



**Comisiwn y Gyfraith**

Diwygio'r gyfraith

**Law Commission**

Reforming the law

**Challenging Behaviour National  
Strategy Group meeting**

27 November 2025

**Disabled Children's Social Care – the  
Law Commission Review**

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# Review of disabled children's social care law – an overview

- ❖ Review carried out between September 2023-25 following Ministerial Reference from Department of Education.
- ❖ Arose from recommendations made in *The independent review of children's social care – Final Report* (May 2022).
- ❖ Focussed on removing barriers to accessing social care for disabled children in family-based care.
- ❖ Public consultation carried out between October 2024 and January 2025.
- ❖ 40 recommendations for reform laid before Parliament on 16 September 2025. Govt to respond in 6-12 months.

# Key recommendations

## ❖ **New legal framework**

- ❖ Disabled children should remain within s17 Children Act 1989.
- ❖ But there should be a new part of the Children Act to contain the recommendations: a single, unified legal framework for DCSC.
- ❖ This should be accompanied by comprehensive guidance, to be co-produced with families, to help avoid 'parent blaming'.

## ❖ **Eligibility**

- ❖ A single duty to meet the social care needs of disabled children, subject to national eligibility criteria.
- ❖ Preliminary work required to evaluate impact. Eligibility criteria to be co-produced with families and others.

# Key recommendations

## ❖ Participation

- ❖ Rights for disabled children to make certain decisions, if they have the ability do so.
- ❖ Advocacy services for children and (in some cases) parents and carers who would otherwise struggle to participate.
- ❖ Obligations on local authorities to have regard to the need to secure the child's participation, and take into account the views, wishes and feelings, and knowledge of parents and carers.

## ❖ Transition to adulthood

- ❖ A statutory requirement that planning for disabled children to make the transition to adulthood should start by the age of 14.

# Diolch am wrando / Thank you for listening

## Am ragor o wybodaeth cysylltwch â:

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# Discussion questions

1. What are your views on these recommendations? What impact do you think the recommended changes would have on children and young people with learning disabilities whose behaviour challenges and their families?
2. If national eligibility criteria are progressed, what outcomes should be included in the eligibility regulations to ensure that the needs of children and young people with learning disabilities whose behaviour challenges are identified and met?

During this discussion, we would like attendees to think about and identify:

**One piece of information or support available right now** that relates to disabled children's social care and supports young people with learning disabilities whose behaviour challenges and their families to access health services

**One 'big, systemic issue'** related to social care for children and young people with learning disabilities whose behaviour challenges and their families where we could work together to co-produce change

**One practical solution** relating to this issue that you or others in the meeting could implement tomorrow to make a difference