

Healthier Communities Select Committee		
Title	Preparing for Adulthood: Transition from Children's to Adult Services	
Contributor	Executive Director for Community Services, Executive Director for Children and Young People, Executive Director for Resources and Regeneration, Head of Law	Item 4
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1. Purpose

- 1.1 This report provides Members of the Healthier Communities Select Committee with a summary of the key issues and the future plans that are being developed to support young people with special educational needs and disabilities from Children and Young People's services to Adult Social Care in preparation for adulthood.

2. Recommendation

- 2.1 Members of the Healthier Communities Select Committee are asked to note the contents of the report.

3. Policy Context

- 3.1 Both the Children and Families Act 2014 and the Care Act 2014 acknowledge the importance of providing timely information, guidance and appropriate support to young people with special educational needs and disabilities and their families in preparation for adulthood.
- 3.2 These two pieces of legislation provide a context in which children's and adults multiagency services can work collaboratively to ensure that young people and their families are supported to exercise greater individual choice and control in planning and preparing for their future into adult life
- 3.3 The Children and Families Act 2014 requires and promotes the importance of early intervention and integrated planning across Adults and Children Services. The Special Educational Needs and Disabilities SEND Reform introduces a new approach which seeks to join up support across education health and care from 'birth to 25 years. The implementation of Education, Health and Care plan (EHC) replaces both the Statement of Special Educational Needs for children and young people and the Learning Difficulty Assessment.
- 3.4 The principles which underpin the Children and Families Act 2014 and the SEND Code of Practice for 0-25 years gives recognition to the importance of planning with young people and their families rather than planning for them at both an individual and strategic level. The new system requires a joined up approach including co production, holistic planning and multi-agency working.

- 3.5 The Care Act 2014 places a duty on local authorities to conduct transition assessments for children, children's carers and young carers where there is a likely need for care and support after the child in question turns 18. As in all assessments, local authorities need to consider the needs of the person, what needs they are likely to have when they (or the child they care for) become 18, and the outcomes they want to achieve in life. Consideration should also be given as to what types of adult care and support might be of benefit at that point, and whether other options beyond formal services might help the individual achieve their desired outcomes.

4. Background

- 4.1 The Children with Complex Needs team currently support 552 young people aged 14 to 18 with a Statement of Educational Need or Education Health and Care Plan. Many of the young people known to the Children with Complex Needs Service do not require nor would be eligible for care and support via Adult Social Care. This cohort of SEND young people and their families currently require appropriate professional guidance and signposting to information or support which will enable them to meet their individual needs and life outcomes as they move towards greater independence and adult life.
- 4.2 Within the Children with Complex Needs Service there are approximately 121 of the 552 cohort of young people aged 14 to 18 who are in receipt of specialist short breaks support who are likely to meet the criteria for support from adult services when they turn 18.
- 4.3 The early identification of young people likely to be in need of care and support as an adult can effectively begin when children and adult services work together to identify solutions for specific individuals, by building on their aspirations, strengths and what they do well, so that support that enables this can be put in place.
- 4.4 The Children with Complex Needs team currently coordinates quarterly meetings between children and adult services where representatives from the teams within the Children with Complex Needs Service provide a comprehensive data and costing on the young people aged 14-18 who may require support from Adult Social Care once they become 18.

How the process currently works

- 4.5 The social workers within the Children with Complex Needs Team currently have individual case responsibility to ensure young people on their allocated caseloads are referred for an assessment to the adult intake team when the young person reaches 17 years old to support a timely and smooth transition.
- 4.6 Data on all young people with SEND aged 14 -18 is collated and shared between children and adult services to support adults services plan provision for young people who may be eligible for adult services and support. Regular quarterly transition meetings are held with children and adult services to enable early identification and the planning of provision for those children with high level support needs who may require services support once they turn 18 years old.

- 4.7 As part of the SEND reform programme the multiagency Preparing for Adulthood Steering Group meets monthly to develop and implement the PFA action plan in line with the Special Educational Needs and Disability Code of Practice.
- 4.8 In April 2014 an information event, 'My Life My Future – Preparing for Adulthood' was held at Lewisham College in partnership with the Children with Complex Needs Team, Contact a Family and Lewisham Parent Carer Forum. There were over 30 stalls and 15 presentations throughout the day providing young people with advice and information on all aspects of preparing for adulthood in Lewisham. Over 300 young people and parent / carers attended the event.
- 4.9 Working with young people aged 14 upwards should therefore be aimed at supporting a young person moving into further training, employment and adult life in such a way as to promote their independence and reduce their long term needs for care and support.
- 4.10 This situation can particularly present a challenge for social workers within adult services who may encounter a situation in which decisions about future options regarding the most desirable future provision have already been considered prior to the first meeting. In this instance, social workers may be viewed by families as a gatekeeper to funding rather than an 'enabler' regarding the best options for meeting the needs of the young person. Families may have received incorrect or conflicting information in the past about Adult services, and therefore may have already developed their own views about future prospects prior to any meeting with professionals.
- 4.11 Historically, there has been a further tension built into the process where, approaching the point of leaving school, the secondary education provider who has most direct contact with the young people and their family has encouraged an expectation of a 'right' to tertiary (and often residential tertiary) education options. In the past year Children's Services have been actively challenging this pathway and working with local day college providers to promote young people staying at home or returning there, and also being clearer and more 'critical' about what educational outcomes are being sought through education at all. The importance of this for young vulnerable people is that once they go out of borough they seldom return. A recent audit showed that 77% of young people aged between 19 and 30 in out of borough residential placements had been placed directly from out of borough schools or colleges.

Future Plans and recommendations for preparing for adulthood

- 4.12 In order to meet the requirements of the new legislations senior managers in Children's and Adult services are interested in scoping different practice models for, preparing for adulthood and transition services. The aim is to ensure Lewisham Council seek a model that is best placed to promote and deliver better outcomes for young people preparing for adult life. Senior managers have undertaken an initial benchmark exercise with Newham, Hillingdon, Havering and Redbridge local authorities. The initial scoping exercise highlighted varying approaches and varying challenges and priorities Lewisham Council will need to consider in service and pathway planning for young people with special educational needs and disabilities preparing for adulthood.

4.13 One of the options could be to bring resources together from across Children's and Adult services in order to establish a strong pathway and protocol which promotes effective working relationships with young people with special educational needs and their families and multiagency partners.

4.14 The new service delivery model will aspire to establish a robust governance and practice arrangements that will ensure:

- Early identification - The Local Authority in partnership with school settings will be able to utilise annual reviews from Year 9 onwards to discuss and plan with young people and their families after they leave school. The care co-ordination model will effectively offer early intervention and care coordination specifically to young people who are likely to have care and support needs as an adult and plan and support for the future
- That young people with SEND are supported to have high aspirations and ambitions about their futures.
- Information, Advice and Support is made available in an accessible and timely way to enable young people and their families have the appropriate level of guidance and support to make informed choices about planning for adult life. The following key areas are addressed:
 - Education, training and employment opportunities
 - Independent Living
 - Community engagement and inclusion
 - Health and wellbeing
- The Service should utilise varied data to inform better decision making and projections to assist commissioning priorities and service development for 14-25 year olds.
- The early identification of young people with significant support needs is embedding person-centred planning. This is supported through the Education, Health and Care conversion annual reviews at Year 9.
- The duty to consider whether a child is likely to have care and support needs after becoming 18 and to provide relevant advice and information about meeting or reducing these needs.
- For those young people not in education, care plan coordination will be embedded in practice.
- To ensure that a young person's long term care planning does not end at age 22, 23, 24 or 25 when they leave education, and therefore consideration will be given to post-education health and care (housing and employment) needs and outcomes at all points of the planning pathway so that it can be used as a positive springboard into adult life
- The decision making protocol and funding allocation for educational placements and care support is further refined so that there is clarity regarding expectations on all partners

- Provisions are made in the early stages of planning to assist young people and their carers to utilise self-directed support and a personal budget where they are eligible
- That adequate and appropriate provision is developed locally to support young people to remain in their local community
- Joint commissioning and planning arrangements to respond from 14 onwards to promote the development of independence and key life skills in preparation for adult life

5. Financial Implications

- 5.1 The new service delivery model will be established by using existing resources from both children's and adult services staffing budgets. The annual cost pressure associated with transitions will be reduced as services are commissioned more locally to meet the needs of young people with complex needs who are preparing for adulthood.

6. Legal Implications

- 6.1 The Care Act 2014 creates a new structure for the assessment and provision of care services, encompassing a new approach (also provided for in the Children and Families Act 2014) for child carers and providing for more continuity through the transition, if eligible, of a young person from children's to adult services. There are also new general duties to promote the wellbeing of the individual in the community, and to prevent the need for escalating care and support, by the provision of signposting to relevant services, information and, when considering the delivery of many universal services across the Borough, whether as part of our duties as the Local Authority or in conjunction with Health and other services.
- 6.2 The particular paragraphs relevant to the transition from children's to adult services are found at paragraphs 58-66. The Local Authority must undertake a Child in Need assessment following a request from a parent / carer of a child. Having completed an assessment, where it appears that the child is likely to have the same needs at 18 the authority may assess:
- a) What the child's needs for care and support are, and
 - b) What they are likely to be when the child becomes 18.
- 6.3 A Local Authority can carry out an assessment even if the child lacks the capacity to consent, if to do so would be in the child's best interests.
- 6.4 A local authority which decides not to comply with a request to undertake an assessment must give the person who made the request its written reasons for its refusal.
- 6.5 A child's needs assessment must include an assessment of:
- a) The outcomes that the child wishes to achieve in day-to-day life, and

- b) Whether, or to what extent, the provision of care and support could contribute to the achievement of those outcomes.

6.6 In carrying out a child's needs assessment a Local Authority must, so far as it is feasible to do so, consult:

- a) The child
- b) The child's parents and any carer that the child has, and
- c) Any person whom the child or a parent or carer of the child requests the local authority to consult.

6.7 Where a person to whom a child's needs assessment relates becomes 18, the authority must decide whether to treat the child's needs assessment as a needs assessment for adult services. They must consider when the assessment was completed, and whether there have been any changes of circumstances since becoming 18.

6.8 S17 Children Act 1989 is amended by s66 Care Act and there is a requirement to continue s17 services past 18 until a Care Act assessment is completed. There is a similar provision for CSDPA1970 s2 services.

6.9 There are wider duties imposed by the Care Act towards children with whom the Local Authority are not necessarily directly engaged, for example, children receiving CAMHS support, involved with Youth Justice, or those with Autism hitherto within the education service only. If there is a significant benefit of such a child receiving a transition plan then there is a duty to prepare one. It is therefore important to identify such young people and to determine whether a plan would be in their interests.

7. Crime and Disorder Implications

7.1 There are no specific crime and disorder implications arising from this report.

8. Equalities Implications

8.1 The arrangements the Council puts in place to support children with educational needs and/or complex disabilities are designed to maximise the opportunities and life chances for our more vulnerable adults.

8.2 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

8.3 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;

- foster good relations between people who share a protected characteristic and those who do not.

8.4 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

8.5 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

8.6 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

8.7 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

9. Conclusion

9.1 The reforms to legislation potentially provide the opportunity for local authorities to get a much better deal for some of the most vulnerable children and young people and help them to aspire and succeed in education, work and life as an adult. In working within the area of transition to adult services one of the key challenges for the local authority arises from the separation between services for adults and children. Therefore, developing a service model that brings resources together to work proactively with young people and their families to prepare and plan for adulthood at an earlier stage is essential.

If there are any queries on this report please contact Joan Hutton, Head of Adult Social Care on 020 8314 8364 or by email at joan.hutton@lewisham.gov.uk