

CB-NSG November 2025 – Disabled Children’s Social Care

Summary of workshop discussion and agreed actions

Discussion

In September 2025, the [Law Commission published recommendations from its review of Disabled Children’s Social Care](#). During this workshop, attendees were asked their views on these recommendations, and any concerns relating to implementation. Attendees were also asked what outcomes should be included in national eligibility criteria (if these were introduced) to ensure that the needs of children and young people with learning disabilities whose behaviour challenges are identified and met.

The recommendations that were specifically focused on during these discussions were:

- Recommendation 1: There should be a new legal framework for disabled children’s social care, accompanied by comprehensive guidance (which should be coproduced with families)
- Recommendation 4: Decision-makers (e.g., local authorities) must have regard to the need to secure the child’s participation and take into account the knowledge, views, wishes and feelings of the child and their parents/carers
- Recommendation 16: There should be a single duty to meet the social care needs of disabled children, subject to national eligibility criteria (which should be coproduced with families and other stakeholders)
- Recommendations 28 and 29: Disabled children should have the right to make certain decisions if they have the ability to do so
- Recommendations 31 and 32: Disabled children and (in some cases) parents/carers should be entitled to independent advocacy if they would otherwise struggle to participate
- Recommendation 33: There should be a statutory requirement for transition planning to begin by age 14 at the latest

What are your views on the Law Commission’s recommendations?

Key findings

1. Attendees were generally supportive of the Law Commission’s recommendations, and were keen for the government to implement them

2. Implementation is key – changes must be accompanied by suitable infrastructure and awareness-raising, but if they are, this would have both wellbeing and financial benefits
3. Changes to the law need to have “teeth” – there needs to be accountability and a way of enforcing the rights of disabled children

“If it all happened, it would substantially improve matters”

“It’s really whether or not [the government is] going to take this opportunity to make seismic change.”

Attendees were generally supportive of the Law Commission’s recommendations. In particular, attendees felt that in making their recommendations, the Law Commission had properly engaged with and reflected what families had told the Law Commission about the issues with the current legal framework, and what would improve the law in this area. There were also suggestions that implementing these recommendations could address the financial pressures currently facing e.g., local authorities, as they would tackle existing inefficiencies¹ and help promote earlier intervention (which has long-term cost savings²).

However, multiple attendees raised concerns that these recommendations would not be taken forward by the government, and/or that they would not be accompanied by the necessary funding or infrastructure to implement them. An example given was the recommendation that local authorities should have a legal duty to secure children’s participation; an attendee highlighted that current systems and services would be unlikely to be able to achieve this, particularly for children with e.g., severe learning disabilities, and so additional infrastructure (e.g., guidance, a service, a specific role) would need to be put in place to fulfil this duty. However, a positive example was shared of how a young person had been positively engaged with by a social worker as part of an assessment process, despite being non-verbal.³ The postcode lottery of

¹ A recommendation was made that there should be further investigation of how much is spent by local authorities on providing social care support to disabled children and their families, compared to how much is spent by local authorities on legal proceedings (e.g., where a parent is appealing due to support not being available)

² Evidence for this shared by attendees included work by the Tizard Centre, Dr Nick Gore, and Professor Jim Mansell, although it was agreed further evidence of how early social care intervention contributes to cost savings would be beneficial. Examples can be found in the report ‘[Investing in Early Intervention](#)’ (2022).

³ Further information about engaging with children and young people with severe or profound and multiple learning disabilities can be found here: <https://www.challengingbehaviour.org.uk/what-we-do/projects-and-research/what-matters-to-me/>

existing services was also discussed, with attendees emphasising that steps need to be taken to ensure that these rights are upheld in all areas across the country.

Attendees also highlighted the need to ensure that families are informed about any changes to their/their child's rights and entitlements. The view of the current situation was that information is not easily accessible, with families relying on others in similar situations:

“At the moment, most parent carers find out from other parent carers about their rights and what they're entitled to, so it's a massive issue.”

While recognising that the Law Commission's recommendation that the government should produce guidance could help improve knowledge of rights/the law, attendees emphasised the need for this guidance to be sufficiently publicised and made accessible for families (the length of many pieces of guidance was discussed as a barrier to family carers being able to engage with it, even if they are aware that it exists, due to the other time pressures of supporting a disabled child). National guidance would not also inform families of what support is available in their local area, suggesting additional formats/sources of information would be needed alongside this guidance. Examples of peer support and family navigators were highlighted as useful sources of information and support for families.

Concerns were raised about whether changes in the law would be properly enacted/enforced. Attendees highlighted that currently, guidance (both statutory and non-statutory) is frequently not followed, and stressed that there also needs to be strong accountability processes. Comparisons were raised with other parts of the law that families of disabled children currently navigate:

“SEND, education, is a prime example of this, where local authorities are not doing what they're supposed to do, but there's no fine. And they get a rap on the knuckles, but then they continue because actually that's all they get – a rap on the knuckles – and nothing much else happened.”

Finally, attendees raised the issue of transition from children's services to adult services. There was support for the recommendation that there should be a statutory requirement for transition planning to begin by age 14 at the latest. A professional working in adult services raised that current delays in transition planning cause significant issues due to their inability to prepare to meet the young person's needs once they reach adulthood, in some cases resulting in much more restrictive measures (e.g., medication) in response to crises occurring. It was suggested that as part of the planning process, having a way of 'flagging' an individual as having a particular need

could enable adult services to plan ahead to meet these needs and, if necessary, become involved sooner to ensure a smoother transition.

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?

1. Consistency between eligibility criteria for children and adults

It was suggested that having consistency between eligibility criteria for children and adults could be useful as it would provide clarity; however, attendees also highlighted that criteria can be stricter for adults than for children (or can be applied more strictly depending on location).

2. Holistic view of housing needs

Examples were given of families where one or both parents had had to give up work in order to care for their disabled child, which prevented them from having the finances to secure housing which meets their child's needs; in these cases, the local authority had refused to fund suitable housing, or used criteria that were too narrow (e.g., definitions of 'accessibility' which did not include e.g., whether the property meets sensory needs). Being unable to access suitable housing to meet the child's needs had resulted in them being sent to residential school/institutional care, at a far higher cost (both in terms of financial cost, and in cost to their wellbeing).

Working together to improve disabled children's social care – actions

Existing information and support for children and young people with learning disabilities whose behaviour challenges and their families

Peer support and family navigator/coordinator roles were identified as positive examples of existing support available in some parts of the country, e.g., the Black Country, which could benefit from further expansion. However, other sources of information were not easily identified, which was attributed to the fact that the existing legal framework is complicated (meaning that there is no 'one key source' of information in existence).

Key systemic issue(s) that need to be tackled by the CB-NSG and other partners in relation to disabled children's social care

Attendees identified the need to:

- a) **Improve links between children’s and adult services** (to support smooth and well-planned transitions)
- b) Tackle the ‘postcode lottery’ by ensuring that **different local areas do not use different eligibility criteria**
- c) **(Re)build trust between families and services**, particularly in the context of parent-carer blame⁴

Practical solutions which could be implemented in the short-term to make a difference

Attendees identified:

- a) **Writing to Josh MacAlister MP** (Parliamentary Under-Secretary of State for Children and Families) in support of the recommendations, building on the points raised in this discussion
- b) **Expanding peer support networks and family navigator roles** to help families within their local area to navigate the system
- c) Further **longitudinal research on the economic benefits of early intervention**, particularly relating to disabled children’s social care
- d) **Research into how much is being spent on providing social care to disabled children versus costs of litigation**

Thank you to Connor Johnston (Law Commission) and Elly Chapple (Family Carer) for facilitating this workshop, and to all attendees for their contributions.

⁴ For further information, see:

- i. Clements and Aiello, ‘[Institutionalising Parent-Carer Blame](#)’ (2021)
- ii. Clements and Aiello (eds), ‘[Understanding Parent Blame: Institutional Failure and Complex Trauma](#)’ (Policy Press, 2025)