Factsheet

# What to do if your child isn't getting the social care support s/he needs

CEREBRA
Working wonders for children with brain conditions

## The problem:

Families often contact our Legal Entitlements and Problem-Solving (LEaP) Project and tell us that they've been assessed by social services, but still aren't getting the support they need. This factsheet explains what you can do if you're in a similar situation, for example:

- you disagree with an assessment that says that your family doesn't need any extra support
- the assessment and/or care plan don't reflect the full extent of your child's needs
- the assessment says that your child needs support, but the council hasn't written a care plan or put any support in place and things are 'drifting'
- you've been referred to one of the council's 'teams' (e.g. Disabled Children's Team), but the team says that your child doesn't meet their 'criteria' for support
- you've 'bounced' around the system between different teams without getting the support your family needs

## The law:

After assessing your child's needs, the council must then decide whether it's necessary to provide support to meet those needs – many councils use 'eligibility criteria' to help them reach this decision.

In England, there are no national criteria for deciding whether a child is eligible for support and each council will have its own rules. In Wales, new national eligibility criteria have been introduced by the Social Services and Well-being (Wales) Act 2014. The following principles will apply in all cases, regardless of the eligibility criteria being used:

- councils are entitled to prioritise the support they provide so that it goes to those in greater need – eligibility criteria can be a way of ensuring that the council is acting consistently. However, those criteria must be rational and fair
- if your child and/or your family will be put at significant risk of harm if support is not provided, then that support must be made available
- you're entitled to see a copy of the eligibility criteria so that you can see how the council has reached its decision
- councils should explain the reasons for their decisions

Eligibility criteria can seem very technical and confusing – it's important to remember that they're just a way of measuring the impact on your child of not getting support. The more serious the consequences to your family, the greater the council's responsibility to provide support.

The support provided by the council must meet the need: this means that the services must be of sufficient quality, must match the needs of your child / your family and the staff must have the necessary skills and training etc.

## The solution:

### Ask yourself

- "What will happen to me and my family if the council doesn't provide any support? What will the consequences be?"
- Think about the impact on:
  - your child's health and development
  - other children in the family
  - your own physical, mental and emotional health
  - your work or studiesa
  - your family relationships

### Collect the evidence

- Gather any letters, reports or other documents which explain what will happen if you don't get the help you need – ask the professionals involved with your family, e.g. your G.P, consultants, therapists, teachers etc.

### Know your rights

Read our Parent Guides on Social Care (https://cerebra.org.uk/download/social-care-in-england/ and https://cerebra.org.uk/download/social-care-in-wales/) for more information about the assessment process and how councils decide which needs are eligible for support.

### Get it in writing

- Use our template letter (https://cerebra.org.uk/download/letter-to-challenge-a-councils-decision-that-a-child-parent-isnt-eligible-for-support-3/) to explain the consequences to your family of not getting support and to ask the council to confirm the reasons for its decisions in writing. There are separate letters for England and Wales.

### Make a complaint

- Every council must have (and publicise) a process for dealing with complaints about children's social care. If you're unhappy with the council's response, you can make a complaint. Our Accessing Public Services Toolkit (https://cerebra.org.uk/download/accessing-public-services-toolkit/) has more information and template letters.

First edition 2017. This edition 2023. Review date 2026.

This factsheet applies to England and Wales

www.cerebra.org.uk

© Cerebra 2017

INVESTORS IN PEOPLE

Registered Charity no 1089812 Company no. 4336208