



Preparing for Adulthood Policy 2024

Preparing to Transition from
Children to Adult Social Care



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1. Introduction

Preparing for Adulthood is a time when young people and their families are thinking about their aspirations for the future. If children are likely to be eligible for social care as an adult, early joint planning is needed from the age of 14. This will involve the young person, their parents or carers, and other people that know the young person well from education, health, social care services or the voluntary sector.

The aim of this policy is to make sure that young people and their families have the appropriate support as they move into adulthood and that there are no gaps in the delivery of services.

This policy complements the Preparing for Adulthood Transitions Pathway which is a flow chart setting out the stages to support the young person as they approach adulthood, see Appendix 1.

2. Guiding Principles

Both the Children and Families Act 2014 and the Care Act 2014 places duties on Local Authorities in regard to arrangements for young people with care and support needs in preparing for adulthood. These two pieces of legislation capture the principles of personalisation, inclusion, participation and co-production.

We are guided by the following principles:

- Young people are supported to make their own choices in planning for their future.
- Young people are placed at the centre of decision making so that any plans reflect their wishes and best interest.
- Young people and their parents or carers are provided with good information throughout, both about what to expect as they approach adulthood and the range of options for the future.
- Young people and their circle of support are fully involved in planning. All the agencies involved in supporting the young person are properly engaged in the planning process.
- Young people are supported to develop skills to be as independent as possible.
- Services are informed by an understanding of the needs of young people aged 14 plus and will be as flexible and accessible as possible.

The lead professional will play an important part in making sure support planning reflects the young person's best interest. For more information on the Lead Professional role, see Appendix 2.

3. Leadership

The Special Educational Needs and Disability Service Manager and Adult Services Head of Service, Living Well, will be the strategic leads for Transitions from Children's to Adult Social Care.

4. Continuity of Care

Under the Care Act 2014 the Local Authority should ensure that no gap in the provision of services occurs when a young person reaches the age of 18, unless an assessment is undertaken and concludes that neither the young person nor their carer(s) qualifies for adult social care.

5. The Preparing for Adulthood Forum

The Preparing for Adulthood Forum is responsible for coordinating the identification and monitoring of those children and young people who will or may require services when they enter adulthood.

This Forum is joint-chaired by the Special Educational Needs and Disability (SEND) Service Manager and Adult Services Head of Service, Living Well, or their designated and declared deputies. They will ensure that the Forum meets regularly and is effective. Other members of this Forum will come from key agencies responsible for identifying young people who may be eligible for adult social care support.

The Forum meets every six weeks. The young person, their family and other significant agencies/persons will be informed of this beforehand; while they are not invited to the Forum, their voice will be reflected and heard in the Forum via their own individually-expressed goals and priorities (as captured in their existing education, care and support plans).

A list of all children aged 14 years or more who may be:

- subject to an Education Health and Care Plan (EHCP),
- approaching their Year 9 Review,
- receiving a service from Brighter Futures for Children (BFFC) e.g. Children Looked After, Children In Need, Short Breaks, Early Help, Child Protection, Children Missing Education etc.
- Other young people likely to need care and support from Adult Social Care will also be provided to the Forum by the Special Educational Needs Team.

Additional members of the Forum should bring details of any other young people who may be eligible for adult social care support for consideration, with the permission of the young person and/or family.

The Forum is tasked with:

- Ensuring that there is an up to date database of those children aged 14 or over who are subject to an Education, Health and Care Plan.
- Identifying and monitoring the needs of individual young people who are likely to require support in adulthood, in line with the needs and priorities as expressed by the young people themselves (as captured in their education, care and support plans).
- Highlighting young people who have complex needs requiring significant planning to meet their needs in adulthood.
- Identifying any particular trends in needs to inform commissioning and strategic planning approaches to meet needs.
- Supporting positive partnership working to meet the needs of young people who have complex needs.

For further information please see the Preparing for Adulthood Forum's Terms of Reference in Appendix 3.

Eligibility for Adult Social Care Services

Adult Social Care services are only provided to adults and/or their carers who meet the eligibility criteria as defined by the Care Act 2014.

The Care Act 2014 indicates that an adult meets the eligibility criteria if:

- a) Their needs arise from, or are related to, a physical or mental impairment or illness; and
- b) As a result, they are unable to achieve two or more of the outcomes specified below; and
- c) As a consequence there is, or is likely to be, a significant impact on the adult's well-being.

The specified outcomes referred to in bullet point b) are:

- managing and maintaining nutrition
- maintaining personal hygiene
- managing toilet needs
- being appropriately clothed
- being able to make use of the adult's home safely
- maintaining a habitable home environment
- developing and maintaining family or other personal relationships
- accessing and engaging in work, training, education or volunteering

- making use of necessary facilities or services in the local community including public transport, and recreational facilities or services, and
- carrying out any caring responsibilities the adult has for a child.

Wellbeing relates to personal dignity; physical or mental health; emotional wellbeing; protection from abuse and neglect; control/autonomy; participation in work, education, training or recreation; social and economic wellbeing; domestic, family and personal relationships; suitability of accommodation and the adult's contribution to society.

It should be noted that an Education, Health and Care Plan will continue as long as the young person is actively engaging in education.

Commissioning

As part of the Forum, discussions will be held regarding any services that young people require which do not exist and/or are difficult to access. Following each Forum meeting, this information will be shared with the Living Well section of the Commissioning Team so that this can inform their commissioning intentions (ideally enabling them to develop the required services). It will also be shared with the Assistant Director for Adult Social Care Operations so that these needs can be factored into the development of the Council's assets, such as their Day Service, Group Homes and Respite services.

6. Transfer of Funding Responsibility from Age 18

From the young person's 18th birthday Adult Social Care has the legal and financial responsibility for social care services. New Care and Support Plans for persons aged 17 and compliant with the Care Act 2014 and outcomes of Tribunals will be presented to Adult Social Care for oversight.

The request for ongoing care and support is reviewed by the Adult Social Care Eligibility, Risk and Review Group. The role of the Group is to ensure that all eligible needs are met appropriately and equitably, and that any risks are identified and appropriately managed.

Adults Social Care will aim to complete assessments prior to a young person's 18th birthday so that the relevant funding and services may be agreed and arranged prior to the young person becoming an adult. However if for whatever reason the Care Act assessment has not been completed by this time, care will continue to be delivered and funded until such times as the assessment is completed, at which point any identified needs would have the associated care and support arranged (where the young person is deemed to have met the eligibility criteria under the Care Act).

Paying towards the cost of Care and Support and Financial Assessment:

All adult social care support is subject to a financial assessment once Adult Social Care has

completed the Care Act Assessment and it is agreed that a person has eligible needs. This assessment will identify how much, if at all, the person will by law be expected to contribute to the costs of their care.

The professional responsible for completing the assessment will also be responsible for making the referral to the Financial Assessment and Benefits Team at Reading Borough Council. The team will contact the person or their representative to gather information about their income and expenditure in order to complete the financial assessment.

On completion of a Care Act Assessment and once someone reaches 18 years of age then they should, where possible, be supported to manage their own finances. If this is unlikely to be possible, a Mental Capacity assessment will have been completed after their 16th birthday in line with the Mental Capacity Act 2005. This can be completed by Children's services Social Workers in collaboration with Adult Services or as agreed by the Preparing for Adulthood Forum. We recognize that a Mental Capacity assessment can be time- and decision-specific, and we will review accordingly.

If the outcome of the financial assessment is that the individual cannot manage their own finances, an Appointee or a person who holds Lasting Power of Attorney - Property and Finance will manage finances on their behalf. If no such person exists, then an application will be made by the Council to the Court of Protection to designate a court of Protection Deputy for this purpose or any other purpose as applied for by the Council. Other parties, if deemed appropriate, may apply for Deputyship. If a Deputy is not designated by the Court then The Court of Protection Deputy's Office will manage the finances of social care clients who are unable to do so themselves, less an annual fee.

Adult Social Care Services can be chargeable to individuals, who may have to contribute to the cost of their ongoing care and support services (depending on their income and the council Minimum Income Guarantee / MIG). Further information can be found at <https://www.reading.gov.uk/adult-care/carecharges/help-with-care-costs-while-living-at-home/help-with-care-costs-while-living-at-home-full-guide/>.

NHS Continuing Health Care:

Preparations for NHS Continuing Health Care (CHC) also need to be completed by the NHS prior to the person turning 18 to avoid any gaps in funding and support. Brighter Futures for Children will work with the Integrated Care Board and submit a CHC checklist triggering a full CHC assessment to ensure that children who already receive NHS funding for their care are supported with the transition to Adult CHC funding. The voice of the Young Person and their families should be paramount in the CHC assessment process.

7. Key Actions for transferring from Children's to Adults Services

Timescale	Key Actions
From 14th Birthday (in all instances by the end of School Year 9)	<p>Brighter Futures for Children start the transitions process as follows:</p> <ul style="list-style-type: none"> • Complete the EHCP annual review, if in place, which considers the future needs and aspirations of young people. • Offer independent advocacy if appropriate. • Provide the young person and their parents/carers with relevant information on the transition process. • With the permission of the young people and parents, provide a list of all children age 14 who are likely to need adult social care for the Preparing for Adulthood Forum. • Ensure details of other children who may be eligible for adulthood support are identified by other partners and this information is passed to the Forum, with the permission of the young person and their parent carers. • Inform young people and their parents / carers that they can be registered on their GPs Learning Disability register. • Notify Leaving Care Team that the young person may be eligible for services. <p>The Preparing for Adulthood Forum will ensure that:</p> <ul style="list-style-type: none"> • All relevant agencies are involved. • The needs of young people are identified, through a care and support planning process which is built around the voice of the young person and their family / carers. • Strategic funding and commissioning needs are identified for young people with particularly complex needs, and shared with the relevant commissioning teams for actioning. <p>Information about young people with complex needs will be forwarded to Adult Social Care, Adult Commissioning, Housing and Finance for forecasting purposes, with the permission of the young person and their parents/carers.</p>
From 15 - 16 years	<p>Brighter Futures for Children will:</p> <ul style="list-style-type: none"> • Ensure that the EHCP, if in place, is reviewed annually. The future needs and aspirations of young people will be captured, considered and reviewed through conversation with the young person and their family or carer. Annual Reviews will also ensure that the correct agencies are involved, including colleges if a young person wishes to go to college. • Complete the Pathway Plan for Looked After Children within 3 months of their 16th birthday. • Identify the lead professional or team from the young person's 16th birthday. • From 16, consider if a Mental Capacity Act assessment is required and consider if a Deprivation of Liberty Safeguards referral is required.

Timescale	Key Actions
From 17 years	<p>Brighter Futures for Children will:</p> <ul style="list-style-type: none"> • Complete a single assessment (assessment of social care needs). This will identify what is required to support the young person entering adulthood, based on the views and needs as expressed by the young person and their family or carers. • Seek young person and their parent/carers' consent to refer to adult social care. • Refer to adult social care if not done previously. • Refer care leavers to the Leaving Care Team; a leaving care adviser will be allocated if required. • Consider if an updated carer's assessment is required. • Occupational Therapist (OT) will complete a new OT Assessment for all young people currently open to the Occupational Therapy in the NHS's Children and Young People's Integrated Therapies Team. • Invite Adult Social Care to any significant meetings relevant to the young person. <p>Adult Social Care will:</p> <ul style="list-style-type: none"> • Complete a Care Act assessment and present to Eligibility, Risk and Review Group for oversight. • Inform young person and their parents or carers of the outcome. • Provide the young person and their family with information about adult teams and local community organizations. • Undertake a financial assessment if the person is eligible for adult social care. • Allocate to social worker or occupational therapist as appropriate. • Work with the Integrated Care Board to ensure that children who receive CHC funding are supported with the transition to adult CHC funding.
On 18th Birthday	<p>Brighter Futures for Children will transfer the young person's case to Adult Social Care, in collaboration with Adult Social Care.</p> <p>The young person's case will be opened to Adult Services if the young person is eligible for support under the Care Act 2014. If eligible, financial responsibility transfers to Adult Services.</p>
From 18 years	<p>The Preparing for Adulthood Forum checks that services are in place for young people assessed as eligible for adult social care and will help to signpost to other services as appropriate.</p> <p>Adults Services provide Children's Services with a summary of the support that has been put in place for young people who have transferred to Adults Services.</p> <p>Adult Social Care Risk, Eligibility and Review Forum reviews requests for ongoing care and support.</p>

7.1 Education Health and Care Plans

The annual review of Education Health and Care (EHC) Plan held in Year 9 (age 14) will involve the young person, their parents or carers and all the agencies that play a

major role in the young person's life.

The EHCP plan that is drawn up following the Year 9 review should consider the future aspirations of the young person and will continue to be reviewed on an annual basis until the young person is 25, or earlier if they leave education or training or move to university. From the year 9 annual review (age 14) the Special Educational Needs & Disabilities (SEND) team will ensure that the EHC Plan contains PFA outcomes and will start tracking students on their PfA spreadsheet with the LDA Team Manager, who is the PfA Lead in Adult Social Care.

Depending on the young person's circumstances, reviews will include people from the SEND Team, Children's Social Care, Virtual School, Adult Social Care, Health, Housing, ICB including specialist therapists, Elevate, Educational Psychology and the voluntary sector.

7.2 Advocacy

The Local Authority must arrange for an Independent Advocate to be available to represent and support the young person throughout the transitions process if there is no appropriate other person to support and represent them, and they would experience substantial difficulty being fully involved in the process without support. For more information about Independent Advocacy please see Appendix 4.

7.3 Care Leavers with care and support needs who may be eligible for Care Act support

The Children (Leaving Care) Act 2000 is intended to improve and lengthen the process for all looked after young people, and to also help meet the needs of young people who are disabled, looked after and Preparing for Adulthood.

Young people with a disability who are also looked after by the Local Authority, will have their accommodation and support needs assessed before the young person reaches 16 years and 3 months.

A Pathway Plan will be completed in partnership with the young person and carers by their allocated social worker from Children's Social Care and will set out what support the young person will need. The Pathway Plan starts no later than three months after the young person turns 16. The Pathway Plan will be reviewed regularly to reflect changes in circumstances. Pathway plans for Children Looked After who also have a EHC Plan should be shared with the SEND Team and should be reflected in the social care provision section of the EHC Plan (Section H)

In the case of a young person with disabilities who has been a looked after child and qualifies for after care, it is the Pathway Plan that meets the legal requirement under the Children Leaving Care Act 2000 and it is this plan that is dominant. The EHC

plan may compliment, but not substitute, the Pathway Plan.

The Pathway Plan will be viewed by the relevant person in Adult Services who is completing the Care Act Assessment. A personal Leaving Care Advisor will be appointed for each young care leaver and will help them to access the relevant support and services, such as education and training, health, accommodation, finances and benefits, family/relationships, immigration advice.

Care leavers with disabilities will participate fully in planning and be involved in making choices and developing their lives as adults in the same way as non-disabled care leavers wherever possible. Where appropriate, care leavers with disabilities should be supported to gain access to advocacy services. (For more information on Advocacy see section 8.2 and Appendix 4.)

At age 18, all care leavers cease to be eligible for income maintenance support from Children Services. In all circumstances, care leavers must be supported to claim all benefits to which they are entitled. Support for the education, training and employment of care leavers with disabilities post 18 under the Children (Leaving Care) Act 2000 and Children and Families' Act 2014 may also apply.

7.4 Carers' and Young Carers' Assessments

Under the Care Act, the Local Authority (Brighter Futures for Children until 18 and Reading Borough Council Adult Social Care post 18) have a duty to assess a carer, usually a parent, of a child if the carer is likely to have needs for support and this continues when the child turns 18, an assessment would be of significant benefit to the carer and the carer does not refuse the assessment.

A young carer is somebody under the age of 18 years old who has caring responsibilities. The Local Authority has a duty to assess a young carer if it is believed that they are likely to have needs for support, whether the child is caring for an adult or another child. However, if the young carer has capacity and refuses the assessment, the duty does not apply.

All carers' assessments must include whether the carer is willing and able to provide continued care for the person when they become 18, the impact on the carer's wellbeing, their desired outcomes and whether they require any support to achieve these. Further information on our support offer to Carers can be found here: <https://www.reading.gov.uk/adult-care/carers/carers-assessment/>.

7.5 Mental Capacity Assessment (MCA) & Best Interest Decisions

From the age of 16, Children's and Adults Services will consider whether a Mental Capacity Assessment is required and arrange for it to be completed.

Once a young person reaches the age of 16 they have the right to make their own choices; this includes decisions about where they would like to live, how and by whom

their care and support will be provided, and who will manage their finances.

For young people with special educational needs and/or disabilities, the Mental Capacity Act 2005 and Children and Families Act 2014 set out special provisions concerning decision making when individuals are aged between 16–25 years.

The Mental Capacity Act 2005 stipulates that we must assume everyone has capacity until proven otherwise. If a professional or carer has concerns that a young person does not have the capacity to make a decision because they cannot understand, retain, weigh up information or communicate their preferences to enable them to make an informed choice, then the relevant professional must by law complete a two stage Mental Capacity Assessment.

If the outcome of the assessment is that the young person does not have capacity to make the decision themselves, a Best Interest meeting will be arranged to discuss the decision and what would be in the young person's best interests. The meeting should include those who know the young person well: parents, carers and any other family and informal carers as well as the appropriate professionals.

In most cases a consensus will be reached as to the final decision. However, if a decision is not reached consensually, and mediation fails to resolve the matter, the decision may need to be referred to the Court of Protection for Jurisdiction.

It should be noted that, if a young person lacks the capacity to make a particular decision, this does NOT mean that they can't make other decisions. They may have 'Variable' capacity and a mental capacity assessment will be needed in each case.

Please note that we recognize that Mental Capacity assessments are time- and decision-specific, and will respond accordingly.

7.6 Deprivation of Liberty Safeguards

From the age of 16, Children's and Adults Services will consider whether a Deprivation of Liberty Safeguards (DoLS) referral is required and the Preparing for Adulthood Forum will co-ordinate this.

Please see Appendix 5 for further information about DoLS.

8. Transfer from the Youth Justice Service

If young people is in custody or on a community order and are required to work with the Youth Justice Service, from the age of 17 and a half, the Service will involve Adult Probation Services in planning for the young person's transfer to adult services. Depending on the young person's needs, this will usually happen at 18 but could be later.

If a young person is in youth custody their EHC Plan will continue to be maintained and support for education will continue on their release. If a young person is moved to an adult prison following their 18th birthday their EHC Plan will cease at that point.

9. Transition to Adult Healthcare

For young people with long-term health conditions, transition should start at around age 14 but will depend on individual circumstances. The exact timing of transition from children to adolescent or adult health services varies from person to person, but most young people transition between 16 and 19.

Further information about transitions from Childrens' to Adult healthcare can be obtained from the websites of these providers:

- Berkshire Healthcare Foundation Trust
- Royal Berkshire NHS Foundation Trust

The age of transfer from Child and Adolescent Mental Health Service (CAMHS) to adult mental health services would usually be 18, with the transition process starting around 17 and under the governance of the Preparing for Adulthood Forum.

Young people with a diagnosed learning disability, and other ongoing health needs can receive support from the NHS Reading Community Team for People with Learning Disabilities from their 18th birthday with the transitions process starting from the age of 17 and a half.

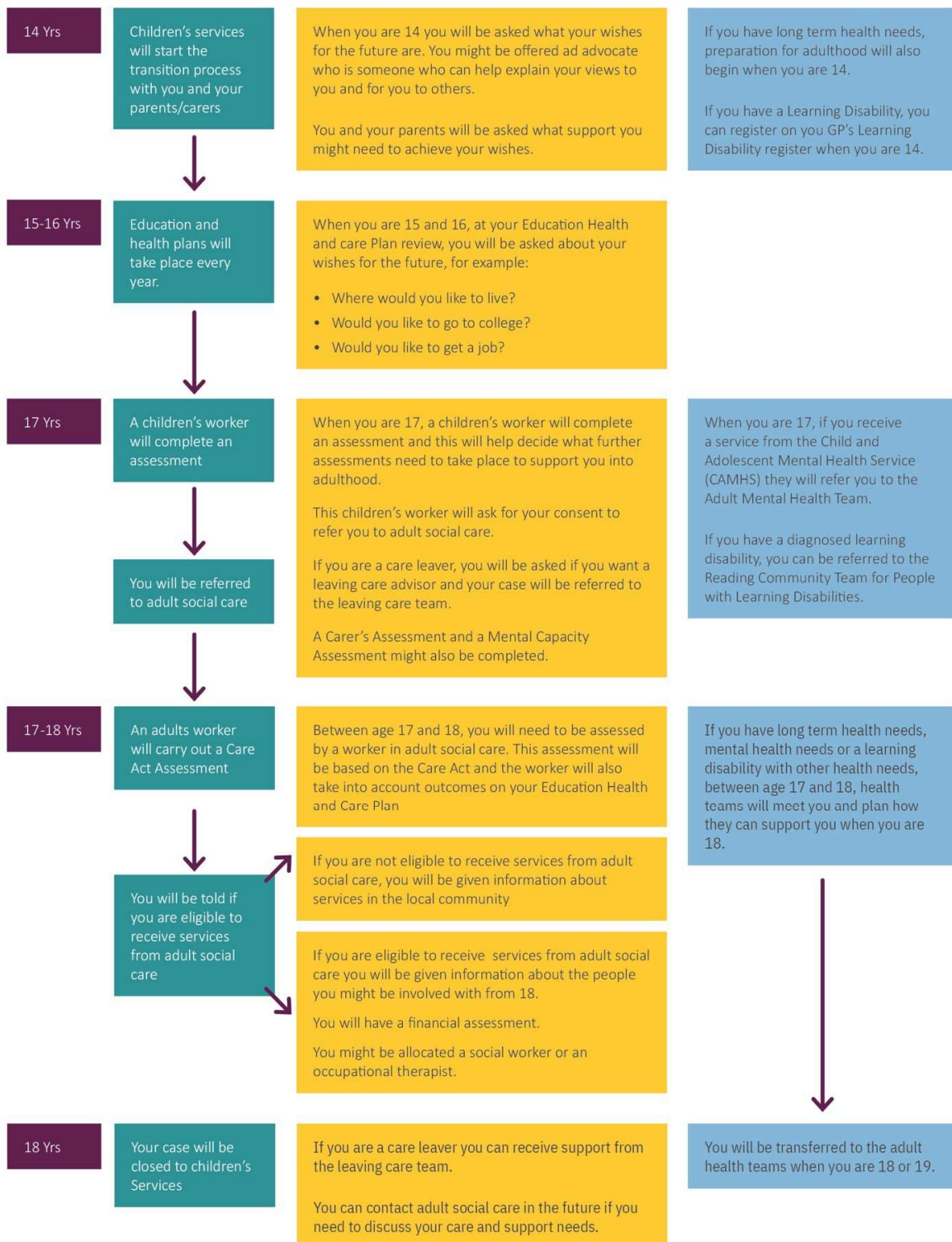
Young people are advised to register on their GP's Learning Disability register at 14 years and begin annual health checks.

10. Diversity

All support services provided by the Council under the terms of this policy will take into account all factors of gender, ethnicity, religion, language, sexuality, culture and disability in seeking to achieve the best possible outcome for any young person.

APPENDIX 1: Preparing for Adulthood Pathway

Preparing for Adulthood - Transitions Pathway



APPENDIX 2: Lead Professional role.

A lead professional is someone (for example a social worker) who takes the lead to co-ordinate provision for a child and their family. This person acts as the single point of contact when a range of services are involved with that child or family and a joined-up response is required.

The lead professional is not a job title or a new role, but a set of functions to be carried out as part of the delivery of effective integrated support. These functions are to:

- Act as a single point of contact for the child or family, who they can trust and who can support them in making choices, navigating their way through the system and effecting change.
- Ensure that the voice of the young person and their family or carer is captured in education, care and support plans – and (through this vehicle) then informs the transitions planning process.
- Co-ordinate the delivery of the actions agreed by the practitioners involved, to ensure that children and families receive an effective service which is regularly reviewed. These actions will be based on the outcome of the assessment and recorded in a plan.
- Reduce overlap and inconsistency in the services received.

If it is not clear who is best placed to be the lead professional then the Preparing for Adult Forum may convene a multi-agency meeting to discuss the issue and find a solution. The Forum may request the attendance of lead managers in partner agencies, to agree a strategic approach.

APPENDIX 3: Terms of Reference Preparing for Adulthood Forum

Purpose

The purpose of the Preparing for Adulthood Forum considers children with disabilities and complex needs from the age of 14 to identify early those who may be eligible for and in need of adult support services.

Joint Chairs

Special Educational Needs and Disability Service Manager, Children's Services, Adult Social Care Head of Service - Living Well, or designated and declared deputies.

Membership

Relevant representatives from Children Social Care.

Relevant representatives from Adult Social Care:

- Living Well.
- Commissioning

Relevant representation from Education

Relevant representation from Health Services:

- Berkshire Healthcare NHS Foundation Trust, Royal Berkshire NHS Foundation Trust
- Reading Clinical Commissioning Group, Community Nursing, Child and Adolescent Mental Health Service, Community Mental Health Team

Functions

The Forum will take responsibility for the core functions listed below:

- Ensure that there is an up to date shared record database of those children aged 14 or over subject to an Education, Health and Care Plan.
- Identify and monitor the needs of individual young people (as expressed by the young person and their family or carer, and documented in the education, care and support plans) who meet the criterion listed in Section 5 and are likely to require support in adulthood e.g. those receiving a service from Children's OT, Community Team for People with Learning Disabilities.
- Highlight young people who have complex needs requiring significant planning to meet their needs in adulthood.
- Identify any particular trends in needs to inform commissioning and strategic approaches to meet needs – and share these with the relevant commissioning teams.
- Support positive partnership working to meet the needs of young people who have complex needs.

Regarding individual young people:

- Identify lead practitioners and lead agencies to co-ordinate arrangements for each

young person requiring support in adulthood.

- Identify any other practitioners who need to be involved (e.g. Advocacy).
- Consider these arrangements annually for each young person.
- Discuss young people referred by agencies where the advice of the Forum is sought.
- To ensure that services meet the whole needs of each young person taking into account ethnic origin, culture, religion, sexuality, gender and language, as well as social and emotional needs.
- To establish mechanisms to ensure that young people with disabilities and their families are included to co-produce their support plan. This may involve referrals to advocacy services who will support the individual and families/carers to ensure the assessment process is fully understood and that the individual's options are given full consideration.

Administration

- Arrangements for the Forum will be undertaken by Business Support in Adult Services and notes of actions will be completed at the meeting by a designated member of business support in Adult Services.
- The Forum will meet six weekly or as required in consideration of the numbers of young persons needing this service.
- Agendas and papers will be circulated at least 5 working days in advance of the meeting.
- The decisions of the Forum will be formally minuted and circulated to members.
- The Forum will review its terms of reference on an annual basis.

APPENDIX 4: Independent Advocacy and Appropriate Other Person

The Local Authority must arrange for an Independent Advocate to be available to represent and support the person (or carer) if:

- There is no appropriate other person to support and represent them; and
- They feel that the person (or carer) would experience substantial difficulty being fully involved in the Care and Support process without support. Substantial difficulty applies to one or more of the following areas:
 - Understanding relevant information relating to the process or function taking place.
 - Retaining that information;
 - Using or weighing up that information as part of the process of being involved.
 - Communicating their views, wishes or feelings (whether by talking, using sign language or any other means).
- The provision of support with the above is required to be evidenced in law before a formal assessment under the MCA 2005 is undertaken.

An Appropriate other person

The duty to make an Independent Advocate available does not apply if the Local Authority is satisfied that there is somebody else who would be an appropriate person to represent and support the person or carer, **unless** the decision to be made is regarding:

- Where the person is likely to be accommodated in a NHS hospital for a period of 28 days or more.
- Where the person is likely to be accommodated in a residential home or care home for a period of 8 weeks or more.
- Or where there is a disagreement or dispute between the Local Authority and a person wishing to represent the person or carer and both agree that the involvement of an Independent Advocate would be beneficial to the person.

In the above circumstances the Local Authority **MUST** appoint an Independent Advocate. Somebody wishing to represent and support the person's (or carer's) involvement may only be deemed appropriate if:

- They are not engaged in providing care or treatment for the person they wish to support in either a professional or paid capacity;
- They are not implicated in any enquiry relating to abuse or neglect;
- The person has capacity and is able to consent to being represented and supported by them; or
- Where the person lacks capacity or is not able to consent, the Local Authority is satisfied that being represented and supported by the person wishing to do so would be in their best interests;
- The person wishing to represent the person (or carer) has demonstrated that they have adequate direct contact with the person they wish to support in order to do so effectively;

- The person wishing to represent the person (or carer) has demonstrated adequate knowledge of the Care and Support process in which they will be supporting them to be involved in.
- The person wishing to represent the person (or carer) has demonstrated they are able to act independently from the Local Authority;
- The person wishing to represent the person (or carer) is not employed by or involved with the Local Authority in any way;
- There is no conflict of interest or dispute between the person (or carer) and the person wishing to represent them

APPENDIX 5: Deprivation of Liberty Safeguards (DoLS)

When a person who is over the age of 18, living in their own home or residential care and has been assessed as lacking capacity, to consent to care and support to enable them to live as independently as possible, the Local Authority must by law consider whether jurisdiction is required under Deprivation of Liberty Safeguards 2007. This is to ensure that the individual is not being deprived of their liberty unlawfully, and that any measures put in place are the least restrictive for the individual.

It must be evidenced that restrictions are necessary to keep the individual and sometimes, others, safe from harm.

The Local Authority is responsible for carrying out a Best Interest Assessment, by a qualified Best Interests Assessor (BIA), to deprive someone of their liberty in hospital or residential care and if living in the community making an application to the Court of Protection for a Deprivation of Liberty in the community.

Reading Adult Social Care and Health Directorate has a DoLS team who make up the “Supervisory Body” which is responsible for accepting DoLS applications, completing Best Interest Assessments by a qualified Best Interest Assessor, and either agreeing the deprivation, or declining and referring to the Court of Protection where necessary.

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