



# Fostering a Disabled Child or Young Person

With you every step of the way

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All looked after children and young people can face barriers to achieving their potential. A disabled looked after child or young person faces multiple barriers. For them to succeed, their foster carer needs to use a range of skills and communication methods advocate on their behalf and make sure their legal rights are understood and applied. This factsheet explains legal definitions; why disabled children and young people need fostering; the role of the foster carer; placements considerations for disabled children and young people and how to best engage with the child or young person's additional needs.

## **Introduction**

Disabled Children and Young people are first and foremost, children and young people. Fostering a disabled child is, in most ways, no different from fostering any other child. Disabled children and young people often contend with additional challenges and caring for a disabled child may present additional practical or emotional challenges to foster carers. The term SEND is often used in referring to education and social care services for disabled children and refers to Special Educational Needs and Disabilities. The term additional needs is often used for children and young people who have a health or developmental condition that impacts on their everyday life, these needs could be developmental, physical, learning, behavioural or sensory.

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## Legal Definitions

The Equality Act 2010 describes disability as a physical or mental impairment that has a large and long-term adverse effect on someone's ability to carry out normal day-to-day activities. For children and young people, this includes any physical or mental difference that has an adverse effect on their development. It includes children and young people with mental health problems, developmental delays, physical or sensory impairments, or long-term illness.

## Why do disabled children and young people need foster carers?

Disabled children and young people need foster carers for the same reasons as any child in need of alternative care. Disabled children and young people may also be more vulnerable to abuse, particularly if they have limited communication skills.

Some disabled children and young people may have an Education, Health and Care ((EHC) Plan, which may include respite care (The Children Act 1989 and Children and Families Act 2014), to give the family and the child or young person a short break. Often families with a disabled child have smaller social networks, less access to community activities for their children and their child's needs may make it harder for informal arrangements to be made. Short breaks enable the child or young person to have opportunities for new experiences, while their families get a chance to focus on their own quality time and recharge their batteries.



## **Short Breaks Fostering**

Short Breaks foster care is for a short, limited time only. A short breaks foster carer cares for a child or children, for example during school holidays, or at weekends—this is often the same child or children at regular intervals. Foster carers who offer short break fostering generally look after children who are already cared for on a full-time basis by other foster carers or often in the case of Disabled Children and Young People the children are living with their birth families.

Children who require short breaks fostering most often have a disability, additional needs or a particularly challenging behavioural issue. Short break fostering often involves working closely with the full-time carer or parent and a range of professionals. Short break carers often care for the same child on a regular basis eg: at weekends or during school holidays, so although not ‘full time fostering’ it can be a long-term commitment and matching children with the right short break foster carer is important.

## **Being a disabled child or young person in foster care**

All looked after children and young people face potential barriers to achieving their potential. A disabled child faces multiple barriers. For them to succeed, their foster carer needs to use a range of positive communication and advocacy skills to speak up for them and make sure their legal rights are understood and enforced.

If a foster carer needs help in advocating for a looked after child then contact the child's responsible local authority advocacy service, speak to the child's social worker or contact Coram Voice or the National Youth Advocacy Service (see below).

## **The role of the foster carer**

Foster Carers are expected to work with a wide range of other professionals in health, education and leisure. Foster carers will often work closely with the child, their family and other professionals to identify which services and environments will provide the best opportunities for the child to develop and thrive.

Foster carers caring for disabled children and young people will need to provide the support they need to reach their full potential which will often mean working with other professionals such as paediatric consultants, community nurses, speech and language therapists, occupational therapists. In some cases, they may be liaising with professionals for any required adaptations to the foster home. The foster carer may also need training in giving any clinical interventions to the foster child often provided by the local hospital or nurse practitioner.

There may be a requirement to complete this on a named child basis and to undertake refresher training. The foster carer may need to understand and receive training in moving and handling and using equipment needed for the child or young person. Foster carers should ensure they are familiar with and adhere to any medication policies and recording requirements. Risk assessments and safer care policies should also be updated to reflect the specific needs of the child in placement and consider the needs all household members.



## Independent Reviewing Officers

Once in placement the Independent Reviewing Officer (IRO) is responsible for ensuring the local authority carry out their duty in the care planning for the disabled child or young person. To ensure there is a EHC plan in place and to ensure all the requirements for the young person are met by the care plan including the financial and funding needs of the placement. The foster carer and the disabled foster child or young person are entitled to speak with the IRO separately and seek an advocate for the child if this is felt needed.

## Education

Some children and young people need additional support in order to achieve in education. For most, this means additional support within their local mainstream school, which may provide a different learning environment or additional support in order to learn. For a few, this means going to a specialist school. Some children and young people need additional support although they are not disabled children and young people.

Special Educational Needs and Disabilities (SEND) can affect a child or young person's ability to learn. They can affect their:

- Behaviour or ability to socialise, for example they struggle to make friends
- Reading and writing, for example because they have dyslexia
- Ability to understand things
- Concentration levels, for example because they have ADHD
- Physical ability

If foster carers think that the child or young person they care for may have special educational needs, contact the SEN co-ordinator, or 'SENCO' in the child's school or nursery.

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Your local Information, Advice and Support (IAS) Service can give you advice about SEND.

The child or Young Person may be eligible for:

- SEN support – support given in school, like speech therapy
- An education, health and care (EHC) plan – a plan of care for children and young people aged up to 25 who have more complex needs (Children and Families Act 2014).

## **Education and Health Care Plans**

An Education, Health and Care (EHC) plan is for children and young people aged up to 25 who need more support than is available through special educational needs support.

EHC plans identify educational, health and social needs and set out the additional support to meet those needs.

Foster Carers can ask the local authority or the Child's Social Worker to carry out an assessment if they think the child or young person needs an EHC plan. A young person can request an assessment themselves if they're aged 16 to 25.

If the Local Authority decide to carry out an assessment you may be asked for:

- Any reports from your child's school, nursery or childminder
- Doctors' assessments of your child
- A letter from you about your child's needs

The local authority will tell you within 16 weeks whether an EHC plan is going to be made for your child.

The local authority will create a draft EHC plan and send the Foster Carer a copy and has 20 weeks from the date they receive the request for the assessment to give you the final EHC plan.

The local authority can be challenged about:

- Their decision to not carry out an assessment
- Their decision to not create an EHC plan
- The special educational support in the EHC plan
- The school named in the EHC plan

Appeals can be made to a Special Educational Needs and Disability Tribunal. When a local authority decides it may be necessary for special educational provision to be made for a child or young person though an EHC plan it must carry out an assessment of their special educational needs, and related health and care needs. The local authority must seek social care advice as part of that assessment.

The EHC plan must contain details of the child or young person's social care needs which are related to the learning difficulties and disabilities which result in them having special educational needs. The plan must specify any social care provision which must be made, for a child or young person under 18, under section 2 of the Chronically Sick and Disabled Person's Act 1970 and 1974 Act.

It may also include social care provision reasonably required by the learning disabilities which result in the child or young person having special educational needs which is not to be made under section 2 of the Chronically Sick and Disabled Person's Act 1970, including any adult social care provision made under the Care Act 2014 to meet the needs of young people over 18.

## **SEND support for children under 5**

- A written progress check when the child is 2 years old
- A child health visitor carrying out a health check for the child if they're aged 2 to 3
- A written assessment in the summer term of the child's first year of primary school
- Making reasonable adjustments for disabled children, for example providing aids such as tactile signs

Talk to a doctor or health adviser if you think the child you care for has SEND but they do not go to a nursery, playgroup or childminder. They will tell you what support options are available.

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## **SEND support for children and young people aged between 5 and 15**

Talk to the teacher or the SEN co-ordinator (SENCO) if you think the child or young person needs:

- A special learning programme
- Extra help from a teacher or assistant
- To work in a smaller group
- Observation in class or at break
- Help taking part in class activities
- Extra encouragement in their learning, for example to ask questions or to try something they find difficult
- Help communicating with other children
- Support with physical or personal care difficulties, for example eating, getting around school safely or using the toilet



## **Young people aged 16 or over in further education**

Contact the college before the young person starts further education to make sure that they can meet their needs.

### **PEPs and EHC plans**

Looked After Children with continue to have Personal Education Plans and review meetings as these are statutory and part of their Care Plan and this may inform the EHC Plan and its subsequent reviews. The annual review is a way that foster carers can raise concerns or suggest changes if they are not happy with the content of an EHC plan.

In some situations, foster carers can ask the school (or placement) and local authority for an early annual review. This can help get significant changes to the child or young person's plan without waiting for the next annual review.

A significant change might be getting another diagnosis. A 'placement' or 'setting' can be a nursery, school, college or apprenticeship. The process should be the same but the contact at the placement might vary. For schools, it's usually the Special Educational Needs Co-ordinator (SENCO).

Legally, schools and local authorities must provide the support in the child or young person's EHC plan, even if the child is not at school.

If your local authority says that they cannot do this, contact your local parent support service for help.



## **Placements considerations for disabled children and young people**

As a foster carer who will be caring for a disabled child or young person it may be important to establish the following before the placement is agreed:

- What funding is in place for the placement currently and what are the considerations longer term and/or options when the young person turns 18?
- What support is provided by the “local offer” and whether that funding is to come from the placing local authority or the local authority where the young person will live or an agreement made for services to be provided in the area where the disabled child is to be placed. Do EHC plans need to be changed, transfer of professionals involved from health etc who will be responsible for actioning this and in what timescales?
- Have any relevant risk assessments/training been undertaken regarding any medical procedures or medication needing to be undertaken by the foster carer?
- Is an Occupational Therapy assessment needed to assess the care needs of the disabled child within the foster home to ascertain if any equipment or adaptations will be needed to the property? Is funding available and is the foster carer in agreement to changes to their home?
- Does the young person receive DLA or PIP and how will this be transferred to any new carer? If not should an application for DLA or PIP payments be made and who will support the carer with this?
- Is there an agreement of how DLA or PIP is to be used for this child or young person? Does the Fostering Service have a policy on DLA and PIP expenditure?
- What if any additional therapeutic support will be in place?
- Does the carer require further advice from the Department of Work and Pensions, Citizens Advice Bureau or membership service.

## **Disability Living Allowance (DLA), Personal Independence Payment (PIP) and Carer's Allowance (CA)**

Disability Living Allowance (DLA) is a benefit paid to children and young people and young people under 16 years who have care or mobility needs as a result of a disability or ill-health and is paid on top of any other benefits. DLA is ending for people who were born after 8 April 1948 and are 16 or over and is being replaced by Personal Independence Payment (PIP). This is a similar benefit but is based on a different type of assessment. It is based on two components – daily living component and mobility component. Children and young people who receive DLA who reach 16 will be reassessed for either DLA or PIP depending on which part of the UK they live, although eventually all DLA claimants will be reassessed for PIP.

A fostered child under 16 can still claim DLA, and the award is paid to an adult carer (the 'appointee'). If you think a fostered child might qualify for DLA contact the DWP on 0345 712 3456. DLA and PIP are both non-means-tested, tax-free benefits, which you do not have to declare on your tax return. DLA can't be backdated to before the claim and a DLA claim usually takes 40 days to process. If the claim is successful it will be backdated to the date the form was requested from DWP.

Carer's Allowance is for people who spend at least 35 hours a week providing regular care or support. You can claim Carer's Allowance (CA) if you care for someone who receives the middle or higher rate of the care component of DLA (or PIP – daily living component). This could be a fostered child or young person, as long as you care for them 35 hours a week, and you earn under the income threshold stipulated. To claim CA, email [cau.customer-services@dwp.gsi.gov.uk](mailto:cau.customer-services@dwp.gsi.gov.uk) or phone 0345 608 4321. Your income from fostering is disregarded for calculating CA, but CA is taxable, so you would need to declare it on any tax return.

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## **Additional Financial Support**

- Free School Meals – clarify eligibility by visiting [www.gov.uk/apply-free-school-meals](http://www.gov.uk/apply-free-school-meals)
- Disabled Facilities Grant. Foster carers may need to make major or minor adaptations to their home or everyday life to support that child's development and wellbeing. If the child is placed long term, a foster carer can apply for a grant for adaptations to your home called a Disabled Facilities Grant via your local Housing Department. You can apply direct or a Social Worker or Occupational Therapist can refer you. The first step is for an occupational therapist (OT) to undertake an assessment of the disabled child or young person's needs. The OT's recommendations are important as they are required as evidence that the changes are essential but be aware there may be waiting times for this service. If the child is with you short term, you should expect your local authority to provide or arrange any essential adaptations or specialist equipment.
- Where children and young people received Disability Living Allowance then many attractions and cinemas will allow the child or young person's carer free tickets / access so please make enquiries about this. For cinemas carers of children and young people in receipt of DLA can get a CEA Card to receive a complimentary ticket to take someone to the cinema visit [www.ceacard.co.uk](http://www.ceacard.co.uk) to apply.

## **Blue Badge rules in England**

A Disabled Child or Young Person will qualify for a Blue Badge automatically if they are aged two or above and:

- Get the mobility component of Disability Living Allowance (DLA) at the higher rate; or
- Are registered blind; or
- Score eight points or more under the 'moving around' activity of Personal Independence Payment (PIP); or
- Score ten points under the "planning and following a journey" activity of Personal Independence Payment, because they "are unable to undertake any journey because it would cause overwhelming psychological distress to the claimant".



Even if the child or young person you care for doesn't qualify automatically, they may still qualify under 'the assessed route'. This means that the local authority carries out an assessment of their needs. Foster carers would need to complete a Blue Badge application form, and the local authority are also likely to want information from health or social care professionals who know the child or young Person.

A child who is two or over should qualify for a Blue Badge by this route if the local authority has assessed that he or she has an enduring and substantial disability which causes them during the course of a journey:

- To be unable to walk; or
- To have considerable difficulties in walking, which may include considerable psychological distress; or
- To be at serious risk of harm when walking, or to pose, when walking serious risk of harm to any other person

A child or young person can also qualify if they are aged under three and have a specific medical condition that means that they either always need to be accompanied by bulky medical equipment or need to be always kept near the vehicle in case they need treatment. Bulky medical equipment includes ventilators, suction machines, feed pumps, parenteral equipment, syringe drivers and oxygen administration.

## **Carers Assessments**

In the case of a Looked After disabled child or young person being placed with foster carers, there is no entitlement of the foster carers to a parent carers needs assessment. The needs of the foster carers should be considered separately as part of their own assessment and approval process, and under their conditions of service as foster carers.

## **RADAR keys and Changing Places Toilets**

A RADAR Key (sometimes called an NKS Key) is a large, silver-coloured skeleton key that opens more than 10,000 locked, disabled toilets in the UK.

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The Radar Key Scheme enables these disabled toilets to be locked to prevent vandalism and misuse, while also being readily available to those who really need them.

RADAR keys can be purchased at a large range of outlets including Disability Rights UK and the Blue Badge Company and if you are buying for a disabled person you should be able to buy the key VAT free see below.

Standard accessible toilets do not meet the needs of all people with a disability. Over ¼ million people in the UK with a disability need extra equipment and space to allow them to use the toilets safely and comfortably. These needs are met by Changing Places toilets. You can find out where these are by visiting <https://www.changing-places.org/find> Changing places toilets normally use a Radar key. Some may be unlocked, and some may need to be unlocked especially for you. They are not always available for those users who can use a standard accessible toilet.

## Resources

**National Youth Advocacy Service (NYAS)** 0808 808 1001

<https://www.nyas.net/>

**Coram Voice advocacy service** 0808 800 5792

<https://coramvoice.org.uk/>

**Cerebra** – Our Vision is that every family that includes a child with a brain condition will have the chance to discover a better life together. <https://cerebra.org.uk/>

**Council for Disabled Children UK** <https://councilfordisabledchildren.org.uk/>

**Children's Commissioner for England** –

<https://www.childrenscommissioner.gov.uk/>

0800 528 0731 for Children in care

08088 020 008 Children's rights

**Children and young people's Legal Centre England**

<https://www.childrenslegalcentre.com/>

**Contact a family (for families with disabled children)**

0808 808 3555 [www.contact.org.uk](http://www.contact.org.uk)

**Disabled Facilities Grants:** <https://www.gov.uk/help-for-disabled-child/home-adaptations> <https://www.gov.uk/disabled-facilities-grants>

**Disability Law Service Telephone:** 020 7791 9800

**Disability Rights** <https://www.disabilityrightsuk.org/>

**Equality Act 2010: Information and guidance on the Equality Act 2010, including age**

**discrimination and public sector Equality Duty**

[gov.uk/guidance/equality-act-2010-guidance](http://gov.uk/guidance/equality-act-2010-guidance)

**Information Advice and support services for special educational needs**

[www.kids.org.uk/sendiaass](http://www.kids.org.uk/sendiaass)

**Shared Lives Shared Lives**

<https://sharedlivesplus.org.uk>

**UN Convention on the Rights of the Child**

[www.unicef.org.uk/what-we-do/un-convention-child-rights/](http://www.unicef.org.uk/what-we-do/un-convention-child-rights/)

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