

# Know your rights: Getting support from your Health and Social Services Trust in Northern Ireland

A guide  
for families



**Our vision is a world  
without barriers for  
every deaf child.**



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We use the term ‘deaf’ to refer to all types of hearing loss from mild to profound. This includes deafness in one ear or temporary hearing loss such as glue ear.

We use the term ‘parent’ to refer to all parents and carers of children.



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## Introduction

This resource looks at the legal rights you and your deaf child might have to practical help with things like equipment and communication support from your local Health and Social Services Trust.

Support from your local Trust can involve anything that will help meet the ‘eligible needs’ of your child and family (for more information on eligibility go to page 10). For example:

- technology to help keep your child safe and independent at home – such as vibrating smoke alarms/doorbells or a pager system
- financial help to communicate with your child, such as learning sign language
- a communication support worker who can support your child in the community
- travel training to help your child use public transport independently
- information on local services that are accessible to disabled children and their families.

For more information on what your local Trust offers disabled children, go to their website ([www.nidirect.gov.uk/contacts](http://www.nidirect.gov.uk/contacts)) and search for ‘disabled children’ or ‘children’s social care’.

If you’re looking for information on rights in other areas such as health or education please visit [www.ndcs.org.uk](http://www.ndcs.org.uk) or call our Freephone Helpline on 0808 800 8880.

This resource is for families living in Northern Ireland. If you live in England, Scotland or Wales please read our equivalent resource for your nation.

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## Local Trusts – key duties

The law (see page 15) says that all local Trusts must provide certain services (known as key duties) for disabled, including deaf, children and their families. These key duties include:

- Making sure disabled children can use all the services that the local Trust provides for all children.
- Providing information about services in their area that may benefit disabled children and their families.
- Providing services that overcome the barriers disabled children face in leading a full and happy life within their family and the community.
- Consulting with disabled children and adults when planning new services or changes to existing services.

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## How do I get help?

Before you can get help from your Trust you'll usually need to have an assessment. An assessment will look at how your child's deafness affects them and the rest of your family, and if they meet the threshold for being offered support. Where possible a worker will speak to your child in an assessment to get their views.

There are two main types of assessment:

**Preliminary assessments** are usually led by a professional who's already involved with your child, such as a teacher or health visitor. They'll coordinate a support plan and make sure other professionals are doing what they've agreed. Preliminary assessments are unlikely to lead to support such as technology or communication support, which are often only available following a statutory assessment.

This approach is voluntary – you can refuse or end it at any time and instead ask for a statutory assessment.

**Statutory assessments** are supported by law, and are usually carried out by a worker from the children's disability service.

There is government guidance on how preliminary and statutory assessments should be carried out: *Understanding the Needs of Children in Northern Ireland (UNOCINI) Guidance* (available at [www.dhsspsni.gov.uk](http://www.dhsspsni.gov.uk)).

### Carer's assessments

If you don't think your needs as a parent have been taken into account in a statutory children's assessment, you have a legal right to ask for your own assessment of need. This is called a carer's assessment. For more information on carer's assessments contact Carers UK (0808 808 7777, [www.carersuk.org](http://www.carersuk.org)).

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## Do I have a right to help?

The Children (Northern Ireland) Order 1995 places a general duty on local Trusts to provide services to promote the welfare of 'children in need' in their area.

'Children in need' includes 'disabled children', and the Order includes deaf children in its definition of 'disabled'.

However, local Trusts are allowed to set criteria to help them target support to children and families who they think need it most. This means that your child may not receive support if they don't meet the local eligibility criteria (see page 10).

So whether you have a right to help will depend on what your local criteria says.

We would always advise you to ask the local Trust for help and for an assessment of your needs if you think it would help you and your child (see page 7).

## Case study\*: the Byrne family's experience of getting support from their local council for their son, Henry (7), who's deaf

When an audiologist offered to refer us to a specialist social worker for the deaf we had reservations. There's a stigma attached to being involved with social services. But we accepted the referral and were seen after four weeks.

The social worker came to our home for about an hour while Henry was at school. She asked us about Henry and what we wanted for him.

I explained Henry had trouble sleeping because of his tinnitus, refused to use the school toilets because they were 'echoey' and struggled with being alone at home even to use the toilet or play in his room. I also said Henry was very keen to learn sign language.

The social worker gave us some practical advice and suggested strategies for helping with Henry's sleep and toileting problems, and his fear of being on his own. She also arranged for us to have some equipment such as a streamer Henry could use to help him hear the TV and his iPad.

After meeting Henry the social worker agreed to ask her manager for funding for sign language lessons, but said she couldn't promise anything.

Two weeks later the equipment was delivered, and two weeks after that the social worker called to say we had got funding to learn sign language. A local charity would deliver six Family Sign Language lessons in our home. The lessons were brilliant and really improved Henry's confidence – he enjoyed teaching his friends fingerspelling.

\*This case study is based on a family living in England, but the content is relevant to all parents.



“ It takes guts to ask for help and parents should be proud they're doing everything they can to help their child. ”

We saw the social worker once during those six weeks and then twice more. After that we were discharged, but told we could self-refer ourselves in the future if we felt we needed help again.

If any other parents think they would benefit from some expert advice or help with equipment or funding I would encourage them to contact social services. Being involved with social services is nothing to be ashamed of. It takes guts to ask for help and parents should be proud they're doing everything they can to help their child.





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## **How do I ask for an assessment of my child's needs?**

You can contact your local Trust yourself and ask for an assessment – contact details should be available on [www.nidirect.gov.uk/contacts](http://www.nidirect.gov.uk/contacts). If you want to make your request more formal you could use our template letter on page 17.

You could also ask a professional such as a GP or a Teacher of the Deaf, to contact the Trust for you and refer your child for an assessment.

### **What if they refuse to assess my child's needs?**

If the Trust refuses to assess your child's needs, explain that your child is disabled and legally entitled to have an assessment. If you haven't already, you can formally request an assessment in writing (see our template letter on page 17).

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## Preparing for an assessment

Have you been given information on the aims of the assessment? If not ask for it.

Does the person doing the assessment have the right experience and communication skills to properly assess your deaf child and family? If your child uses British Sign Language (BSL) as their first language it would be reasonable to expect the worker to have an NVQ Level 3 BSL qualification or to provide a qualified sign language interpreter for the visit.

Make sure your child knows that the person doing the assessment might want to talk to them on their own (if your child is old enough). Help them prepare for this and think about what they want to say.

You could read our guide, *Social Care for Deaf Children and Young People* (see page 18). It's aimed at professionals but will help you get ready for the assessment and get the most out of it. You could also give a copy to the person doing the assessment (either before or at the assessment).

Write down any questions you have beforehand to make sure you don't forget anything.

Have you used our Technology Test Drive service\* and found a piece of equipment that works well for your child? Make sure you have the details ready so you can ask for it at the assessment.

\*Technology Test Drive allows your child to try out different types of equipment to see what works best for them. For more information visit [www.ndcs.org.uk/technology](http://www.ndcs.org.uk/technology) or call our helpline.





### **How long should it take?**

A Trust should complete an ‘initial’ assessment within 10 working days of a referral being received. This is a short assessment to decide if a more in-depth assessment is needed such as a Family Support Pathway Assessment.

There’s no legal time limit on when a Family Support Pathway Assessment should be completed, but it should be within weeks of a referral being received by a Trust. The Trust should inform you when they intend to complete this.

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### **What happens during an assessment?**

Assessments usually take place in your own home, and should be led by a worker from your local Trust’s children’s disability service.

The worker will ask you, and your child (if appropriate) some questions about their development, any extra help they need because of their deafness, and the impact this has on them and the family.

The assessment should focus on what the Trust can do to meet your child’s needs, not what existing services might suit your child.

If a Family Support Pathway Assessment is being carried out family members and other professionals who work with your child may be asked to contribute to get a full picture of your child’s needs. However, the worker must get your, and possibly your child’s, permission before involving them.

You and your child should be given the opportunity to comment on the completed assessment, and your views should be included in the final version – including any areas of disagreement.

## Top tips to get the most out of an assessment



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## Will I be offered help?

Local Trusts are allowed to use eligibility criteria to help them target support to children and families who they think need it most. To find out what the eligibility criteria is, you can ask the children's disability service or the local Trust to send you a copy.

Trusts only have a duty to provide a service to a child who is assessed as having needs that meet their eligibility criteria. This may mean your Trust doesn't meet any, or only meets some, of the needs identified in your child's assessment.

Each Trust must explain their eligibility criteria clearly and must take into account the impact of disability on individual children and families. Eligibility shouldn't be based only on a simple rule of how severe a child's disability is, such as their level of deafness.

If your child meets the eligibility criteria of your local Trust, the agreed support will be summarised in a Family Support Plan which outlines your child's (and family's) needs and the services that the Trust will provide.

If your child doesn't meet the eligibility criteria you should still be given information about community services that might be able to help.

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## How is help given?

If your local Trust agrees your child has needs that meet its eligibility criteria, it will either:

- provide the service or equipment from within the Trust
- offer to give you money through a direct payment so you can find and buy the service or equipment yourself.

A direct payment is money paid to parents to give them greater choice and flexibility in how they access goods and services. Deaf 16 or 17-year-olds may be eligible for a direct payment in their own right.

Whether you take up the offer of a direct payment is up to you. If you decide you would like to, you'll have to follow certain rules to make sure the direct payments are spent on meeting your child's assessed needs, but you (or your child) should be offered help to manage this.

Direct payments don't affect any welfare benefits you may be receiving.

For more information you could read *A Guide to Receiving Direct Payments* – available at [www.nidirect.gov.uk](http://www.nidirect.gov.uk).

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## Will I be charged?

Trusts can charge for any services they provide from their children's disability service but they must take into consideration the income and circumstances of parents (or young people aged 16 or 17) before doing so.

In practice, most Trusts don't charge parents or children for the assessed services it provides. If you disagree with your Trust's decision to charge you for a particular service and/or you feel the cost is too much, you can make a complaint – see page 12.



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## How are services reviewed?

The Trust has a duty to review your child's Family Support Plan at family support planning meetings to check that it's meeting the needs identified in the assessment. The first meeting is held after three months, then every six to 12 months. Meetings should involve you, your child, a worker from the children's disability service and any other professionals involved with your child.

The Trust should contact you to arrange these reviews, but you can ask for a review at any time if you feel your child's needs have changed significantly.

A service can only be stopped or reduced after a re-assessment of your child's needs has found that their needs have changed. A re-assessment should include talking to you, your child and all relevant professionals.

Meetings can take place at the family home or at school where the review can be combined with an education annual review if your child has these.

In some areas, a review won't be offered if only specialist equipment is being provided and it's felt that there will always be a need for this equipment.

## Transitions: planning for adulthood

Trusts must be invited to the annual review of all children with statements of special educational needs who are in Year 9. This is an opportunity for the Trust to decide if your child is likely to need support from adult services when they leave school and/or become 18, and to plan accordingly.

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## What if I want to make a complaint?

Most Trusts have a three stage internal complaints process.

1. Informal complaint: contact the worker from the children's disability service who did your child's assessment, or their manager, if you disagree with a decision. Make it clear that you're making a complaint. You should be given information about the complaints process at this stage.
2. Formal complaint: if you aren't happy with their response, a service manager often investigates at the second stage.
3. If you aren't satisfied with this, a third stage usually involves a more senior manager or an independent panel looking at your complaint.

If you're still unhappy, you can make a complaint to the Northern Ireland Ombudsman (NIO) (0800 34 34 24, [www.ni-ombudsman.org.uk](http://www.ni-ombudsman.org.uk)). The NIO can investigate if Trusts have followed the correct procedures in reaching their decisions. However, it can't investigate a complaint where the Trust has made a decision that follows its rules but which you disagree with.

## Other ways to complain

You can talk about your complaint with your local councillor, Member of the Northern Ireland Assembly, and/or get legal advice at any time.

You can raise your complaint with the Northern Ireland Commissioner for Children and Young People (028 9031 1616, [www.niccy.org](http://www.niccy.org)). Under certain circumstances the Commissioner may be able to take a case to court.

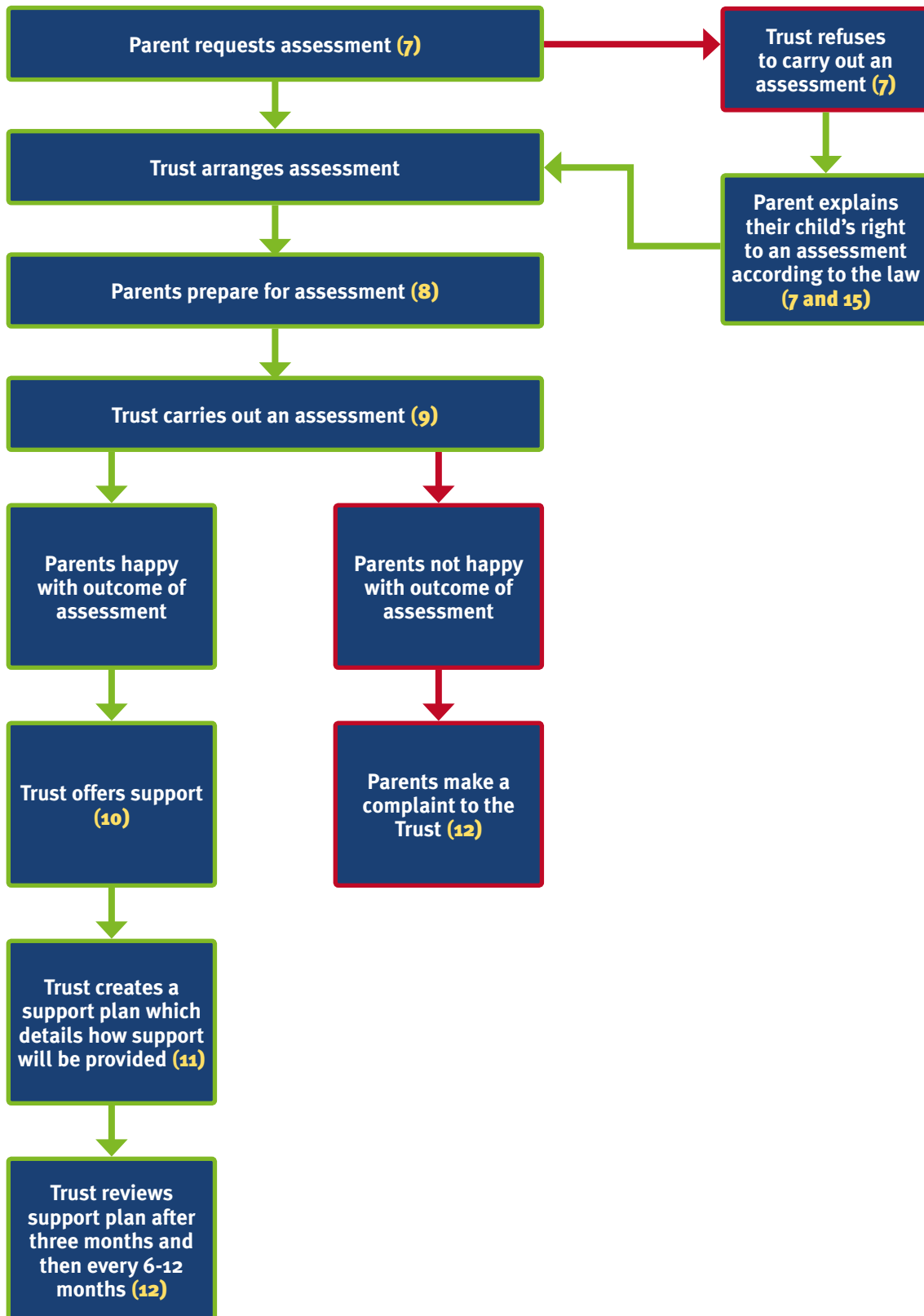
Where it's felt that a local Trust has made a decision which is wrong in law (not just a decision you disagree with) then this can be legally challenged in the courts. In urgent cases you may not need to go through the Trust's usual complaints procedure before making a legal challenge.

If you'd like more information or support on what to do if you're not happy with a local Trust decision, contact our helpline.



## Statutory assessments – key stages

(X) = page number with more detail on the key stage





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## Deaf children and the law

It's important to be aware of the laws giving your deaf child a right to support from their local Trust so that you know what your child is entitled to.

You might also want to reference the law in discussions or complaints with your local Trust. Sometimes just showing that you're aware of your legal rights may mean that the local Trust will take you more seriously.

All the laws below recognise a permanently deaf child as 'disabled'.

### Northern Irish law

#### The Children (Northern Ireland) Order 1995

- Trusts have a general duty to provide services to 'children in need'.
- Children in need are defined as those who it is felt would not be able to reach or maintain a reasonable standard of health or development without services.
- Disabled children are recognised as children in need and therefore deaf children fall within this definition.
- Trusts have a general duty to provide services to support disabled children with their disability and for them to lead lives as enjoyed by all other children.
- In principle, following an assessment almost any service can be provided to the child and their family if it's felt this is needed to promote the welfare of the child or young person.
- Carers of disabled children are entitled to have their needs assessed for possible services to support them in their caring role.

#### The Chronically Sick and Disabled Persons (Northern Ireland) Act 1978

- Lists services Trusts can provide to disabled people to support them to live independently and access recreational and community activities enjoyed by all.
- Services can include meals, transport, holidays, home or community-based short breaks (such as playschemes, holiday clubs and after school clubs) and home adaptations.

#### The Disability Discrimination (Northern Ireland) Order 2006

- Extends the Disability Discrimination Act 1995 to cover the functions of public authorities including local Trusts.
- All local Trust provision for children such as children's centres, play and leisure activities should be accessible to disabled children unless there are good reasons why this isn't possible.

#### Northern Ireland Act 1998 (section 75)

- Places a statutory obligation on public authorities including local Trusts to promote equality of opportunity across a range of different groups including between people with a disability and those without.

### **Carers and Direct Payments (Northern Ireland) Act 2002**

- Gives carers the legal right to an assessment, whether or not the person they care for is being assessed.
- Gives Trusts the power to provide direct payments where appropriate.

## **UK law**

### **Disability Discrimination Act 1995**

- All permanently deaf children will be recognised as disabled and protected under this law.
- Most public and private organisations must make ‘reasonable adjustments’ so that disabled children can access all the facilities and services that are enjoyed by all people.

### **Human Rights Act 1998 (Article 8)**

- Sets out rights to a ‘family life’ and a ‘private life’.
- Gives disabled children the right to ‘function socially’ and they therefore have the right to receive services that enable them to do this.

All these laws can be found online at [www.legislation.gov.uk](http://www.legislation.gov.uk).

## **International law**

### **United Nations (UN) Convention on the Rights of the Child**

### **UN Convention on the Rights of Persons with Disabilities**

- Disabled children should be supported to reach their full potential by supporting them to express their views, socialise with their peers and fully participate in cultural, recreational and leisure activities enjoyed by all children.

Both these conventions can be found at [www.un.org](http://www.un.org).

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## Template letter to request an assessment of need for your deaf child

*(Italics indicate where you should delete and/or insert text as appropriate)*

*Your name*

*Your address*

*Your contact number*

*Your email address*

*Date you wrote/sent letter*

Director of children's social services

*Address – check your local Health and Social Services Trust's website*

Dear Sir/Madam

Re: Request for an assessment of need

*My (son/daughter) (insert your child's name and date of birth) is deaf (add in details of any other needs e.g. cerebral palsy) and is therefore entitled to an assessment of their needs under the Children (Northern Ireland) Order 1995 and may be entitled to services under section 2 of the Chronically Sick and Disabled Persons Act 1978. I know that there are lots of ways that special equipment, technology and communication support could make my deaf child's life easier.*

*I would like an assessment to consider what social care support could be given to help (him/her) to be more independent. I would also like the Trust to consider if there is any support that (I/we) as parent (carer/s) can access to help meet (insert your child's name)'s needs.*

*I look forward to your reply.*

*Yours faithfully*

*Signature*

*Print name*



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## How we can help

For more information and practical support on issues related to your child's deafness visit our website ([www.ndcs.org.uk](http://www.ndcs.org.uk)) or contact our Freephone Helpline:

- 0808 800 8880
- [helpline@ndcs.org.uk](mailto:helpline@ndcs.org.uk)
- [www.ndcs.org.uk/livechat](http://www.ndcs.org.uk/livechat).

If you prefer to speak a language other than English, you can call our helpline and tell us your preferred language and phone number (in English) and we'll call you back with an interpreter within minutes.

### Useful resources

*Social Care for Deaf Children and Young People*  
[www.ndcs.org.uk/socialcareresources](http://www.ndcs.org.uk/socialcareresources)

*How Technology Can Help*  
[www.ndcs.org.uk/technology](http://www.ndcs.org.uk/technology)

National Deaf Children's Society's *Social Care Position Statement for Services in the UK*  
[www.ndcs.org.uk/statements](http://www.ndcs.org.uk/statements)

You can also request copies of all these resources from our helpline.



**We are the National Deaf Children's Society,  
the leading charity for deaf children.**

**Freephone Helpline:**

0808 800 8880 (voice and text)

[helpline@ndcs.org.uk](mailto:helpline@ndcs.org.uk)

**[www.ndcs.org.uk](http://www.ndcs.org.uk)**

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