

# West Berkshire Children with Disabilities Eligibility Criteria



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**The following criteria establish the threshold for a child or young person (up to 18 years) to be considered for services from the Children with Disabilities team.**

## Legal Framework

The legal framework for children and young people with disabilities is developed within the context of the Chronically Sick and Disabled Persons Act (1970), Children Act 1989 (2004), Equality Act 2010, Children and Families Act (2014), Every Child Matters, and the Framework for the Assessment of Children in Need and their Families with regard to the Disability Discrimination Act 1995.

## Referral Process

All referrals for accessing Children's Social Care are made through our Contact, Advice, and Assessment Service (CAAS) and will be triaged and allocated to the appropriate team. All children with disabilities are entitled to an assessment as a Child in Need under Section 17 of the Children's Act 1989. This assessment identifies the support required by children and their families and targets provision. An assessment does not always lead to service provision. A Section 17 assessment can be completed by CAAS or the Children with Disabilities team if criteria is met. To access Children with Disabilities services, a child must have a substantial disability as defined by the Equality Act 2010 under S212(1), which is both permanent and profound. Children are assessed based on the impact of their impairment on their quality of life and that of their family, rather than the impairment itself.

## Eligibility

Most children with disabilities in West Berkshire will receive services through Universal support within their local community. Many will also access [Early Help Support and the SEN local offer](#). The eligibility criteria for the Children with Disabilities team are considered only when the impact of the child's impairment is too significant to be addressed by Universal support or through SEN local offer. If a child does not meet the eligibility criteria, they can access an assessment under S.17 Children Act 1989 (2004) through CAAS. Some children may need specialist services other than or in addition to social care, such as language therapy, occupational therapy, health, or education

## Criteria for Services

Children and their families whose main need for services arises from severe disabilities or intrinsic conditions that have a substantial or critical impact on their quality of life and cannot be met by universal/targeted services/SEN offer alone are eligible. The child's disability must be both permanent and profound. Social care and key partner agencies aim to maintain the child/young person safely within their family and community where possible and appropriate.

### **A Child in Need is defined as:**

1. Disabled, such that they are blind, deaf, dumb, suffer from a mental disorder, or are substantially and permanently handicapped by illness, injury, congenital deformity, or other prescribed disability (s.17 (11) Children Act 1989).
2. Unlikely to achieve or maintain a reasonable standard of health or development without the provision of services by a local authority.
3. Likely to have their health or development significantly impaired without the provision of services. "Substantial" means considerable or significant factors that are life-changing or limiting, and might include issues related to risk and dependency. "Permanent" means existing indefinitely and not expected to improve, with flexibility for intermittent or episodic conditions.

## **Access to Services**

Referrals to the Children with Disabilities team will focus on the child's disability and the family's need for support due to the disability.

### **Criteria for access include:**

- The child/young person is ordinarily resident in the West Berkshire District Council area and has a permanent and substantial disability.
- The child/young person requires support and services from the Local Authority to reach their potential and be cared for safely and appropriately.

### **This includes children with:**

- Severe and complex learning disabilities.
- Severe physical disabilities with a substantial impact on daily life.
- Severe hearing, visual, or multi-sensory impairments with a substantial impact on daily life.
- Challenging behaviour arising from a learning disability or another disability, requiring specialist interventions.
- A requirement for occupational therapy input in the home environment due to a permanent and substantial disability.

## **Exclusions**

### **The eligibility criteria do not include:**

- Children with a mental health disorder unless in conjunction with a learning, physical, or sensory disability.
- Medical conditions unless in conjunction with a learning, physical, or sensory disability, or if the medical condition constitutes a permanent and substantial disability.
- Disabilities that are not permanent and substantial, and behavioural problems primarily due to social/environmental factors.
- A diagnosis of ADHD or ADD unless in conjunction with an additional learning, physical, or communication disability.

Where there is uncertainty, the concepts of “substantial and permanent” should guide judgments. Local authorities should interpret these concepts flexibly, considering the individual’s wider circumstances.

## Referral Pathway

Referrals to the Contact, Advice, and Assessment Service can be found here [\*\*About the Contact, Advice and Assessment Service \(CAAS\) - West Berkshire Council\*\*](#). If a child does not meet the criteria for the Children with Disabilities team, they may be eligible for services from the Family Help teams within Children Services.