



21 April 2011

Harshbir Sangha
Specific Duties – Policy review
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Dear Harshbir,

KIDS response to the Government Equalities Office consultation *Equality Act 2010: The public sector Equality Duty: Reducing bureaucracy, Policy Review Paper*

KIDS writes to support the Every Disabled Child Matters (EDCM) response to the policy review paper which you have already received.

KIDS is a charity which, in its 40 years, has pioneered a number of approaches and programmes for disabled children and young people. KIDS' work falls into several areas: Direct work with disabled children (Home Learning / Portage services for very young disabled children, specialist nurseries and crèches, integrated support within Children's Centres, short breaks for disabled children both community based and residential, playgrounds and play schemes). Direct work with disabled young people (specialist youth groups, short breaks for disabled young people both community based and residential, transition support and our national Youth Inclusion Network). Support for Parents of disabled children and young people (Parent Partnerships, parent forums, training for parents (e.g. Makaton), Key Working, and our SEN Mediation Service). Support for Siblings of disabled children and young carers (sibling groups, Young Carers groups and the inclusion of siblings in KIDS playgrounds) Training & Guidance for professionals working inclusively with disabled children and young people

The purpose of this policy review paper is to seek views on new draft regulations imposing specific duties to support better performance of the public sector Equality Duty.

KIDS is concerned by the proposals of this policy review below:

'Remove the requirement to publish details of the engagement the public authority undertook with persons whom it considered to have an interest in furthering the aims set out in section 149(1) of the Act, and details of the engagement it undertook when

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developing its equality objectives.’ *Equality Act 2010: The public sector Equality Duty: Reducing bureaucracy, Policy Review Paper pg 5*

Parents of disabled children have told EDCM and KIDS that they have not been consulted by local authorities with regards to the closure of services for disabled children from April 2011.

Local authorities determine policy and practice with regards to disabled children and their families based on statutory duties such as the public sector equality duty. These duties set out what they are legally obliged to provide, and give families and professionals a framework for negotiation.

The removal of the requirement to publish evidence of engagement with those who have an interest in furthering the aims set out in section 149(1) of the Act would increase the likelihood that families with disabled children will not be consulted with regards to the closure of services that affect them.

EDCM’s *Close to Crisis* report demonstrates that local authorities do not engage with families about the closure of services as a matter of course. Financially driven decisions to make service cuts will mean that disabled children and their families need to rely more and more on statutory duties to ensure transparent engagement with the local authority on decisions regarding the services they use. Local authorities will also increasingly depend on these duties as guidelines to help them make decisions when determining who should receive services and what engagement is necessary.

In light of this, we believe that reducing the requirement to publish evidence of engagement with disabled children and their families as part of the public sector Equality Duty would be extremely damaging. In essence, it would leave families who need support with nowhere to turn when seeking engagement. KIDS is also concerned that any reduction of engagement would significantly reduce the capacity of local authorities to determine which services to provide to families with disabled children.

Supporters of the EDCM campaign made it clear to Government through the CLG ‘Review of Statutory Duties Placed on Local Authorities’ that duties, including the Public Sector Equality Duty are vital and should not be eroded.

To date, 1283 individuals have sent a statement to their MPs, and to this consultation, in support of the Every Disabled Child Matters campaign’s position on statutory duties that reads:

‘I believe that local authority duties that cover the provision of services and support for disabled children and children with special educational needs are vital and should be kept.

Rights for disabled children and those with special educational needs are not a ‘barrier’ to the delivery of services – they are vital tools that help families and local areas to make decisions about what support they can provide for families. Local authorities provide services based on their statutory duties. These duties set out what they are legally obliged

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to provide, and give families and professionals a framework to help decide the services that disabled children will receive.

Many disabled children and their families have to fight to get the services they need to lead ordinary lives. Now that overall funding for local services has been reduced, and local authorities are looking for ways to cut costs, there is an even greater pressure on families trying to get support.

In light of this, I believe that withdrawing the statutory rights of disabled children and children with special educational needs to receive services would be extremely damaging. It would leave families who need support with nowhere to turn, and local authorities with no guidance as to how to help them.'

If you have any further questions regarding this submission, please contact me via pip@kids.org.uk.

Yours sincerely

Anna Route
Programme & Policy Officer
KIDS National Development Department

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