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28<sup>th</sup> March 2013

Dear Mike,

**Re. Children & Families Bill and Every Disabled Child Matters Campaign**

Thank you for making representations on our behalf to Edward Timpson MP, Parliamentary Under Secretary of State for Children and Families, with regards the draft legislation as outlined in the Children & Families (C & F) Bill, and for kindly sharing his personal response to you.

It is good news that the Minister is bringing forward an amendment to place a legal duty on the CCGs to ensure health services specified in the EHC Plans is provided.

Unfortunately he doesn't appear to answer some of our other concerns and I would be really grateful if you could seek further detail on the below. We are concerned that at this committee stage of the bill we are not (as yet) seeing the essential changes that are needed to make the best of this opportunity to improve the protections, processes and participation for families with disabled children within the legislation.

To recap, our other key concerns were:

**1. That the Bill is amended to ensure all existing essential protections and entitlements for children with special educational needs are maintained**

It is good news that protections have been extended to young people in FE institutions and Academies but IPSEA's analysis suggests the new draft legislation as yet does not afford families the same legal protection as our current legislation (see <http://www.ipsea.org.uk/AssetLibrary/News/IPSEA%20evidence%20to%20Public%20Bill%20Committee%20FINAL.pdf> ). Can Edward Timpson MP please clarify how amendments to the Bill will provide the same protection as current legislation referring specifically to IPSEA's (and our) concerns?

**2. Those children who are disabled but do not have special educational needs will not be covered**

It is estimated that about a quarter of children with disabilities will not be included within the new legislation. In Brighton and Hove alone we estimate this might be around **400 children** who have a significant disability or health problem but no associated special educational need and may lose their current 'statement' protections as they wouldn't be eligible for a new EHC plan. Disabled children or those with complex health needs but without special educational needs could very much benefit from a single assessment process and a holistic EHC plan and it seems wholly

discriminatory to not include them. Excluding these vulnerable children and their families is a major concern for us.

We are concerned to read that the Minister thinks parents would make representations under the 2010 Equalities Act if they weren't happy with the support provided (without an EHC Plan). Most parent carers already report having to 'fight' to receive services and this will only make the situation worse for them. Will the Minister provide Legal Aid funding and other support to facilitate parents to make such representations? Decisions will be made based on what is considered to be 'reasonable adjustments' which may depend on the financial constraints a school or other statutory service is facing at that particular moment in time. Can the Minister please provide more detail on how he sees this working in practice please?

We are also worried that this may create a 'perverse incentive' for local authorities to provide lower quality information to families with disabled children who don't have special educational needs, by keeping them outside the proposed 'local offer'.

Please urge the Minister to reconsider what is a discriminatory and exclusive omission across all aspects of the Bill.

**3.The local offer should be more than just a published list of local services, rather it needs to set out; how these needs will be met, who is responsible for delivering these services and how the local offer will achieve a better result for children, their families and their rights.**

Can the Minister give some assurance that the legislation will require the relevant statutory agencies to deliver what agencies describe in the Local Offer to ensure it delivers better outcomes for children and their families?

We look forward to discussing this with you when you visit Amaze on 29<sup>th</sup> April. We would also be happy to welcome the Minister to Amaze or the PaCC to hear more about our services and to hear first-hand why disabled children are some of the most vulnerable people in your constituency so in need of your support.

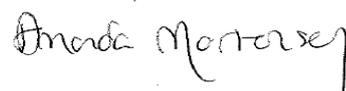
Yours sincerely,



Rachel Travers

Amaze CEO

and



Amanda Mortensen

PaCC Co-Chair