



## **THE CARE ACT 2014: TRANSITION TO ADULT CARE AND SUPPORT**

**Statutory Basis for Policy**

The Care Act 2014

<b>Version History</b>				
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## **CARE ACT 2014: TRANSITION TO ADULT CARE AND SUPPORT**

### **1. INTRODUCTION & BACKGROUND**

The Care Act 2014 replaces numerous previous laws and builds on recent reviews and reforms to provide a single, coherent approach to adult social care in England. The aims of the Act include:

- a clearer and fairer approach to care and support;
- an approach that focuses on the physical, mental and emotional wellbeing of both the person needing care and their carer;
- the prevention and delay of the need for care and support;
- giving people control over their care; and
- collaboration and integration between local authorities and other public authorities, including health and housing to work seamlessly to meet care and support needs.

To achieve these aims, the Care Act outlines a number of changes in law and/or in practice that will affect all local authorities. The Act is divided into three main parts:

- Part One of the Act details the reform of adult social care legislation, and describes the journey through the reformed system for both the person receiving care and support and their carer.
- Part Two of the Act seeks to enhance the quality of care, by increasing transparency and putting people and their carers in control of their care and support.
- Part Three establishes Health Education England and the Health Research Authority.

This legislation which focuses on the care and support needs of adults, along with Part 3 of the Children and Families Act 2014, which focuses on Special Educational Needs and Disabilities (SEND), will have the greatest influence on support for disabled young people preparing for adulthood.

Both acts have sections that are linked and referenced.

Importantly, the Children and Families Act 2014 introduces a system of support which extends from birth to 25, while the Care Act deals with adult social care (ASC) for anyone over the age of 18. The statutory guidance for the Care Act clearly supports the inputs required of ASC prior to the young person 18<sup>th</sup> birthday. This means there will be a group of young people aged 18-25 who will be entitled to support through both pieces of legislation. The two Acts also have the same emphasis on outcomes, personalisation, and the integration of services. It is therefore essential that the planning and implementation of both of these Acts is joined up and Stockport practitioners work together with young people and families in the spirit of co-production.

This policy statement refers to Stockport Council's statutory obligations regarding the sections of the Care Act that refer to the requirement for transitions into adult care and support.

## 2. STATUTORY BASIS FOR THE POLICY

The Care Act places legal duties on local authorities to carry out transition assessments; the duties reflect best practice in relation to preparation for adulthood. The duty to carry out a transition assessment applies when someone is likely to have needs for care and support (or support as a carer) when they are 18.

There is no set age as to when the assessment should take place but it should be at a point when the local authority can be reasonably confident about what the young person's needs for care and support will look like when they are 18.

**Part 3** of the **Children and Families Act** transforms the system for disabled children and young people and those with SEN, so that services consistently support the best outcomes for them. The reforms have created a system from birth to 25 through the development of coordinated assessment and a single Education, Health And Care Plans (EHC); improving cooperation between all services responsible for providing education, health or social care; and giving parents and young people greater choice and control over their support. The SEND reforms focus on the following themes:

- Working towards clearly defined outcomes
- Engagement and participation of parents and young people
- Joint Commissioning and developing a Local Offer of support
- Coordinated assessments and Education, Health and Care Plans
- Personalisation and personal budgets

**Part 1** of the **Care Act** pulls together threads from over a dozen different Acts into a single, modern framework for care and support. It reforms how the law works, prioritising individual wellbeing for adults with care and support needs over the age of 18, with a particular focus on person centred practice and outcomes, putting people in control of their care and support. The intended outcome of the new legislation is that people's wellbeing, needs and goals are prioritised so that individuals will no longer feel like they are battling against the system to get the care and support they need.

Preparation for adulthood is a key element of the reforms that cuts across all of these themes. Preparation for Adulthood (PfA) outcomes focus on:

- Education and employment
- Good Health
- Independent living
- Friends, relationships and community

**Sections 58-66** of the Care Act states that the wellbeing of each young person or carer must be taken into account so that assessment and planning is based around the individual needs, wishes and outcomes which matter to that person.

The Care Act contains provision to help preparation into adulthood for three particular groups of people; children (young person under 18), young carers and child's carers. A transition assessment is to provide young people and their families with information so that they know what to expect in the future and can prepare for adulthood.

There is no set age when young people reach this point; every young person and their family are different, and as such transition assessments should take place when it is most appropriate for them.

The Care Act states transitions into adult care and support are not only for those who are already receiving children's services, but for anyone who is likely to have needs after turning 18. The local authority must provide continuity and that their services must not stop abruptly when the person turns 18, but must continue until adult services have a plan in place.

For young people with special educational needs (SEN) who have an Education, Health and Care (EHC) plan under the Children and Families Act, preparation for adulthood must begin from year 9 (age 13/14). When the local authority judges that a young person or carer is likely to have needs for care and support after turning 18, but that it is not yet of significant benefit to carry out a transition assessment, the local authority should indicate when it believes the assessment will be of significant benefit. The onus is then on the local authority to contact the young person or carer to agree the timing of the transition assessment,

The Care Act states transitions must be provided using a co-ordinated multi agency approach by professionals from different agencies, the wider community, family and friends. For any needs that are not eligible under the adult statute, the act places a duty on local authorities to provide information and advice on how those needs can be met, and how they can be prevented from getting worse. The information and advice must be accessible and proportionate, and must consider individual circumstances.

### **3. POLICY STATEMENT**

Stockport Council Adult Social Care will work closely with Children's Services and other stakeholders to ensure continuity of care throughout the transition stage for those likely to have eligible needs and will accommodate an assessment to take place at most appropriate time for the young person and their family.

Adult Social Care will provide accessible information and advice to anyone regardless of eligibility, and will ensure a diverse range of quality providers of care and support throughout the borough. This will be available through the Adult Social Care website, (My Care, My Choice) and links will also be made through the 0-25 SEND Local Offer website.

As required by the Care Act, Adult Social Care will carry out a Child's Needs Assessment, known as a transition assessment, for young people who are likely to have needs for care and support after they reach 18. The purpose of a transition assessment is to determine what adult social care a young person might be eligible for once they reach 18 so they can make informed choices about their future. Young people or their parents can request a transition assessment at any time prior to a young person's 18th birthday whether or not they have an EHC plan and whether or not they are already in receipt of Children's Services.

Adult Social Care will carry out an assessment for anyone where there is "likely to be a need for care and support post-18" whether or not they are eligible needs. The transition assessment will be carried out at a time when it is of "significant benefit" to a young person's preparation for adulthood and should include what their future support might look like.

Adult Social Care may decide not to carry out an assessment where there is not "likely to be a need for care and support post-18" or because the timing is not of "significant benefit" to the young person's preparation for adulthood. In these circumstances, the Transition workers will provide reasons for this in writing, and include information and advice on what can be done to prevent or delay the development of needs for care and support. If they do not carry out an assessment because the timing is not of "significant benefit", Adult Social Care will advise when it is likely to be of significant benefit and contact the young person and their family to arrange the assessment at that time.

For a young person with an EHC plan, a transition assessment will, as a starting point, be based on a review of the care element of the EHC plan.

For those who wish to remain in Education and meet the eligibility criteria, Adult Social Care will continue to work with Children's Services colleagues and the young person to develop the EHC plan, which shall be the planning tool used to meet the Care Act requirement to complete an assessment and produce a Care and Support Plan.

For those not entering into education (or leaving Education) Adult Social Care will work with the young person to produce a care and support plan, which will include a provisional personal budget and outcomes.

A carer's assessment will be undertaken where requested or where it appears the carer requires additional support.

#### **4. PROCESS FOR REFERRALS FROM CHILDREN'S SOCIAL CARE**

Under no circumstances should young people find themselves without support and care as they make the transition from children's to adult services.

Under the Care Act 2014, local authorities must continue to provide a young person 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, the local authority concludes that the young person:

- Does not have needs for adult care and support, or
- Does have 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

It is important therefore, that referrals to the Transition team are made in sufficient time to ensure that an assessment is made in order to reach a conclusion, as set out above, before the young person's 18<sup>th</sup> birthday.

For those young people on EHC plans, a transition assessment should be identified as part of the transition planning from Year 9 (aged 13/14). This action should include when and who is going to make the referral to ASC.

For cases that are open to Children's Social Care, the arrangement for referral to the Transition Team, is that Social Workers are to complete a Transition assessment in EIS as soon as possible after their 16<sup>th</sup> birthday.

An e-mail alerting the Transition team of the referral should be sent to [transitions@stockport.gov.uk](mailto:transitions@stockport.gov.uk) along with the EIS reference number.

*Note:*

*This will be updated following an evaluation of the Transition Pathway in Summer 2018 and new protocols will be agreed in line with new ways of working through the implementation of Liquid Logic.*