

Social Care Law and Deafblind Adults: An Overview



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English Social Care Law and Deafblind Adults

Some legal duties:

specific to deafblind people.

In other legal provisions, needs of deafblind people are considered in relation to **mainstream social care processes**.



The Care and Support (Assessment)
Regulations 2014 (S.6)

Care and Support Statutory Guidance
Issued under the Care Act 2014

Care and Support for Deafblind Children
and Adults Policy Guidance 2014

The Care and Support (Assessment) Regulations 2014: S. 6(1)

An assessment which relates to an individual who is deafblind **must** be carried out by a person who has **specific training** and expertise relating to individuals who are deafblind

‘Managers/commissioners still have not quite fully grasped their duties under the Care Act adequately... [they appear to discuss a] **fuzzy grey area between dual sensory loss and fully defined deafblindness**’

(Email from LA Social Worker 2021)

S.6(3) Care and Support (Assessment) Regulations 2014

In this regulation, an individual is “deafblind” if the individual has combined sight and hearing impairment which causes difficulties with:

- Communication
- Access to information
- Mobility

Care and Support Statutory Guidance PARA. 6.95

Local authorities should recognise that adults **may not define themselves as deafblind**. Instead, they may describe their vision and hearing loss in terms which indicate that they have significant difficulty in their day-to-day lives.

Care and Support Statutory Guidance (DHSC, 2018)

Para. 6.91:

Local authorities must ensure that an expert is involved in the assessment of adults who are deafblind, including where a deafblind person is carrying out a supported self-assessment jointly with the authority.

Care and Support for Deafblind Children and Adults Policy Guidance (DH, 2014)

Para. 26:

Where the assessment relates to an adult who is Deafblind, it must be carried out by an assessor with specific training and expertise relating to those who are Deafblind.

Accessing specialist deafblind care

Local Government &
Social Care
OMBUDSMAN

Sefton Metropolitan Borough Council (19 017 266) (2020)

Council failed to organise specialist assessment of needs by qualified worker, contrary to a court order.

South Tyneside Metropolitan Borough Council (15 016 702)

Council failed to complete assessment in line with CSSG.

Kent County Council (19 014 553) (2021)

Council failed to decide if Mr F is deafblind (as required in 6.92)

London Borough of Croydon (21 016 241) (2022)

Council failed to arrange adequate support throughout the care needs assessment.

Care and Support Statutory Guidance

Deafblind specific matters

- Sets out appropriate level of training/expertise (para. 6.92)
- Sets out minimum areas of training & expertise (para 6.93)
- Requires use of interpreters where necessary (para. 6.96)
- Assessment should consider current and future needs, particularly where the adult's deafblindness is at risk of deteriorating.(Para. 6.97)
- Specialist input in Care & Support Planning (para. 10.34) & sign off (para. 10.85)

Care and Support Statutory Guidance Deafblind specific matters

- Assessment of **Fluctuating Need** (para. 6.58 – 6.59)
- Determining PB amounts and **suitability of RAS** (para.11.23)



Care and support for deafblind children and adults policy guidance (DH, 2014)

Identify, make contact with and **keep a record** of all Deafblind People

Ensure that when an assessment of needs for care and support is carried out, this is done by team or person with **specific training and expertise**

Ensure services provided to Deafblind people **are appropriate**

Ensure that Deafblind People are able to access specifically trained one-to-one **support workers**

Provide information and advice in ways which are **accessible** to Deafblind People

Ensure that a **Director Level member of LA senior team has overall responsibility** for Deafblind People

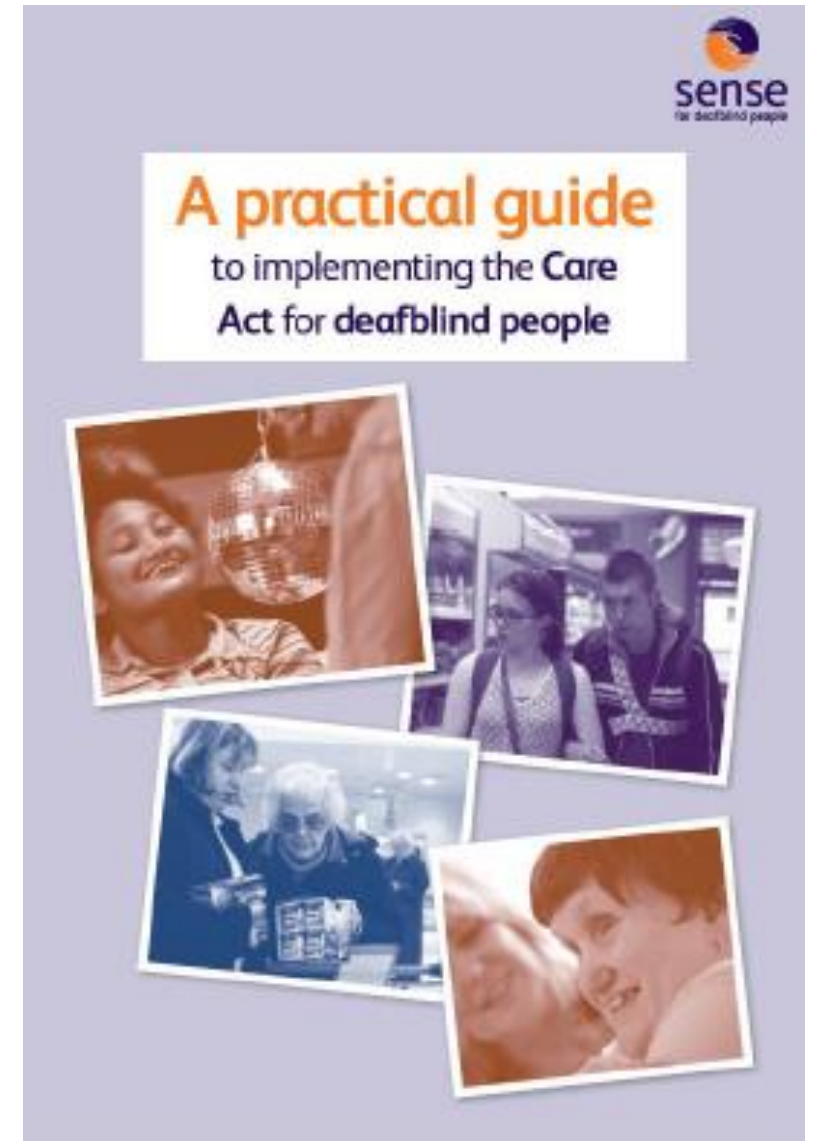
Health and Care Act 2022:

A duty on CQC to assess how local authorities are meeting their social care duties under part 1 of the Care Act 2014.



Other useful information

- Sense (2014) A Practical Guide to Implementing the Care Act for Deafblind People [online];
- Simcock, P., Bond, J. & Duncan, L. (2021) 'Deafblindness – the psychosocial impact makes it core social work'





Who are LAWDIG?

Is a well-established national group that pre COVID met in London.

Members are Social Workers, Rehabilitation Workers or Technical Officers who work for councils or those who work for deafblind charities.

LAWDIG Journey

- Met four times a year in London so members were mainly from London and the Southeast
- Around 2014 was at risk of folding when the chair left
- Group discussed sharing hosting and organisation, but no agreements were reached
- Jo Brady and Tracey Osbourne from Thurrock agreed to take over running the group and we continued to meet in London
- Post COVID, met over TEAMS. Ideal opportunity to expand membership to sensory teams from the north and Wales
- Members now meet on TEAMS 4 times a year and we have 130 plus members.

Purpose

1. Professional Development

- Invite leading experts within their field to present at meetings
- Keeping up to date with Technology
- Keeping up to date with the law, policy and practice
- Share good practice and problem solving
- Meet other sensory staff and act as a peer support network

Purpose

2. National Influence

- Production of an e-book “A personal account of living with sensory loss 2019”
- Launched the e-book in parliament alongside MP Marcia de Cordova
- Invited Lyn Romeo who suggested actions to raise sensory including a piece for her blog
- Support from PSW Tricia Pereira and Fran Leddra and Rehab workers Simon Labbett
- Cabinet Office request to provide evidence to BSL Health and Social Care Board - June 2024

Membership by Region

London

Croydon, Sutton, Merton

Barking & Dagenham, Newham

Islington, Hackney, Brent, Hillingdon

Richmond upon Thames, Westminster,

Hammersmith & Fulham, Kensington & Chelsea,

Barnet, Lewisham, Lambeth, Southwark,
Wandsworth



Membership by Region

South East

Kent, West Sussex, East Sussex, Oxfordshire, Surrey, Hampshire, Isle of Wight, Medway, Southampton, West Berkshire, Portsmouth.

East of England

Thurrock, Southend City, Essex, Hertfordshire

South West

Wiltshire, South Gloucestershire, Devon, Bath and North-East Somerset



Membership by Region

Wales

Conwy, Powys, Swansea

East Midlands

None

West Midlands

Worcestershire, Birmingham, Sandwell,
Shropshire



Membership by Region

North East

Durham

North West

Tameside, Oldham, Wigan

Yorkshire and the Humber

Bradford, Rotherham, Sheffield, Hull City



Contact

For more information or to join LAWDIG:

Jo Brady & Tracey Osbourne
Sensory@thurrock.gov.uk



Sensory Team



Deafblind Target Areas

- Commissioning
- Adult Social Care
- Children's Team
- Partnership

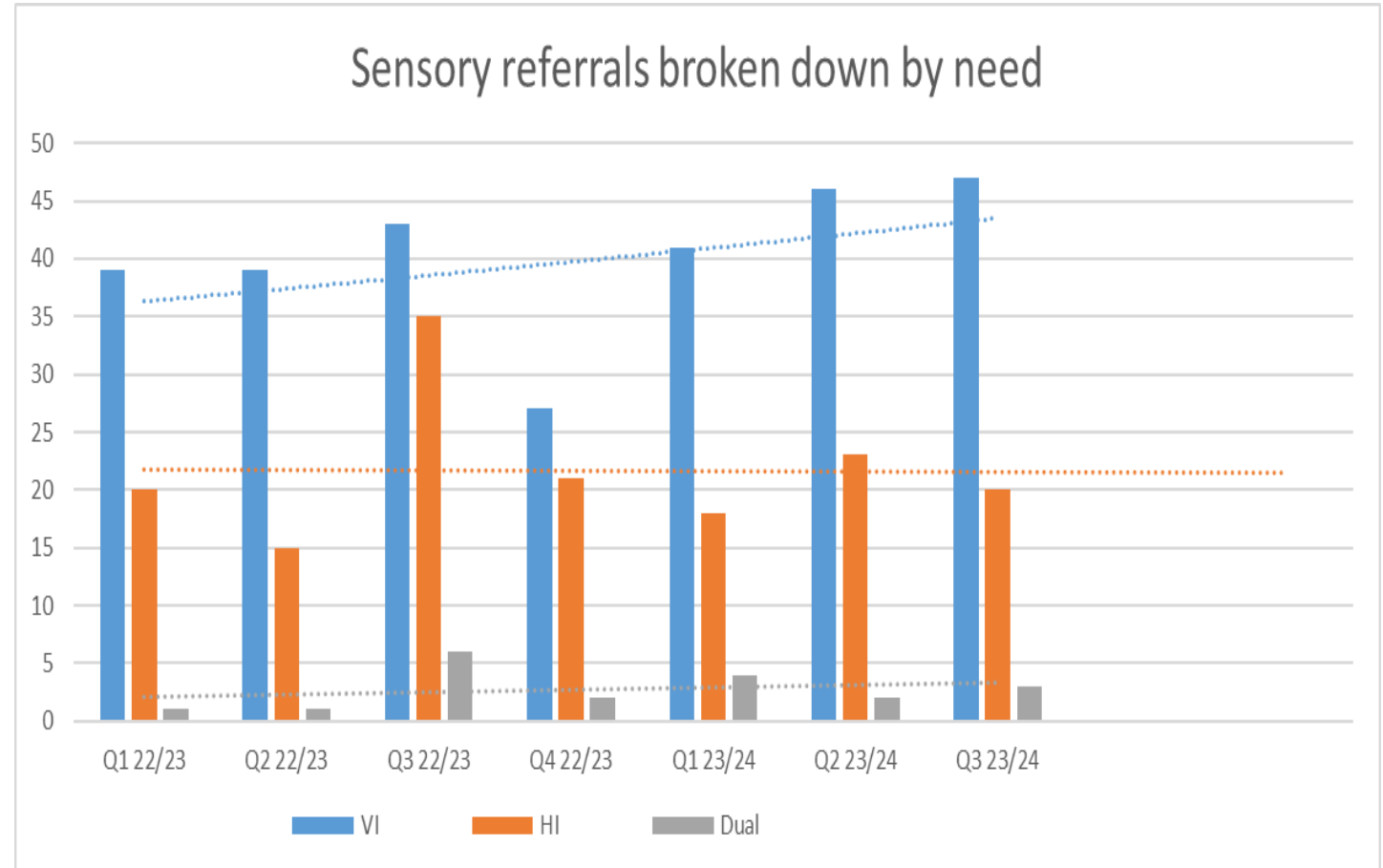


Commissioning

- Highlight Statutory requirements.
- Quarterly meetings qualitative work not quantity (numbers/figures)
- Case studies area powerful tool to show how the impact.
- Inviting residents to come to these meetings/training even more powerful. Rehab teams have shrunk in the past 10 years. Commissioning understand the level of need. We play a significant part in supporting the wider deafblindness agendas
- Adult social care agendas to support active and inclusive communities and assist people to develop, maintain and adjusting their independence.
- Involve them and invite them, build relationships
- Video produced with director of Public Health 2021 showing impact of work
- Community events: carers events, Aging Well Newham Shows

Adult Social Care

- Teams not recognising deafblindness referrals coming through as single impairment referrals – explore
- Offered additional training to Teams and other professionals - - - Sensory awareness training we deliver quarterly



Children's team

**Smooth transition into Adulthood
(known)**

Deafblind Specialist Assessments

Children identified early. Deafblind
worker completing 16 - 18 Deafblind
assessments



Campaigns

Hidden in view booklets

Tote Bags given to resident
with equipment

LAWDIG- professional meetings

Sense

Deafblind UK

Newham NHS Clinical
Commissioning Group

A growing number of Newham residents are living with deafblindness but go unnoticed.



We receive **90%** of information through our eyes and ears, but deafblind people may only receive **10%**.

Have you noticed them?



Thank you

- Sensory Team
- sensory@enabledlivinghealthcare.co.uk
- www.enabledlivinghealthcare.co.uk

Case Example

I am supporting 3 deafblind people who live in the same house in a rural area (with a family dog). They have genetic usher syndrome type 2.

Catherine Thurbin

Supporting in the workplace (or not)

Communication, access to information and mobility

- Diagnosis
- Prognosis
- Impact – DVLA
- Reasonable adjustments (access to work, UNION)

Financial support

Communication, access to information and mobility

- Building trust – unpicking
- Union
- Money management
- Using bank card
- Benefits

Supporting ongoing care needs

Communication, access to information and mobility

- Trading standards
- Occupational Therapy
- Accessing the community
- Health needs – appointments (making, during, reviewing what's discussed), information (pre-diabetic courses and literature)
- Mobility
- Dependents