



Cumbria Information, Advice & Support Service

SEN & Disabilities

Offering impartial information, advice and support to children and young people with special educational needs and or disabilities and their parents & carers.

Factsheet #21: Preparing for Adulthood

The Children and Families Act 2014 sets out a range of duties towards young people preparing for adulthood. These include the provision of information, advice and support, working together to achieve outcomes and strategic joint commissioning through the Local Offer which are looked at in separate factsheets.

This factsheet aims to provide an overview of key requirements specifically in relation to preparing for adulthood set out in Chapter 8 of the Code of Practice and in particular:

- Preparing for adulthood reviews
- Support for young people aged 16-17 years and decision making
- Planning transition into post 16 education and training and advice on careers and courses
- Young people aged 19-25 and transition to adult services

Preparing for adulthood reviews

From the annual review of the EHC plan in Year 9, and at each review thereafter, local authorities must include a focus on preparing for adulthood and transition planning must be incorporated in the EHC plan and set out clear outcomes to prepare young people for adulthood.

Planning should include:

- Support to prepare for higher education and/or employment;
- Support to prepare for independent living – this should include ascertaining where the child or young person would like to live (it may be that they do not wish to move into independent living) and local housing options should be explained;
- Support in maintaining good health – including effective planning for transition of health services;
- Support in participating in society – including mobility and transport and developing and maintaining relationships and friendships.

Reviews should identify what support the child or young person requires to achieve the outcomes and aspirations specified in their EHC plan and to prepare them for adult life.

Support for Young people aged 16-17 years and decision making

When a young person reaches the end of compulsory school age, the following rights to make requests and decisions under the Act will apply directly to them rather than their parents:

- the right to request an assessment for an EHC plan (which they can do at any time up to their 25th birthday)
- the right to make representations about the content of their EHC plan
- the right to request that a particular institution is named in their EHC plan
- the right to request a Personal Budget and direct payments for elements of an EHC plan
- the right to appeal to the First-tier Tribunal (SEN and Disability) about decisions concerning their EHC plan

However, local authorities and educational institutions should still involve parents in discussions and it is anticipated that in many cases they will continue to support young people in making decisions, provided that young person is happy for them to do so.

These are rights subject to the young person having capacity to make the decision applying the principles under the Mental Capacity Act 2005. The five key principles under the Mental Capacity Act are:

- It should be assumed that everyone can make their own decisions unless it is proved otherwise
- A person should have all the help and support possible to make and communicate their own decision before anyone concludes that they lack capacity to make their own decision
- A person should not be treated as lacking capacity just because they make an unwise decision
- Actions or decisions carried out on behalf of someone who lacks capacity must be in their best interests
- Actions or decisions carried out on behalf of someone who lacks capacity should limit their rights and freedom of action as little as possible

If a young person lacks capacity (applying the test in section 2 of the MCA 2005) to make a particular decision, that decision can be taken by a representative on their behalf. The representative will be a deputy appointed by the Court of Protection, or a person who has a lasting or enduring power of attorney for the person. It will be relatively rare for a disabled young person to have a representative.

The Special Educational Needs and Disability Regulations 2014 provide that where the young person does not have a representative, the decision can be taken by the young person's parent on their behalf. This is a specific provision which relates to particular decisions which need to be made under Part 3 of the Children and Families Act 2014 and does not extend to other decisions under the Mental Capacity Act 2005. In effect, this gives parents of disabled young people who lack capacity greater rights to make decisions about their education than in other areas of their lives.

Planning transition into post 16 education and training and advice on careers and courses

Transition planning and consideration of post 16 education should start in Year 9 and the plans should be reviewed and made more detailed at each review.

Support during this time should include access to:

- Independent Careers Advice
- High Quality Study programmes
- Pathways to employment – to include access to work-based learning such as apprenticeships, traineeships and supported internships

Young people with EHC plans should have access to packages of support across five day weeks which should include a full package of provision and support across education, health and care and include activities such as volunteering or work experience.

Transition Assessments

Once the Care Act 2014 comes into force in April 2015, local authorities must carry out transition assessments for adult care and support where there is significant benefit to a young person or their carer in doing so and they are likely to have needs for care and support after turning 18. Transition assessments must involve the young person and anyone else they want to involve in the assessment. They must also include the outcomes, views and wishes that matter to the young person – much of which will already be set out in their EHC plan.

Transition assessments for adult care and support must consider:

- current needs for care and support
- whether the young person is likely to have needs for care and support after they turn 18, and
- if so, what those needs are likely to be and which are likely to be eligible needs.

Local authorities can meet their statutory duties around transition assessment through an annual review of a young person's EHC plan that includes the above elements.

Having carried out a transition assessment, the local authority must give an indication of which needs are likely to be regarded as eligible needs so the young person understands the care and support they are likely to receive once children's services cease. Where a young person's needs are not eligible for adult services, local authorities must provide information and advice about how those needs may be met and the provision and support that young people can access in their local area. Local authorities should ensure this information is incorporated into their Local Offer.

Where a transition assessment identifies needs that are likely to be eligible, local authorities should consider providing an indicative Personal Budget so that young people have an idea

of how much funding might be available to meet their care and support needs when they enter the adult system.

Continuity of provision

The Code of Practice makes clear that under no circumstances should young people find themselves suddenly without care and support as they make the transition to adult services.

Under the Care Act 2014, from April 2015 local authorities must continue to provide a young person who is receiving children's social care services with children's services until they reach a conclusion about their situation as an adult, so that there is no gap in provision. Reaching a conclusion means that, following a transition assessment or an adults' needs assessment for care and support, the local authority concludes that the young person:

- does not have needs for adult care and support, or
- does have such needs and begins to meet some or all of them, or
- does have such needs but decides it is not going to meet them (either because they are not eligible needs or because they are already being met)

Section 50 of the Children and Families Act 2014 provides that the local authority can continue to provide care and support from children's services after the young person has turned 18. This can continue until the EHC plan is no longer maintained but when the EHC plan ceases or a decision is made that children's services are no longer appropriate, the local authority must continue to provide children's services until they have completed the 'relevant steps' set out above.