

2 Impartial information, advice and support

What this chapter covers

This chapter is about the information, advice and support which local authorities **must** provide for children, young people and parents, covering special educational needs (SEN), disability, health and social care.

Relevant legislation

Primary

Sections 19(c), 26(3), 32 and 49 of the Children and Families Act 2014

Regulations

The Special Educational Needs and Disability Regulations 2014

The Special Educational Needs (Personal Budgets) Regulations 2014

Introduction

- 2.1 Local authorities **must** arrange for children with SEN or disabilities for whom they are responsible, and their parents, and young people with SEN or disabilities for whom they are responsible, to be provided with information and advice about matters relating to their SEN or disabilities, including matters relating to health and social care. This **must** include information, advice and support on the take-up and management of Personal Budgets. In addition, in carrying out their duties under Part 3 of the Children and Families Act 2014, local authorities **must** have regard to the importance of providing children and their parents and young people with the information and support necessary to participate in decisions.
- 2.2 Local authorities **must** take steps to make these services known to children, their parents and young people in their area; head teachers, proprietors and principals of schools and post-16 institutions in their area, and others where appropriate.
- 2.3 They **must** ensure that their Local Offer includes details of how information, advice and support related to SEN and disabilities can be accessed and how it is resourced (Chapter 4, The Local Offer).
- 2.4 Information, advice and support should be provided through a dedicated and easily identifiable service. Local authorities have established Parent Partnership Services to provide information, advice and support to parents in relation to SEN. In addition, many local authorities provide or commission information, advice and support services for young people. Local authorities should build on these existing services to provide the information, advice and support detailed in this chapter.

- 2.5 Information, advice and support services should be impartial, confidential and accessible and should have the capacity to handle face-to-face, telephone and electronic enquiries.
- 2.6 Local authorities should involve children, young people and parents (including local Parent Carer Forums and Youth Forums) in the design or commissioning of services providing information, advice and support in order to ensure that those services meet local needs. Local authorities should do this in a way which ensures that children, young people and parents feel they have participated fully in the process and have a sense of co-ownership. Chapters 3 and 4 give further detail on how local authorities should engage these groups in planning, commissioning and reviewing services, and in developing the Local Offer.
- 2.7 The joint arrangements that local authorities and Clinical Commissioning Groups (CCGs) **must** have for commissioning education, health and care provision for children and young people with SEN or disabilities **must** include arrangements for considering and agreeing what information and advice about education, health and care provision is to be provided, by whom and how it is to be provided. These joint arrangements should consider the availability of other information services in their area (services such as youth services, Local Healthwatch, the Patient Advice and Liaison Service (PALS) and the Family Information Service) and how these services will work together.
- 2.8 When designing information, advice and support services, local authorities should take into account the following principles:
- The information, advice and support should be impartial and provided at arm's length from the local authority and CCGs
 - The information, advice and support offered should be free, accurate, confidential and in formats which are accessible and responsive to the needs of users
 - Local authorities should review and publish information annually about the effectiveness of the information, advice and support provided, including customer satisfaction (see also Chapter 4, The Local Offer)
 - Staff providing information, advice and support should work in partnership with children, young people, parents, local authorities, CCGs and other relevant partners
 - The provision of information, advice and support should help to promote independence and self-advocacy for children, young people and parents

- Staff providing information, advice and support should work with their local Parent Carer Forum and other representative user groups (such as Youth Forums) to ensure that the views and experiences of children, young people and parents inform policy and practice

Who are information, advice and support for?

2.9 Local authorities should recognise the different needs of children, young people and parents.

Children

2.10 The Children and Families Act 2014 requires local authorities to provide children with information, advice and support relating to their SEN or disability. Many children will access information, advice and support via their parents. However, some children, especially older children, may want to access information, advice and support separately from their parents, and local authorities **must** ensure this is possible.

Parents

2.11 Staff working in information, advice and support services should be trained to support, and work in partnership with, parents.

2.12 As a child reaches the end of compulsory school age (the end of the academic year in which they turn 16), some rights to participate in decision-making about Education Health and Care (EHC) plans transfer from the parent to the young person, subject to their capacity to do so, as set out in the Mental Capacity Act 2005 (See Chapter 8 for more information). Parents of young people can still access information, advice and support on behalf of, or with, the young person. Staff should be clear about the transfer of some rights and responsibilities to young people, and work sensitively with parents to help them understand their role.

2.13 There may be cases where the young person and the parents do not agree on an issue. Legally, it is the young person's decision which prevails, subject to their capacity. Where there are disagreements, staff providing information, advice and support should work impartially and separately with both the parents and the young person.

Young people

2.14 Young people are entitled to the same quality and level of information, advice and support as parents. Local authorities should recognise the specific needs of this group, while ensuring co-ordination and consistency in what is offered to children, young people and parents.

2.15 Young people **must** have confidence that they are receiving confidential and impartial information, advice and support. Staff working directly with young people should be trained to support them and work in partnership with them, enabling them to participate fully in decisions about the outcomes they wish to achieve. Young people may be finding their voice for the first time, and may need support in exercising choice and control over the support they receive (including support and advice to take up and manage Personal Budgets). Advocacy should be provided where necessary. Local authorities **must** provide independent advocacy for young people undergoing transition assessments, provided certain conditions are met (see section 67 of the Care Act 2014).

2.16 The service should direct young people to specialist support to help them prepare for employment, independent living (including housing) and participation in society and should provide access to careers advice where needed. Duties on schools and colleges to give impartial careers advice are covered in Chapter 8, Preparing for adulthood from the earliest years.

What needs to be provided?

2.17 The scope of this information, advice and support should cover initial concerns or identification of potential SEN or disabilities, through to ongoing support and provision, which may include an EHC plan. The local authority **must** ensure children, young people and parents are provided with information and advice on matters relating to SEN and disability. This should include:

- local policy and practice
- the Local Offer
- personalisation and Personal Budgets
- law on SEN and disability, health and social care, through suitably independently trained staff
- advice for children, young people and parents on gathering, understanding and interpreting information and applying it to their own situation
- information on the local authority's processes for resolving disagreements, its complaints procedures and means of redress

2.18 Local Healthwatch offers advice to patients and their families in relation to health services, and CCGs and local authorities should ensure that this information is clearly available to families, including through the Local Offer.

2.19 To meet local needs, local authorities should consider providing the following forms of support through their information, advice and support service(s):

- Signposting children, young people and parents to alternative and additional sources of advice, information and support that may be available locally or nationally
- Individual casework and representation for those who need it, which should include:
 - support in attending meetings, contributing to assessments and reviews and participating in decisions about outcomes for the child or young person
 - directing children, young people, parents and those who support and work with them to additional support services where needed, including services provided by the voluntary sector. These services should include support relating to preparing for adulthood, including housing support, careers advice and employment support
- Help when things go wrong, which should include:
- supporting children, young people and parents in arranging or attending early disagreement resolution meetings
- supporting children, young people and parents in managing mediation, appeals to the First-tier Tribunal (Special Educational Needs and Disability), exclusions and complaints on matters related to SEN and disability
- making children, young people and parents aware of the local authority's services for resolving disagreements and for mediation, and on the routes of appeal and complaint on matters related to SEN and disability (see Chapter 11, Resolving disagreements)
- Provision of advice through individual casework and through work with parent carer support groups, local SEN youth forums or disability groups, or training events

Additional support

2.20 Families may receive help from an independent supporter, provided by private voluntary and community sector organisations, who is independent of the local authority. Independent supporters will be recruited locally and receive accredited training, including legal training, to help any family going through an EHC needs assessment and the process of developing an EHC plan. Local authorities should work with organisations that are providing independent supporters to ensure there are arrangements agreed locally to offer help from an independent supporter to as many families as possible who require it.

2.21 Local authorities should adopt a key working approach, which provides children, young people and parents with a single point of contact to help ensure the holistic provision and co-ordination of services and support. Key working may be provided by statutory services in health, social care and education, or by the voluntary, community, private or independent sectors. Key working can be offered to any family where children and young people have SEN or disabilities, for example if they receive SEN support in schools or nurseries or in preparing for adulthood. Approaches will vary locally, but the main functions of key working support should include some or all of the following:

- emotional and practical support as part of a trusting relationship
- enabling and empowering for decision-making and the use of Personal Budgets
- co-ordinating practitioners and services around the child or young person and their family
- being a single point of regular and consistent contact
- facilitating multi-agency meetings
- supporting and facilitating a single planning and joint assessment process
- identifying strengths and needs of family members
- providing information and signposting
- advocating on behalf of the child, young person and/or their family
- facilitating the seamless integration of clinical and social care services with specialist and universal services

2.22 Guidance and examples of best practice on key working approaches are available from the Early Support website (see the References section under Chapter 2) and the Pathfinder information packs (see the References section under General). Further non-statutory guidance on how to deliver impartial information, advice and support for children, young people and parents can be found on the National Parent Partnership Network website – see the References section under Chapter 2 for a link.

Support for parents in HM Armed Forces

2.23 Parents serving in HM Armed Forces can also access the Children's Education Advisory Service (CEAS), an information, advice and support service established specifically for Service parents. It covers any issue relating to their children's education, including SEN. More information about CEAS may be found on the CEAS website – a link is given in the References section under Chapter 2.