Direct Payments can be used to employ family members (even if they live in the same house - the authority must consider this 'necessary').

9. Myth: there is a maximum number of hours you can get with a short break/Direct Payment support.

Not true. Local authorities must assess how much short breaks support a family needs and are then under a duty to provide this. It follows that a local authority cannot have a 'maximum' limit on how much support of this kind can be provided. The amount of a direct payment must be sufficient to meet the person's assessed needs. There is no upper limit on this amount and direct payments can be used.

10. Myth: you don't get help with travel costs if you are receiving the mobility component of DLA or PIP.

Not true. The fact that the disabled child is receiving Disability Living Allowance (DLA)/PIP mobility allowance payments cannot (on its own) be a reason for a local authority refusing to provide them with transport assistance.

11. Myth: there is an upper limit on the amount of a personal budget.

Not true. A personal budget must not be an 'arbitrary' figure and must be enough to meet the person's eligible needs (and so there can be no 'maximum amount' for a personal budget).

12. Myth: you don't have a right to a separate carer's assessment.

Not true. An 'assessment' decides whether a person is entitled to support provided by the public body. For example, disabled people and carers have a right to an assessment (separate assessments in fact) with a skilled member of social services, who must identify their 'needs' for social care support, services and equipment, etc. The assessment decides if the person is 'eligible'.

Further information on how to tackle different kinds of problems families often face, how to prepare for a meeting, a jargon buster, information on what public bodies must do and precedent letters can be found in **Cerebra's Accessing Public Services Toolkit: A problem-solving approach**, which is available [here](#). Cerebra also run workshops on using the toolkit, further information can be found [here](#).

First published 2021
This edition 2021
Review date 2024