

# Care Act 2014: Moving from Children's to Adult Social Care

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# The Transition for children to Adult Social Care and Support Services

“Services at transition should be aimed at moving a person into work/ adult life in such a way as to promote their independence and so reduce their long term needs for care and support”.

( Care and Support Alliance).

# Children's Transition to Adulthood

- A time when young people and their families:
  - Are thinking about their future aspirations.
  - A time of future planning, uncertainty and opportunity.
  - For people who have or who are likely to have support needs at the age of 18.
  - A time when young people and their families need access to good sound advice/ information to make necessary plans to meet future care needs.

# Transition Preparation and Planning

- The Care Act states that,

*“ If a child, young carer or an adult caring for a child ( a child’s carer) is likely to have needs when they, or the child they care for , turns 18, the local authority must assess them if it considers there is ‘Significant benefit’ to the individual in doing so. This is regardless of whether the child or individual currently receives any services or requests an assessment”.*

# Transition preparation and planning

- Effective person- centred transition planning is essential to help young people and their families prepare for adulthood.
- Right of the child/ young person to request an assessment as they approach their 18<sup>th</sup> birthday.
- Right of the carer (s) to request an assessment when the person they care for is approaching their 18<sup>th</sup> birthday. ( even if not currently in receipt of services from the LA).

# Transition preparation and planning

- To achieve life outcomes that are important to young people approaching adulthood and their families. These include but not exclusive:
  - Paid Employment
  - Good Health
  - Completing exams or moving into further education;
  - Independent living ( Choice and control over one's life and good housing options);
  - Social Inclusion ( friends, relationships and community).
  - Wellbeing

# Information, Advice and Prevention

- When an Assessment is undertaken the young person/ carer should be advised of the outcome of this assessment.
- Information should be given about whether the young person, young carer/ carer is eligible for support as defined in the Care Act.
- Advice and Information should be provided about what actions can be taken to prevent/ reduce needs that they have or are likely to have, as well a strong emphasis on what they can do to stay well, to prevent / delay the development of care and support needs.

# Information, Advice and Prevention

- Transparent process, involvement, engagement and empowering for individuals/ families.
- LA's will need to publish information about what relevant support can be offered locally to young people and their families/ carers.
- This information will give young people, young carers/ carers some indication of the level and type of support they can expect to receive.
- Aim to reduce anxieties and uncertainties throughout the process, for a smoother transition into adulthood.

## Assessments of Needs

- If a person requests an assessment of their needs, but the LA decides not to carry out an assessment. The LA must explain in writing their justification for this decision.
- There is no age limit for when a request for an assessment can be made. However, the LA must consider, in all cases whether there would be a '**Significant benefit**' to the individual in undertaking an assessment of needs.

# Assessment of Needs

- When considering whether it is a significant benefit to assess, the local authority should consider the right time to assess:
  - The stage they have reached at school/ exams.
  - Whether the young person or their carer wishes to enter further/ higher education/ training.
  - Whether the young person / carer wishes to get a job when they become a young adult.
  - Plans to move out of the parental home.
  - Whether the person will have care leaver status when they become 18.
  - Whether the carer of a young person wishes to remain in or return to employment when the young person leaves full time education;
  - The time it may take to carry out an assessment;
  - The time it may take to plan and put in place the adult care and support.
  - Any relevant family circumstances.
  - Any planned medical treatment

# Continuity of Support

- When a LA is requested to undertake an assessment of a child ( including a young carer) who is receiving support under legislation relating to children's services. The act requires children's services to continue to provide that support through the assessment process, until the outcome of the assessment is fully known.

# Cooperation and Engagement

- It is crucial for a successful transition to adult care and support services , that the young person, their families and professionals work together to achieve the best outcomes.
- LA's have a legal responsibility to cooperate, to ensure that all the **right** people work together and get the transition **right** for individuals.
- The Care Act allows LA's to combine any transition assessments with other assessments being carried out, provided all parties agree. i.e. Health and Local Authority assessments , Joint Assessments or assessments undertaken on behalf of an organisation.

# Links to Children's Legislation

- The Children and Families Act 2014 creates a new “Birth to 25 years” Education, Health and Care Plan (EHC) for children and young people with special educational needs. This offers families a personal budget to enable more choice and control over support arrangements.
- In some cases post 18, the ‘Care’ part of the EHC plan will be provided by the Care Act.
- The Children and Families Act 2014 is designed to improve cooperation between all services that support people with special educational needs, and their families. Requires LA's to involve children, young people and parents in reviewing and developing care for those with special educational needs.

# Carers

- Where an individual provides or intends to provide care for another adult and it appears that the carer may have a level of needs for support, LA's must carry out a carer's assessment.
- The carer's assessment must seek to establish not only the carer's needs for support, but also the sustainability of the caring role itself, which includes both the practical and emotional support for the carer provides to the adult.
- The carers assessment must also consider the outcomes that the carer wants to achieve in their daily life, their activities beyond their caring responsibilities, and the impact of the caring upon those activities.

# Continuing Healthcare

- Clinical commissioning groups ( CCG's) should apply the National Framework for NHS Continuing Healthcare and supporting guidance tools to determine what ongoing care services people over age 18 should receive where the primary need is a health need.
- The framework sets out best practice for the timing of transition referrals to CCG's.
  - Children's services should identify young people with likely need for NHS CHC and notify the CCG when such a young person turns 14.
  - There should be a referral for adult CHC screening at 16.
  - There should be decision in principle at 17 so that a package of care can be in place once the person turns 18 ( or later if agreed more appropriate)
  - Where there is a change to CHC provision, this should be recorded in the young person's EHC Plan, where they have one and advise of their rights to ask the LA for mediation as determined in the SEND Code of Practice.

# General Responsibilities of the Care Act and the Wellbeing principle

- The core purpose of adult care and support.
  - Help people achieve outcomes and individual aspirations.
  - **Must** promote wellbeing when carrying out any care and support functions in respect of a person.
  - Wellbeing principle at the heart of care and support – guiding principle.

# Wellbeing Principle

Definition of Wellbeing, related to the following area's:

- personal dignity ( including treating people with respect),
- physical/ mental and emotional wellbeing,
- protection from abuse and neglect,
- control by the individual over day-to-day life ( including over care and support provided and the way it is provided);
- participation in work, education , training and recreation,
- social and economic wellbeing, domestic, family and personal, suitability of living accommodation, the individual's contribution to society.
- No hierarchy of wellbeing outcomes all should be considered of equal importance when considering a person's wellbeing

## Other Key Principles

In addition to the general principle of promoting wellbeing:

- Assumption that the individual is best-placed to judge the individual's wellbeing.
- The individual's views, wishes, feelings and beliefs are critical to person-centred approach to care and support.
- The importance of prevention or delaying the development of needs for care and support, and the importance of reducing needs that already exist.
- The need to ensure that decisions are made having regard to all individual's circumstances.

## Other Key Resources Available

- Copies of Factsheets available on the Department of Health Website

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

- SCIE Website

Care Act 2014: Transition from children's to adult's services- key resources.

[www.scie.org.uk](http://www.scie.org.uk)

# Other Relevant Policy and Legislation

- Care Act (2014)
- The Care and Support Statutory Guidance (2014)
- The Care and Support ( Children's Carers) Regulations (2014)
- Carers and Disabled Children Act (2000)
- Children and Families Act (2014)
- Children Act (1989, 2004)
- Children ( Leaving Care) Act ( 2000)
- Chronically Sick and Disabled Persons Act ( CSDPA 1970).
- Education Act ( 1996)
- NHS Act (2006)
- SEND ( Special Educational Needs) Code of Practice 0-25.(2014).
- Not fully exhaustive. Other key resources can be found from SCIE: Transitions from Children to adult services ( 2014).

# Links to external resources

- Code of Practice for Children with Special Educational Needs  
<https://www.gov.uk/government/publications/send-code-of-practice-0-25>
- Preparing for Adulthood website  
<http://www.preparingforadulthood.org.uk/>
- Together for Short Lives website  
<http://www.togetherforshortlives.org.uk/>
- Transition Information Network website  
<http://www.transitioninfonetwork.org.uk>
- Contact a family (2014) Preparing for adult life and transition: Information for families.
- Carers Trust – Transition
- Cerebra (2013) Transition to Adulthood; A guide for practitioners working with disabled young people and their families.

# Questions

