

**Disability Law Service**

Fighting injustice for disabled people

**CHILDREN'S SOCIAL  
CARE  
FACTSHEET**

## The Assessment

Section 17(1) of the Children Act 1989 places a duty on local authorities to safeguard and promote the welfare of children within their area who are in need.

The definition of children in need is to be found at Children Act 1989, s17(10), which provides that a child is to be taken as 'in need' if

- a) He is unlikely to achieve or maintain, or have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority, or
- b) His health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services, or,
- c) He is disabled.

If a child has a disability, they are automatically a 'child in need'.

## Assessment Process

Local authorities have a duty to assess children with impairments to identify what support is required to help meet their needs and also to assess whether they need to be accommodated in a different environment.

The purpose of the assessment is: -

- To gather important information about a child and family
- To analyse their needs and/or the nature and level of risk and harm being suffered
- To provide support to address those needs to improve the child's outcomes and welfare and where necessary to make them safe.

Assessments should determine whether the child is in need, the nature of any services required and whether any specialist assessments should be undertaken to assist the local authority in the decision making. Specialist assessments can include: -

- a) Occupational Therapist Assessment
- b) Education, Health and Care Plan Assessment;
- c) Referrals for NHS Services.

## What should the assessment include?

The Working Together Guidance states that ' a good assessment' is one which investigates three domains: -

- 1) The child's developmental needs;
- 2) Parenting capacity;
- 3) Family and environmental factors.

The important dimensions within these domains for a disabled child are likely to include the following:

- a) Health, education, emotional and behavioural development and self-care skills
- b) Ensuring safety (parenting capacity) and
- c) Housing, family's social integration and community resources

The key features of an assessment are: -

- The assessment may be carried out by a social worker and specialist assessments may be required;
- The requirement for a timely assessment and the specific obligations for a decision to be made about the type of response required within one working day of the referral being received;
- The maximum timeframe for assessments to conclude of 45 days from the point of referral;
- Every assessment must be informed by the views of the child as well as the family.

### **Basic Principles of an Assessment**

- a) Assessments should be needs led rather than dictated by available provision;
- b) Assessments should be undertaken and provision put in place promptly and children and their families should not have to wait for essential services;
- c) The assessment process should identify first the barriers that inhibit the child and family living an ordinary life and second, what can be done by the support agencies to tackle them;
- d) The assessment should take account of the needs of the whole family and individuals within it,
- e) Early intervention is regarded as important in order to avoid families reaching crisis point;
- f) An assessment of need should not be seen as a one-off event, but should be repeated as required, as children grow and develop and circumstances can change.

### **Timescales**

Once a referral has been accepted by the local authority children's social care, the lead practitioner role is given to a social worker.

**Within one working day** of a referral being received, a local authority social worker should acknowledge receipt of the referral and make a decision about next steps. This will include the following: -

- a) Whether the child requires immediate protection and urgent action is required

- b) Whether the child is in need and should be assessed under S17 Children Act 1989
- c) There is reasonable cause to suspect that the child is suffering or likely to suffer significant harm
- d) Any services are required by the child and family and what type of services
- e) Further specialist assessments are required to help the local authority to decide what further action to take.

**Working Together to Safeguard Children Guidance, paragraph 78** states: -

The maximum timeframe for the assessment to conclude, such that it is possible to reach a decision on next steps, should be no longer than 45 working days from the point of referral. If an assessment exceeds 45 working days, the social worker should record the reasons for exceeding the time limit.

### Interim Support

In some cases there may be a need for interim support pending the completion of the assessment and it may be that services need to be put in place before the assessment reaches a conclusion.

**The Working Together to Safeguard Children Guidance, paragraph 82** states: -

Whatever the timescale for assessment, where particular needs are identified at any stage of the assessment, social workers should not wait until the assessment reaches a conclusion before commissioning services to support the child and their family. In some cases, the needs of the child will mean that a quick assessment is required. **The Working Together to Safeguard Children Guidance, paragraph 83.**

It is the responsibility of the social worker to make clear to children and families how the assessment will be carried out and when they can expect a decision on next steps. **The Working Together to Safeguard Children Guidance, paragraph 84.**

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**Tel: 0207 791 9820**

**Email: [legalaid@dls.org.uk](mailto:legalaid@dls.org.uk)**

**Advice**

**Tel: 0207 791 9809**

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