

CHILDREN'S LEGAL CENTRE

COMMENT

Improving the Life Chances of Disabled People

The Children's Legal Centre has received support from the Children's Fund to develop advocacy with disabled children as part of its work associated with capacity building. The Centre also has substantial experience in representing children who are undergoing assessments likely to lead to a statement of special educational needs.

There are a number of points which the Centre would wish to make about the report.

1. The content.

The report is remarkably thorough in its analysis of the demographic, financial, social and educational issues that affect all people with disabilities, including children and young people. The financial disadvantage is particularly well examined. It must be a matter of concern that much of the information is not new, having been identified over several years in a series of reports by the Audit Commission. There are well established good practice models for the management of the care of children with disability, which begs the question of why the actions proposed have not been pursued.

2. Access to entitlements.

The report is weak on its legal analysis. All public sector services are provided as the result of primary and secondary legislation and their interpretation in policy. There would be great benefit in an analysis of the range of legislative provision relevant to disabled children and adolescents, including benefits for both children and parents. This could be undertaken in the context of the provisions of the Disability Discrimination Act 1995 and Article 23 UN Convention on the Rights of the Child. Such an analysis should include:

The Education Acts;

The Children Act 1989;

Social Security legislation;

Housing legislation.

The Children's Legal Centre has found that many parents who approach it for help are exhausted by the effort of pursuing agencies where, irrespective of statements or law and policy, there is a constant denial of statutory obligations. Further, priorities and criteria within agencies are not co-ordinated, so that there is little logic in the use of the public funding accessed by this group. While the Children Bill may address some aspects of this within its new structures, it is by no means guaranteed that this will be the case.

This is particularly important in the case of assessments. It is always likely to be the case that children with complex problems will need access to help from different professionals. Assessments for such children should be within a legal framework that ensures that they are co-ordinated and that the professionals concerned understand the impact of their intervention on each other and work closely together to reduce the number and complexity of assessments across different services.

3. Advocacy

Advocacy for this group of children overall may have been weakened because it has developed from self-help groups experienced in the needs of specific children, who are in competition for scarce resources. CAF has helped to change this by establishing a credible voice for the whole group.

Advocacy in this area is difficult because of the complex issues facing many children, which may include education health and social services. All have their separate complaints procedures and even separate ombudsmen. As yet the changes promised in the review of public sector ombudsmen have yet to materialise, with the result that in the context of a multi-agency service, different processes are required to hold the parties to account. Advocates need to be able to undertake representation in all aspects of the child's care, not only social services or health or education.

An additional problem is that advocates for children with disabilities may require special training in communications if they are not to depend on the parent when interacting with the child. It seems likely that the Children Bill will lead to the requirement to consult children likely to receive s.17 CA 89 services and many of these children will have a communication difficulty of some kind.

4. Inclusion

The Children's Legal Centre has had reason to become concerned about the impact of the development of the inclusion policy in schools on children with disabilities. It appears that there is a risk that as children are moved into mainstream education, the support infrastructure associated with the specialist school is lost. This has many consequences, including additional demands in already stressed parents, who may need to escort to child to appointments for services no longer available on the school site.

4. The Format

While the format of this report is useful as a basis for slide presentation, it is extremely difficult to read. Its value is also damaged by the lack of an index. The result is that the report appears to lack a theme and intention, which is to underestimate it.

Conclusions

It will be important to see how the proposals in the Children Bill and the NSF for children impact on this group and whether they will achieve the desired effects on practice. Areas which require further attention are:

- the interaction of policies within different government departments and the effects on the lives of families with disabled children;
- transition arrangements, with particular emphasis on health;
- access to therapeutic and support services for families.

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