

Social Care: Transitions into adulthood

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Transition into adulthood

Fail to comply with the law;

Even if transition process is instigated, it is frequently characterised by:

- delay; officer turnover; a lack of incisive action;
- broken undertakings / ignored complaints;
- a persistent failure to locate suitable placements;
- Where councils lose the ability to look at the 'whole child' & his/hers spectrum of needs –
- become particularly insensitive to the impact this having on the family carers.

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A 'systems' failure not a legal problem

Blind handovers

A lack of 'systems memory'

A underlying inability to plan for the 'medium term'.

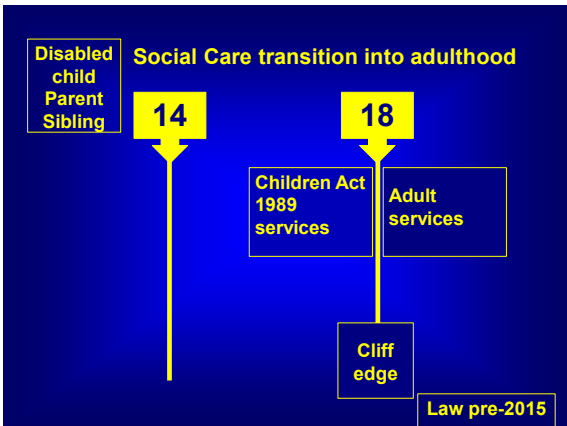
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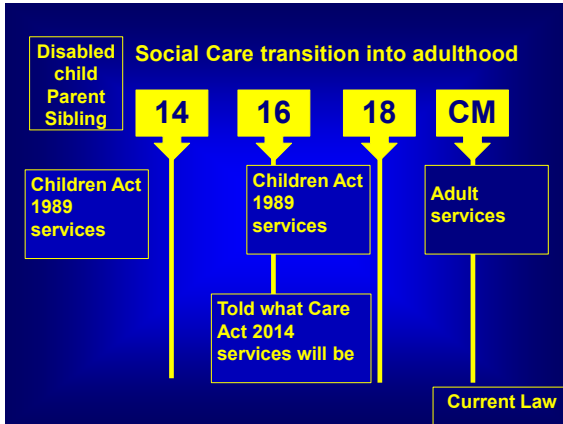
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Transitions ~ Care Act 2014 ss 58 - 59

General formula
Where it appears to a LA that:

1. it is 'likely' that [person] will have care & support needs after transition
2. it to be of significant benefit to be assessed;
Must assess (with consent / BI assessment)
LA must give reasons if it refuses to assess

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Case study CA 2014 Statutory Guidance

Isabelle's story (para 16.15)

- 15 years old with complex needs. Attends residential school 38-week basis funded by education & social services. Care currently required on the weekends and in holidays.
- Isabelle's parents ask LA for a transition assessment on her 16th birthday.

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Case study CA 2014 Statutory Guidance

Isabelle's story (para 16.15)

- Initially LA say this is too soon to be of significant benefit. Since the support from school can continue until she is 19, they feel transition will be straightforward as adult services simply need to begin funding the package which is already in place.

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Case study CA 2014 Statutory Guidance

Isabelle's story (para 16.15)

- However, when they talk in more detail to the school and the parents they realise that when Isabelle leaves school at 19 it will not be appropriate for her to live with her parents and she will require substantial supported living support and a college placement.
- Due to the nature of Isabelle's needs, she will need a lengthy transition in order to get used to new staff, a new environment and a new educational setting.

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Case study CA 2014 Statutory Guidance

Isabelle's story (para 16.15)

- The college has also indicated that that they will need up to a year to plan for her start.
- It is therefore of significant benefit for the transition assessment to take place around the age of 16, looking at both the funding for support from age 18 – 19 and the longer-term options.

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Transitions ~ at 18

CA 1989 s17ZH enables the Children Services & Adult Services to decide the best time to transfer their respective responsibilities.

SEND Code states (para 8.67):

- Under no circumstances should young people find themselves suddenly without support and care as they make the transition to adult services. Very few moves from children's to adult services will or should take place on the day of someone's 18th birthday.

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Transitions ~ at 18

CA 1989 s17ZH ~ LAs can continue to provide services under CA 1989 s17 and/or CSDPA 1970 s2 even though the young person has reached the age of 18.

Statutory Guidance (para 16.67)

- families must not faced with a gap in provision of support on the 18th birthday - if by that date the necessary support not in place then the existing services must be continued until the 'relevant steps have been taken'

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NHS Continuing Healthcare

'National Framework for Children and Young People's Continuing Care'
Department of Health (2016)

Paras 111 – 128

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Transitions

Key guidance for health professionals on managing the transition process includes:

- DCSF & DH Guidance (2008) *Transition: moving on well – A good practice guide*.
- DCSF and DH (2007) *A transition guide for all services: key information for professionals about the transition process for disabled young people*

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Transitions

2016 Guidance advises:

future entitlement to adult NHS CC 'should be clarified as early as possible in the transition planning process, especially if the young person's needs are likely to remain at a similar level until adulthood' and this should be done 'at a suitable point when aged 16-17' (para 116).

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Transitions

2016 Guidance (para 117):

At 14 years of age, the YP should be brought to the attention of the CCG as likely to need an assessment for NHS CC.

At 16 -17 years of age, screening for NHS CC should be undertaken using the adult screening tool, and an agreement in principle that the young person has a primary health need, and is therefore likely to need NHS CC.

At 18 years of age, full transition to adult NHS CC or to universal and specialist health services should have been made, except in instances where this is not appropriate.

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Transitions

2016 Guidance (para 120):

When the YP is 16 eligibility for NHS CC should be determined in principle 'so that, wherever applicable, effective packages of care can be commissioned in time' for their 18th birthday (or later, if it is agreed that it is more appropriate for responsibility to be transferred then)'

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Conceptualising transitions

Transitions are about 'problem solving'

Know the answer

- By June 2019 Alice will be in a supported living home within walking distance from us sharing with people of her own age and interests ...

Most important need:

Support

Create a Plan

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Project manage

Create a Plan

Not 'thinking that 'solving their problem is their problem'.

Just as if renovating a house – dealing with builder, plumber, electrician, etc

- ie social services, NHS, education, housing etc
- Make diary note of dates by which each stage should be completed
- Make complaint if this not done.

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Project manage

For this to happen

- social services / housing / education / the NHS must do

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Project manage

Require LA:

- to produce a Plan
- within 4 weeks
- that explains how
- within (say) 4 months
- These things will happen

Precedent letter

Complain early if delay



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Complaining

Do it early

Precedent

- What has not happened
- This is what a reasonable body would have done
- This is what you need to do
- Set a deadline
- Quote a snippet of law / Ombudsman
- Inter-agency disputes (eg social services/ NHS) don't try to work out which is at fault – they have a legal duty to 'work together' - it is maladministration.

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Resources (England)

- **'Disabled children: a legal handbook'** (LAG 2020) chapter 10 (Council for disabled children).
- **Accessing Public Services Toolkit** (Cerebra 2021).
- **'Difficult questions require a plan'** (L. Clements 2018).
- **CBF Podcasts** 'Challenge accepted Season 3'
<https://shows.acast.com/challenge-accepted/episodes>.
- **Statutory Guidance to the Care Act 2014** chapter 14.
- National framework for NHS continuing healthcare and NHS-funded nursing care (2022 rev) p.105.
- Children and young people's continuing care national framework (2016) p.21.
