

<b>Title: Trafford Children with Complex Needs Service Eligibility Criteria</b>
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Date: December 2024
Review date: December 2025

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## 1. Purpose

The purpose of this policy document is to set out the threshold criteria for accessing support from the Children with Complex Needs Service in Trafford. It will provide guidance to internal staff to help them identify children and young people with disabilities, who meet the criteria for support and advice from the specialist teams within Trafford Children's Services.

It will also support parents and carers, and professionals working with disabled children and young people, to understand the criteria used by the Children with Complex Needs Service when making decisions about whether to carry out assessments or to provide support. It will set out how the service will undertake different types of assessments, including S17 Child in Need Assessments as well as Short Breaks Assessments.

The Children with Complex Needs Service is a specialist service that supports the most severely disabled children and young people aged 0-18 who reside in Trafford. Many families will not need this level of support and as such this document also aims to clarify how support for disabled children and young people, including short breaks, can be accessed across Trafford at all levels of need, from universal or targeted support to the more specialist support that is provided by the Complex Needs Service, the latter of which will require an assessment.

## 2. Principles

The views of parents and carers across Trafford have been considered in developing this new eligibility criteria through a working group that was facilitated by the Trafford Parent Carer Forum. Other key stakeholders were also involved in thinking about the design of the service for disabled children in Trafford and best practice principles.

The following considerations were regarded as important when developing any new criteria for the Children with Complex Needs Service:

- There should continue to be a specialist Children with Complex Needs Service in Trafford.
- The potential complexity of neurodivergence should be considered when making threshold decisions.
- There should be an offer for all neurodivergent children through existing provisions in the local area.
- That the Complex Needs Service acts as a 'Hub of Excellence' to reach out and offer support to other teams across Trafford, where a disabled child may not meet the service's criteria.
- That there is a simple pathway to access Short Breaks support that does not require a social work assessment.

## 3. Legal context

Trafford Council has considered the rights of disabled children and young people in accordance with the Equality Act 2010 and other relevant legislation. This includes:

The Chronically Sick and Disabled Persons Act 1970  
The Breaks for Carers of Disabled Children Regulations, 2011  
The Equality Act 2010  
The Equality Act 2010 (Disability regulations) 2010  
The Children Act 1989  
The Children Act 2004  
The Children & Families Act 2014  
The Special Educational Needs and Disability Regulations 2014, as amended 2015  
The SEN and Disability Code of Practice.  
United Nations (UN) Convention on Disability Rights.  
Human Rights Act 1998

## 4. Definitions

This policy adopts the Equality Act 2010 definition of disability which defines a person as having a disability if they have 'a physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day to day activities'.

- Within this context 'normal day to day activities' should be seen in comparison

to other children / young people of the same age.

- 'Substantial' means more than minor or trivial. It may mean that a disabled child requires significant levels of support from another person to carry out basic day to day functions such as washing, dressing, feeding, participating in activities inside and outside of the home, and night- time care. As an adult it is expected that they will continue to require this level of support.
- 'Long term' means that the effect of the impairment has lasted or is likely to last for at least 12 months.
- 'Impairment' might be cognitive, sensory, physical, or mental.

Children and young people with long term health conditions and complex health care needs where these have a substantial effect on their ability to carry out normal day to day activities are also included.

Children and young people with severe disfigurements including skin diseases are automatically included within the definition of disability.

Children and young people that are covered by this definition will have a wide range of varying needs and Trafford Council will consider the impact on a disabled child, on their siblings and family when considering any referral for support. There are a range of other factors that may be considered such as the degree of impairment, the age of the child and the individual family circumstances. No two disabled children are the same and no two families are the same.

## **5. General legal duties**

All disabled children are *Children in Need* for the purposes of Section 17 (1) of the Children Act 1989. Currently the Local Authority has a duty to:

- Assess the needs of disabled children and to safeguard and promote the welfare of disabled children by providing a range and level of services appropriate to those children's needs;
- This could include an assessment and support through Early Help Services where it is considered that this would meet the needs of the disabled child and family;
- Provide services including short breaks under its duties and powers contained within Part 3 of The Children Act 1989 (Local Authority Support for Children and Families);
- Provide services under section 2 of the Chronically Sick and Disabled Persons Act 1970 (CSDPA) if, following an assessment, they are judged to be necessary;

- Ensure that disabled children are not treated less favourably than their non-disabled counterparts, in line with legislative requirements. This will be achieved both by supporting disabled children and young people and their families to have access to local universal provision and specialist or targeted provision where appropriate;
- Write a Short Breaks Duty Statement which informs families about the range of short breaks service available, any eligibility criteria considered to decide who is entitled to get a short break, and how the range of short breaks is designed to meet the needs of local families with disabled children. [Trafford Directory | Short breaks](#)

## 6. Eligibility criteria

To receive support from the specialist Children with Complex Needs Service, a child or young person must be aged 0-18, reside in Trafford, and have a diagnosed disability that is permanent and meets one or more of the following criteria:

1. a severe or profound learning disability;
2. a severe or profound physical disability;
3. significant or profound sensory disability;
4. complex health needs related to a lifelong or life limiting disability;
5. severe developmental delay;
6. severe communication disabilities or behavioural difficulties related to the child's disability (eg autism);
7. a combination of disabilities, which individually are not severe, but cumulatively have a similar impact to a severe disability.

## 7. Other factors that may influence eligibility include:

- Capacity of parents to meet the disability needs of their child/ren
- Carer has physical or mental health problems
- Child's behaviour is a serious risk to self or others
- Other person(s) with disabilities or long-term health needs in the household who needs support
- Sole carer or parents with a limited support network
- Significant pressures in the family such as domestic abuse
- Risk to the child because of the physical environment e.g., suitability of housing, need for adaptations
- Risk of the disabled child's care breaking down

- Without support the child is likely to need a specialist residential or educational placement
- The family has difficulties in meeting financial commitments; e.g., bills, rent and other essentials
- There are stressful family relationships which may be harmful to disabled child
- Impact on siblings e.g., needs of other children in the family are impacted
- Support available from other specialist resources such as CAMHS (Child & Adolescent Mental Health Service)
- What is best for a particular child or family regardless of whether criteria for the Complex Needs Service are met.

## 8. Who is not covered by these eligibility criteria?

These criteria do **not** include:

- children with mental health disorders unless the child or young person also has a learning, physical or communication disability
- children and young people with a disability or disabilities that are not severe
- children and young people with behavioural problems due to social/environmental factors (i.e., not associated with a disability)
- children with a diagnosis of ADHD or ADD unless the child also has a learning, physical or communication disability
- children with mild learning difficulties e.g., dyspraxia, dyslexia

## 9. Who are we?

The Children with Complex Needs Service (locally known as *CAN*) is currently made up of two teams; a social work team undertaking all statutory social work functions for children with complex needs and disabilities, and a short breaks team where families are typically open for a short breaks assessment and periodic reviews of those packages of care. Some children and young people can be open to both teams at the same time where short breaks are a part of the overall support plan. Both teams work closely together to ensure a seamless service for families.

Both teams operate borough-wide across Trafford and are based at Sale Waterside.

## 10. What do we offer?

There is a range of support available through the specialist Children with Complex Needs Service including:

- Advice and support from an allocated social worker or a social care reviewing officer
- Signposting to commissioned services including specialist short breaks activities
- Awarding a Direct Payment that enables parents and carers to employ a personal assistant (PA) to support their disabled child and provide them with breaks from caring
- Home care or outreach support through a specialist care agency
- Overnight short breaks
- An Activity Plan-an annual award of monies to enable parents/carers to take their disabled child to activities they enjoy
- Advice and support to other teams across Children's Social Care where disabled children may not meet the service criteria

## **11. Targeted Short Breaks**

Trafford Council has a duty to provide a range of short breaks for disabled children across the borough that all families should be able to access. These can be accessed directly from each provider and do not require a social work assessment through the specialist Children with Complex Needs Service.

Families may be signposted in the first instance to the range of short breaks available in their local area and which are designed to provide breaks from caring and fun activities for their disabled child. These are set out in the Trafford Short Breaks Duty Statement and are subsidised by Trafford as part of our wider offer to disabled children and young people. These include term time and holiday activities, play schemes, arts, crafts, and drama groups. No assessment is required to access the commissioned short breaks offer.

This may also be the outcome of a S17 Assessment or a Short Breaks Assessment where it is evident that a disabled child is able to access such targeted provisions and that this meets their social care needs.

For further information about available short breaks across Trafford and to access the Short Breaks Duty Statement please go use the following link: [Trafford Directory | Trafford SEND Local Offer](#)

## **12. How to make a referral to the Short Breaks Service:**

If a disabled child is unable to access universal or SEN specific services on the Local Offer, then parents and carers or professionals who are supporting disabled children, can make a referral directly to the Short Breaks Team using the following simple enquiry form on the Trafford Council website:

**[SHORT BREAK ENQUIRY FORM LINK](#)**

A member of the Short Breaks Team will make contact with parents and carers within 48 hours to discuss the needs of the disabled child and their family.

If the disabled child is able to access one of the commissioned services, parents and carers will be signposted to those services and no further assessments will be necessary. Individual providers will carry out their own assessments and offer short breaks support in accordance with their commissioned offer.

Should it be evident at the enquiry stage that a disabled child and their family are likely to require more support, or the disabled child is unable to access the commissioned services due to their complex needs, a decision will be made to offer a Short Breaks Assessment.

Where Level 4 Child in Need Thresholds are deemed to be met or where there are more immediate safeguarding concerns about a disabled child (Level 5), referrals should be made using the online referral from:

<https://www.trafford.gov.uk/residents/children-and-families/worried-about-a-child/trafford-first-response.aspx>

First Response will complete the initial screening and seek advice from the Complex Needs Service to determine eligibility for assessment by the specialist service.

Children who do not meet the eligibility criteria for the Children with Complex Needs Service may still be entitled to services as *Children in Need* and may be referred to other teams within Children's Services, which may include Early Help.

### **13. What will the assessment involve?**

#### **Short Break Assessments**

Where the initial screening indicates that the main need relates to a request for short breaks support, the family will be contacted by a social care reviewing officer based in the Short Breaks Team who will undertake a Short Breaks Assessment.

This assessment will usually take up to 4 weeks to complete and will involve a home visit to see the disabled child and their family in their own environment as well as gathering information from key professionals working with the disabled child (with the consent of parents and carers). This may include teachers, teaching assistants, paediatricians, or any other professional who may know your child well.

The assessment will look at a range of factors which will include the impact of the disability on the disabled child's day to day functioning, what it is like caring for them, how their siblings may be affected, or how family life is impacted.

#### **Section 17 Child in Need Assessments**

If a decision is made to carry out a Section 17 Assessment, a qualified social worker from the Complex Needs Service will make contact with the family and they will undertake a *Child & Family Assessment*.

The assessment can take up to 45 working days to complete although it is expected that it should be completed sooner than this in most situations. This will depend on the complexity of the disabled child and their family circumstances.

The assessment will also look at a range of factors which will include the impact of the disability on the disabled child's day to day functioning, what it is like caring for them, how their siblings may be affected, or how family life is impacted.

The assessment may also focus on any safeguarding issues that formed part of the referral or which may arise during the assessment. For example, if there were worries about neglect, domestic violence, or physical abuse.

The allocated social worker will do this by talking to you and your children and, with your permission, will liaise closely with professionals involved with your disabled child and your other children where this is having an impact. This may include teachers, health visitors, school nurses, paediatricians or any other involved professionals who may know your child/ren well.

They will also want to understand the support available to you in caring for your disabled child, which will include wider family and friends support and speaking to those key people may also be requested during the assessment.

Where it is not clear whether a child or young person meets the criteria for the service, a social worker or a social care reviewing officer from the Complex Needs Service may undertake a joint visit as part of a Child & Family Assessment or during a period of Child in Need or Child Protection Planning.

If there are disputes about eligibility criteria between services, the expectation is that these are resolved between the relevant Heads of Service and failing that, they will be escalated to the Director of Children's Social Care for adjudication though this should be extremely rare.

#### **14. Trafford Short Breaks Panel**

If following an assessment, the social worker or social care reviewing officer is recommending that there is a support package provided, then they will present this request to the Trafford Short Breaks Panel, which takes place on a fortnightly basis.

It is chaired by the Head of Service for Children with Complex Needs. The Panel is usually attended by practice managers, a specialist commissioner responsible for short breaks contracts, and representatives from Health, the Children's Continuing Care Lead Nurse and/or a learning disability nurse from the Children's Intensive Behaviour Support Service (CIBSS).

The purpose of the panel is to consider the requests for support that are being made following assessment but also to have helpful conversations to support disabled children and their families in other ways that multi-agency professionals may consider relevant.

The decision of the Panel will be communicated to families through their social worker or their social care reviewing officer, who presented the request to the Panel.

If a parent or carer is unhappy with the decision made by the Panel, they should in the first instance speak to the allocated social worker or social care reviewing officer and they will help to explain further the rationale of the decision.

Should parents or carers still feel unhappy about the decision, they can appeal the decision in writing within ten working days of the Panel date by writing to the Chair of the Panel.

Write your appeal to: [shortbreaks@trafford.gov.uk](mailto:shortbreaks@trafford.gov.uk)

The Chair of the Panel will consider your appeal and your social worker or social care reviewing officer will communicate the response to you verbally within 10 working days.

Should you remain unhappy with the decision that has been made, you can make a formal Stage 1 Complaint via the Trafford Council website: [Complaints - Trafford Council](#)

Alternatively, you may call the Complaints Team on 0161 912 1137.

### **Key contacts and links**

Trafford Parent Carer Forum [Trafford Parents Forum | Home](#)

Trafford SEND Local Offer [Trafford Directory | Trafford SEND Local Offer](#)

Trafford Short Breaks Information and Short Breaks Duty Statement [Trafford Directory | Short breaks](#)

Council for Disabled Children [Council for Disabled Children](#)

Trafford Levels of Need [Levels of Need \(trafford.gov.uk\)](#)