

Law Commission review of Social Care

**Connor Johnston and Efa Jones, Law
Commission.**

Planning partners:

Sponsors:



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Disabled Children's Social Care

Introduction to the Law Commission Review

NNPCF Conference
29 February 2024



Who?

- The Law Commission: statutory, independent body with responsibility for law reform.

What?

- Review of law on social care for disabled children in England.
- DfE requested project, arising from Independent Review of Children's Social Care 2022.
- [Terms of reference here.](#)

When?

- Currently at pre-consultation stage.
- Aiming to consult on provisional recommendations for legal change in around June 2024. 3-month consultation.
- Report with final recommendations to follow.



Big picture issues

1. The need to simplify the law and make it more accessible.
2. Can/should the functions of assessing and meeting the needs of a disabled child be separated from safeguarding their welfare?
3. Could social care law for disabled children be more closely integrated with SEND law?



Assessing needs

4. What should an assessment involve?
5. How can we ensure that those assessing the needs of disabled children have, or have access to, appropriate expertise?
6. How do we ensure that parents and children are listened to during the assessment process?



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Emerging issues

Meeting needs

7. Do we need national eligibility criteria?
8. Should there be a duty to meet parent carers' needs?
9. How do we ensure that the right services are available locally to meet children and parent carers' needs?



Remedies

10. There are various potential routes to redress available in relation to social care including:

- Internal local authority complaints processes
- Complaints to the Ombudsman
- Appeal to the Tribunal (in SEND cases)
- Judicial review

How accessible/effective are these remedies?

What would an effective system of remedies look like in this context?



How you can contribute

1. **Respond to the consultation** (ETA June). Individually or on behalf of forum.
2. Speak to us today.
3. Email us at dcsc@lawcommission.gov.uk.
4. Forthcoming NNPCF discussion group (fully booked).
5. Further online discussion groups to be arranged during the consultation period.



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Get in touch with the Disabled Children's Social Care team

Connor Johnston
Alex Ruck Keene KC (Hon)
Efa Jones

dcsc@lawcommission.gov.uk