



Department
of Health

Transition to adulthood: the new legal and policy framework

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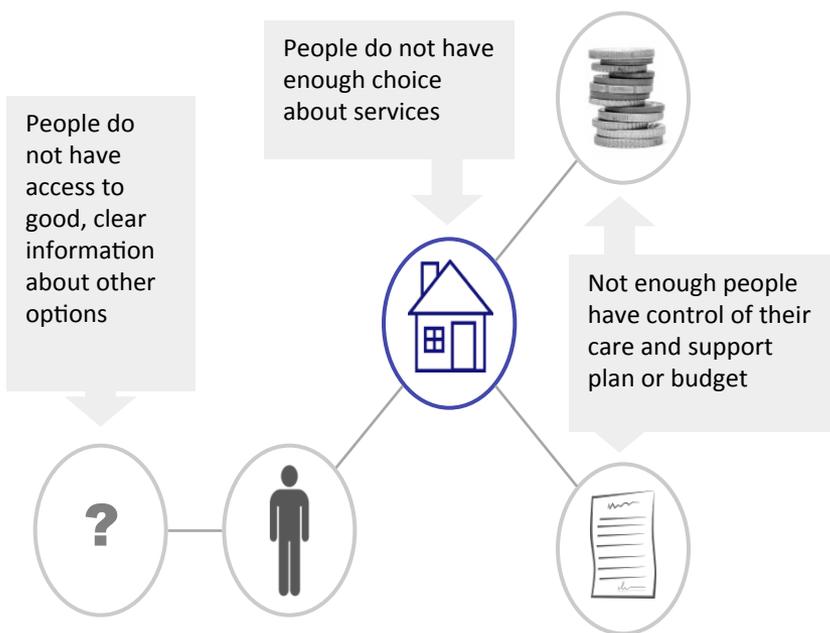
Shifts in the way the future system will work

Our reforms to care and support are intended to achieve four key shifts in the way the system works for people and they experience it:

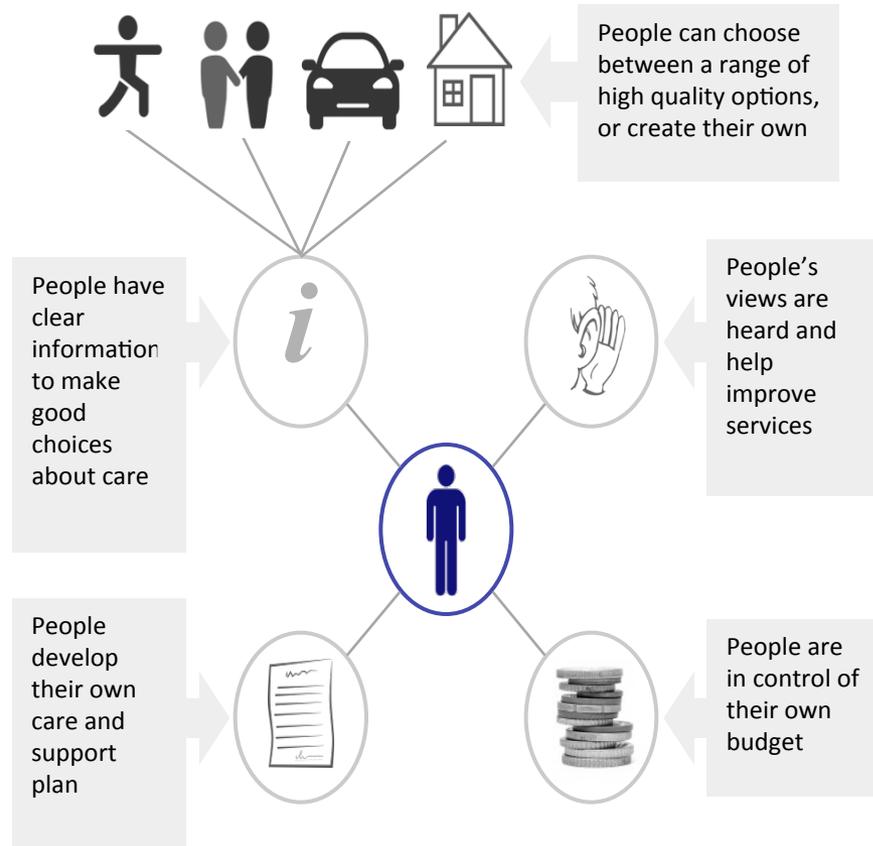
From	To
<p>“Paternal” <i>The State makes decisions on care and the services people receive.</i></p>	<p>“Personal” <i>Support is built around the needs and outcomes of the person, to fit with their life.</i></p>
<p>“Repair” <i>Focusing only on response after a crisis, when needs are greater and options fewer.</i></p>	<p>“Prevention” <i>Acting earlier to prevent or reduce needs, to help people stay well for longer.</i></p>
<p>“Fragmentation” <i>Isolated services focused internally, with little consistency and people lost between the gaps of organisations.</i></p>	<p>“Integration” <i>Joined-up services working as partners across local communities, and benefitting the whole population.</i></p>
<p>“Exclusive” <i>The focus is on services and institutions, and people are passive recipients of care.</i></p>	<p>“Inclusive” <i>Working with people and communities to develop shared solutions.</i></p>

Choice, control and quality

In the current system...



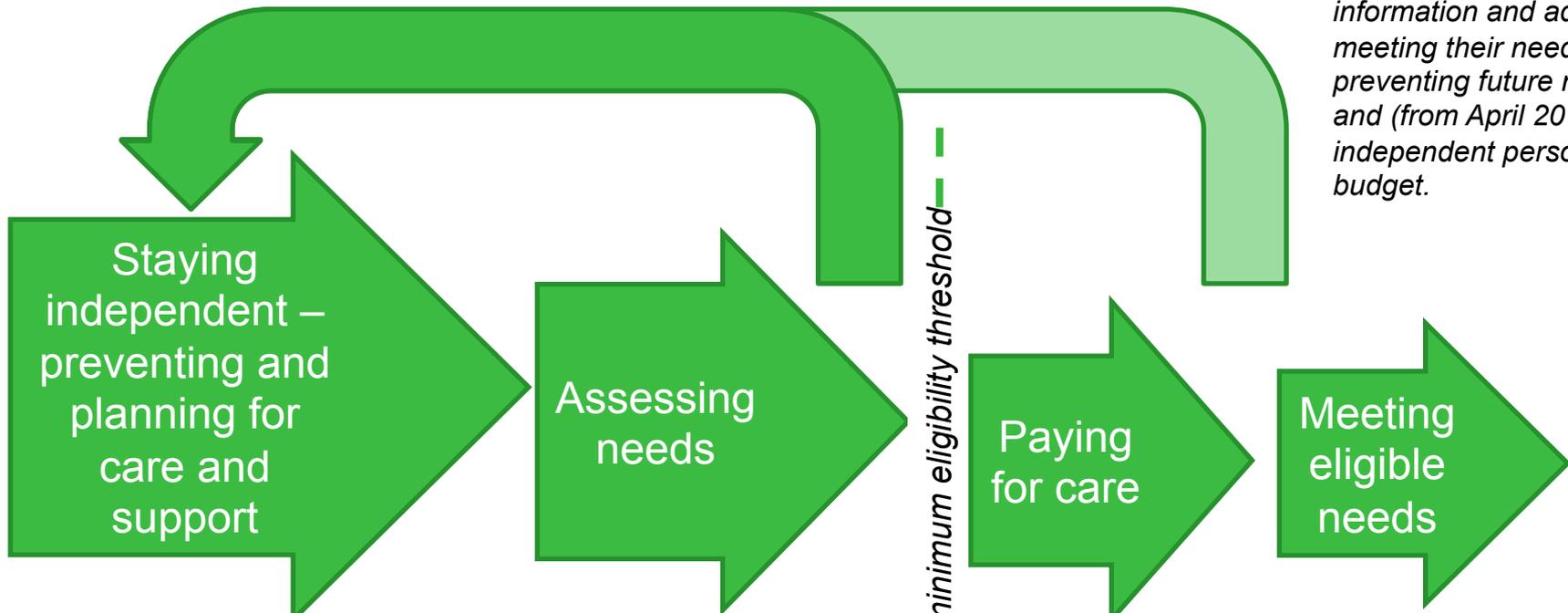
In the new, person-centred system...



Care and support journey in the new system

People who do not have eligible needs will receive information and advice on how to access support locally, and how to prevent or reduce their needs.

People who have eligible needs but who choose to arrange their own care and support will receive information and advice on meeting their needs and preventing future needs, and (from April 2016) an independent personal budget.



People should be supported to live independently for as long as they wish, with a focus on delaying and reducing needs, and building different types of support in the community. Local authorities will make available universal support, including information, advice and preventive services.

Any adult with any needs for care and support, including carers, has a right to an assessment of their needs and the outcomes they want to achieve.

National minimum eligibility threshold

If the local authority charges for a type of support, an adult will have a financial assessment to determine what financial support they may receive.

The local authority will involve the adult in a care and support plan to decide how to meet their eligible needs. The local authority may also meet other needs that are not eligible.

Transition to adulthood

Care Act 2014



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 **skillsforcare**

The principles and processes of effective transition

- Early planning
- Holistic assessment, planning and review
- Active involvement of young people and their families
- Raising aspirations and focusing on key life chances
- Provision of information and advocacy
- Flexibility in transfer arrangements i.e. arrangements may need to continue over a period of years
- Integrated streamlined assessment and planning processes across all agencies



Children and Families Act 2014 and SEN reform

- A comprehensive **birth- to-25** special educational needs and disability (SEND) system, giving new rights and protections to 16-25 year olds in further education and training – as outlined in the new DfE SEND [Code of Practice](#)
- Children, young people and their families must be **involved** in discussions and decisions about their individual support and local provision
- The right to make requests and decisions under the Act will apply directly to disabled young people and those with SEN **over compulsory school age** rather than to their parents



Children and Families Act 2014 and SEN reform (continued)

- New 0-25 **Education, Health and Care Plans (EHC)**, replace the current system of Statements and Learning Difficulty Assessments, which reflects the child or young person's aspirations for the future, as well as their current needs
- Young people have the right to request an (education) **personal budget** as part of the EHC planning process
- New **rights to assessment** and support for young carers and parent carers
- A local '**information and advice offer**' including support available to children and young people to help them to prepare for adulthood
- **Integration** of education, health and care to promote well-being and joint commissioning arrangements to secure provision set out in EHC plans



New pathway to adulthood for young people with EHC plans

- Good transition planning starts before age 14
- For young people with EHC plans, there must be a clear focus on preparing for adulthood from age 14 (year 9)
- This requires coordinated multi agency support throughout transition to enable young people to achieve good life outcomes
- It includes information advice and support, and preparing for adulthood reviews as well as EHC plans
- Local authorities may continue EHC plans until the end of the academic year during which the young person turns 25
- Local authorities must consider whether education or training outcomes have been achieved before ceasing a plan



Care Act 2014: transition assessment

- A local authority has a duty to carry out a transition assessment for a young person or carer, in order to help them plan, if they are likely to have needs once they (or the child they care for) turn 18
- There are 3 groups of people who have a right to a transition assessment:
 - Young people, under 18, with care and support needs who are approaching transition to adulthood
 - Young carers, under 18, who are themselves preparing for adulthood
 - Adult carers of a young person who is preparing for adulthood



Transition assessment: significant benefit

- If a young person or carer is likely to have needs when they, or the child they care for, turns 18, the local authority **must** assess them when it considers there is “**significant benefit**” to the individual in so doing
- A transition assessment must be conducted, however, the timing of this assessment will depend on when it is of significant benefit to the young person or carer
- This will generally be at the point when their needs for care and support as an adult can be predicted reasonably confidently, but will also depend on a range of other factors

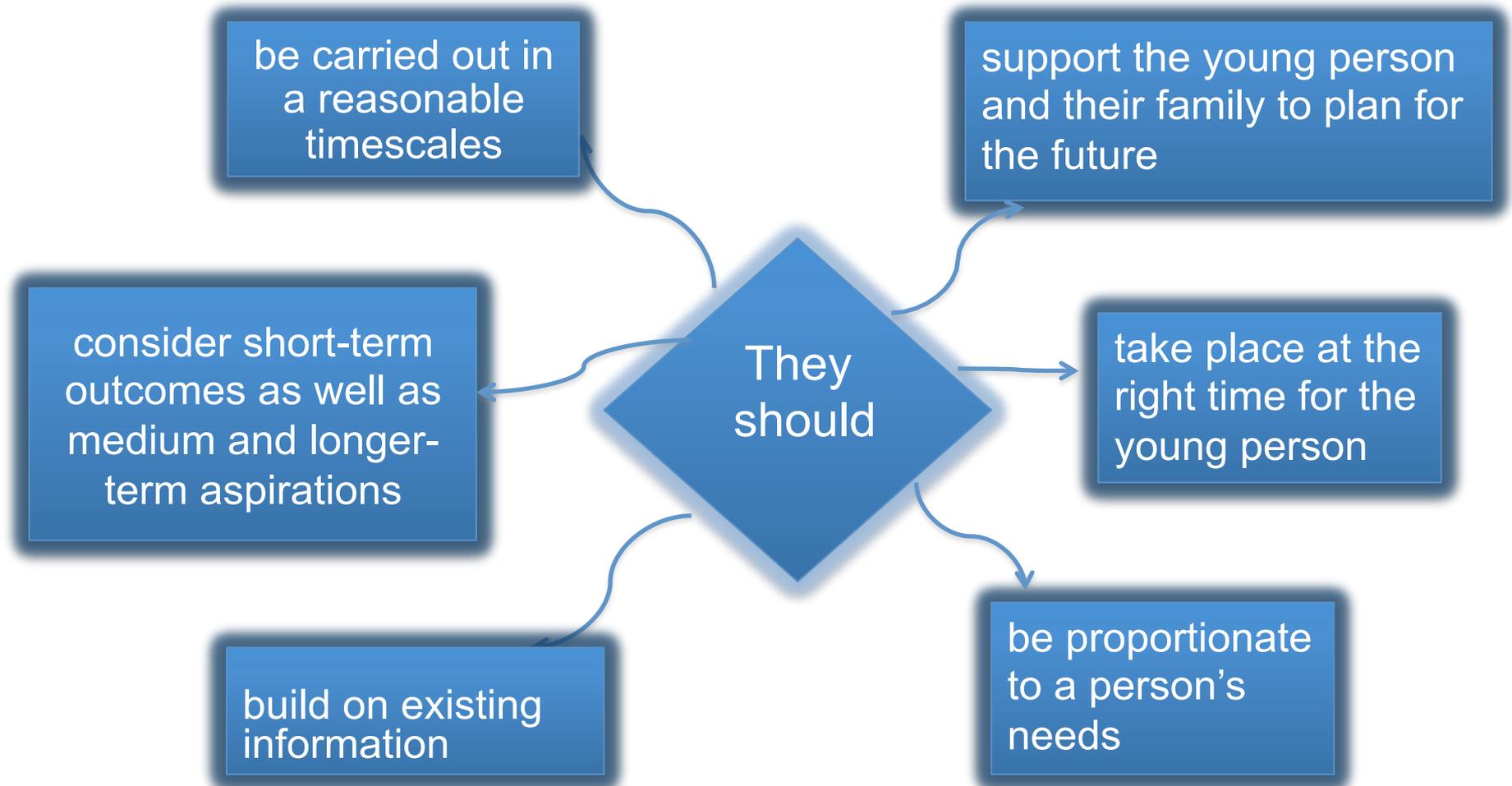


Transition assessment: key requirements

- The assessment process itself **must** :
 - be person-centred throughout
 - ensure that the wellbeing of each young person or carer is taken into account
 - include any other person who the young person or carer wants to involve
 - always be **appropriate and proportionate** to the complexity of the person's needs
- The process **must establish**:
 - current needs and how these impact on wellbeing
 - whether the young person or carer is likely to have eligible needs
 - the outcomes the young person or carer wishes to achieve



Transition assessment: key expectations



Identifying young people and young carers

- The provisions in the Care Act relating to transition are **not only for those who are already known** to the local authority, for example children in need receiving services, but apply to anyone who is likely to have needs for adult care and support after turning 18
- Local authorities **should** consider how they can identify young people and carers who are not supported by children's services but who are likely to have care and support needs as an adult



Meeting the needs of carers

- Local authorities **must** assess the needs of an adult carer where there is likely need for support after the child turns 18
- Local authorities **must** assess the needs of young carers where there is a likely need after 18, and consider how to support young carers to prepare for adulthood and how to raise and fulfil their aspirations
- The power to join up assessments applies so, for example, if an adult is caring for a 17 year old in transition and a 12 year old, the local authority could combine:
 - assessment of the 17 year old under both Acts
 - any assessment of the 12 year old under the Children Act
 - assessment of the adult carer under both Acts



Issues of consent and capacity

- A young person or carer, or someone acting on their behalf, has the right to request a transition assessment
- The young person or carer **must agree** to the assessment where they have mental capacity and are competent to agree
- Where there is a lack of capacity the local authority **must be satisfied** that an assessment is in their (young person or carer) best interests
- Everyone has the **right to refuse** a transition assessment unless the local authority suspects a child is experiencing or at risk of abuse or neglect
- Local authorities have a duty to provide independent advocacy where the person would experience **substantial difficulty** in being involved in the assessment process and there is no **appropriate individual** to facilitate their involvement



Cooperation between professionals and organisations

- For a successful transition to adult care and support, the young person, their family and professionals need to work together
- The Act gives local authorities a legal responsibility to cooperate both internally and externally “to ensure a smooth transition” i.e. that all the correct people work together to get the transition right
- There is a reciprocal duty of cooperation by relevant partners of the local authority
- Evidence confirms the value of key-worker or ‘lead professional’ arrangements in promoting the quality of care co-ordination



Continuity of care after the age of 18

- Where someone has been supported by children's services, if adult care and support is not in place on a young person's 18th birthday **and** there is no transition assessment, the local authority **must** continue providing services until the **relevant steps** have been taken
- This provision will continue throughout the assessment process until adult care and support is in place or until assessment indicates that adult care and support does not need to be provided
- These changes will mean there is no “cliff-edge” where someone reaching the age of 18 who is already receiving support will suddenly find themselves without the care and support they need at the point of becoming an adult
- Local authorities can also make an active decision to continue children's services beyond 18, but this must be on the basis of a transition assessment



Transition to higher education

- Where a young person is intending to move to a higher or further education institution which is out of the area where they were receiving children's services, they will usually remain ordinarily resident in the area where their parents live (or the local area which had responsibility for them as a child)
- Therefore, good transition planning should consider whether a person wishes to attend higher education, and if so a local authority should consider what support is likely to be necessary and prepare to contact the relevant Higher Education Institution to discuss this support once the person has secured a place.



Transition from children's to adult NHS Continuing Health Care

Care Act learning and
development materials

- Clinical Commissioning Groups (CCG) should use the National Framework for NHS Continuing Healthcare and supporting guidance and tools to determine what on-going care services people aged 18 years or over should receive
- The framework sets out that CCGs should ensure that adult NHS continuing healthcare is appropriately represented at all transition planning meetings to do with individual young people whose needs suggest that there may be potential eligibility



Joint legislative framework

- Together the Children and Families Act 2014 and the Care Act 2014 create a new comprehensive legislative framework for transition:
 - Focus on personalised, outcome-based approaches
 - New focus on carers across both Acts - *families* transition rather than just the young person
- Duties in both Acts are on the *local authority*:
 - a variety of operating models
 - joined up information and advice service
- The EHC plan requirement for preparation for adulthood to begin at 14 is a good default position for transition planning generally
- A flexible framework where transition can be a personalised evolution from 14-25 with no need for a "cliff-edge" transition at 18
- The national Preparing for Adulthood programme has developed a [factsheet](#) that sets out the links between the two reforms



Summary

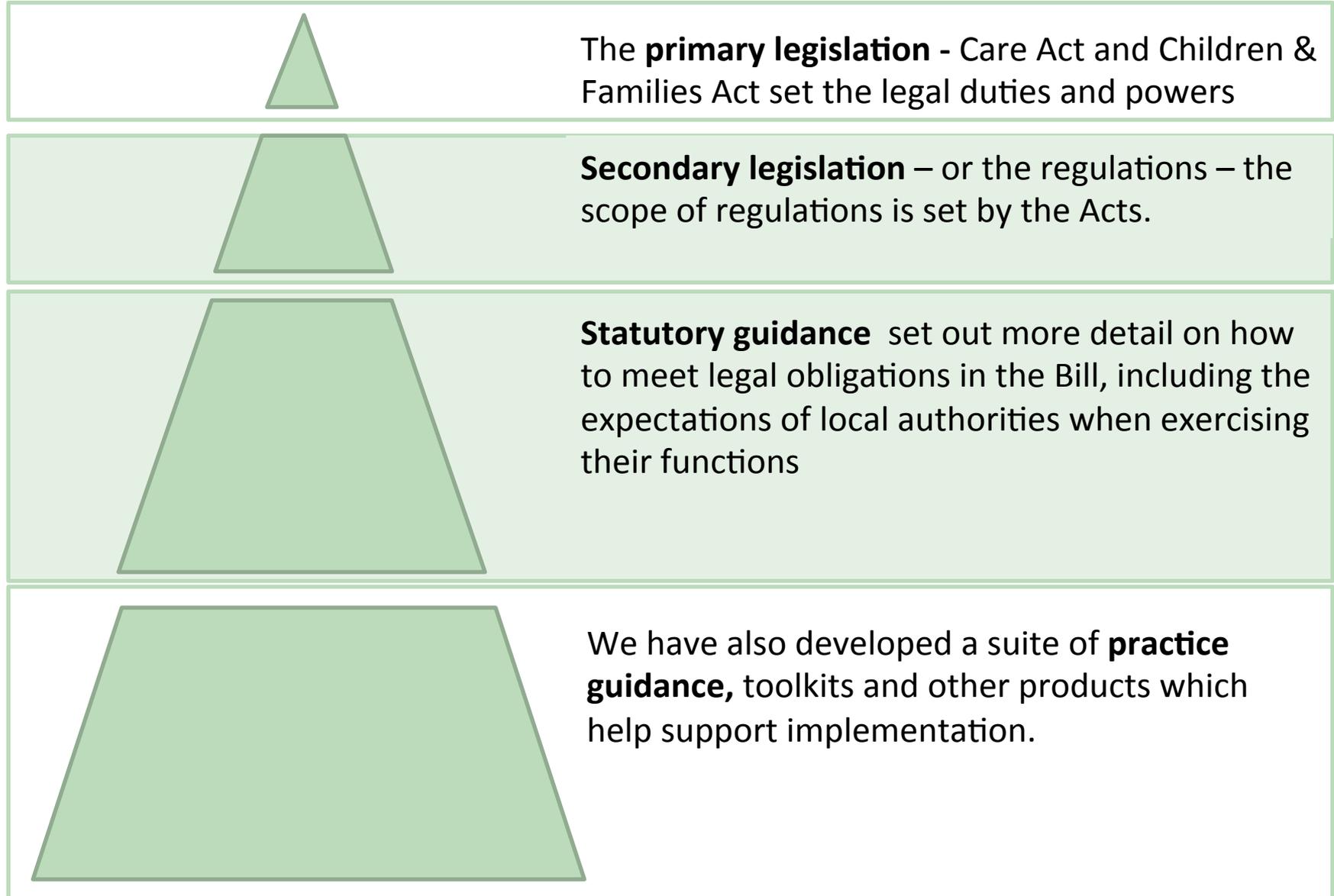
- If a young person or young carer is likely to have needs when they turn 18, the local authority **must** assess them when it considers there is “**significant benefit**” to the individual in so doing
- For young people with **SEND**, preparation for adulthood must begin from **year 9**, with a clear focus on life outcomes
- Local authorities **should** consider how they can identify young people who will need an assessment but are not receiving children’s services
- Local authorities **must** assess the needs of an adult carer where there is likely to be a need for support after the young person in question turns 18
- Local authorities have a legal responsibility to **cooperate** both internally and externally to get transition right, this can include joint commissioning, planning or assessment where appropriate



The future

- Wider context of health and social care
 - Integration agenda
 - Adult social care funding reform: free care for people turning 18 with care needs?
 - CAMHS and adult mental health
- Understanding the impact of the new legislation
 - Short and Long Term Care data collection to be amended to capture key data on number of people receiving transition assessments and outcomes
 - Continuing support to local authorities for implementing reforms (more below)
- National Institute for Clinical Excellence (NICE) producing guideline on *Transition from children's to adult services for young people using health or social care services*.
 - Draft scope:
<http://www.nice.org.uk/guidance/gid-scwave0714/resources/transition-from-childrens-to-adult-services-final-scope3>
 - Scheduled to publish for consultation in September 2015, final publication in February 2016
 - Register as a stakeholder on the NICE website to comment on the draft guideline
<http://www.nice.org.uk/get-involved>

The Framework



Care Act resources

The Act:

<http://services.parliament.uk/bills/2013-14/care.html>

The regulations:

<https://www.gov.uk/government/consultations/updating-our-care-and-support-system-draft-regulations-and-guidance>

The statutory guidance:

<https://www.gov.uk/government/publications/care-act-2014-statutory-guidance-for-implementation>

The factsheets:

<https://www.gov.uk/government/publications/care-act-2014-part-1-factsheets>

Children and Families Act resources

The Act:

<http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>

The regulations:

<http://www.legislation.gov.uk/uksi/2015/527/made>

The Code of Practice:

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

Other Statutory Guidance:

<http://www.workingtogetheronline.co.uk/index.html>

Best practice and other resources

Preparing for Adulthood factsheet on links between Care Act and Children and Families Act:

http://www.preparingforadulthood.org.uk/media/355458/pfa_factsheet_-_care_act_-_royal_assent.pdf

Social Care Institute for Excellence guidance on transition:

<http://www.scie.org.uk/care-act-2014/transition-from-childhood-to-adulthood/>

Template “memorandum of understanding” on young carer support between Children’s and Adult services at a local authority:

http://www.local.gov.uk/media-releases/-/journal_content/56/10180/7221190/ARTICLE