

Transition from Children's Services to Adult Care Support

Angela Jackman
Solicitor

Transition

S. 58 Care Act 2014 places obligation on LA to assess any young person (YP) likely to have needs for care and support after attaining the age of 18

- The process should be implemented in such a manner as to ensure continuity of provision when YP attains the age of 18
- The assessment should therefore take place to enable support to be put in place when the YP turns 18 but there are no legal time limits
- Important to ensure the process starts early to ensure completion and continuity of provision for transition to adult services

Conditions for assessment

- The assessment will be of significant benefit to the child
- The child has capacity to consent to an assessment and does consent or
- The child lacks capacity to consent but the LA is satisfied it would be in child's best interests for assessment to take place or
- A child who has capacity refuses an assessment but is experiencing or is at risk of abuse or neglect

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- If LA is requested by YP, parent or carer to carry out an assessment and refuses, written reasons must be provided
 - Information should also be provided on potential future needs for care and support

Child's needs assessment

- Section 59 Care Act 2014 (CA 2014) specifies an assessment framework which must address areas set out in section 1 CA 2014:
- General duty to promote a person's well-being when carrying out its care and support functions
- This underpins the Act and LA must have regard throughout the entire assessment process
- "Well-being" includes: personal dignity, physical and mental health, emotional well-being, protection from abuse, enabling access to paid or unpaid work, education, training, recreation, maintaining a range of relationships and accommodation

- The assessment should also consider the outcomes sought by the YP and if provision of care and support would assist
- The assessment should take into account views of the YP, parents, carers and other individuals they sked to be consulted

- LA must provide indication of which identified care needs are likely to meet the eligibility criteria
- LA must also advise on steps that can be taken to meet or reduce the needs that are likely to exist when child attains 18 or what steps to take to prevent or delay future need for care and support

- When YP who has had the needs assessment attains the age of 18, the LA can treat this as a needs assessment but must consider if there have been any change in circumstances.

Assessment of child's Carer's needs

- Section 60 Care Act 2014: LA has duty to assess if it identifies that a carer is likely to have needs for support once YP attains 18 and the assessment would be of significant benefit to the carer
- The assessment should identify if carer has needs for support, what they are and if they will exist once child attains 18
- If LA refuses to assess, it must provide written reasons, information and advice

Eligibility criteria

- The varied locally-based eligibility framework was replaced with a new statutory national eligibility threshold
- This determines nationally the threshold for services
- LAs must now provide written notification of decisions with reasons



Regulation 2 of Eligibility Regulations provides that needs are eligible if:

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



para 6.109 of the Guidance provides:

ie “more likely than not” there would be a significant impact on P’s wellbeing if she would be unable to achieve two or more specified outcomes without support

Specified outcomes

- 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

Specified outcomes

- Making use of necessary facilities or services in the local community including public transport, recreational facilities or services
- Carrying out any caring responsibilities for a child

- Unable to achieve it without assistance
- Able to achieve it without assistance, but doing so causes significant pain, distress or anxiety
- Able to achieve it without assistance but doing so endangers or is likely to endanger her health and safety, or that of others or
- Is able to achieve it without assistance but it take significantly longer than would normally be expected

General duties

- Section 1: General duty to promote a person's well-being when carrying out its care and support functions
- This underpins the Act and LA must have regard throughout the entire assessment process
- "Well-being" includes: personal dignity, physical and mental health, emotional well-being, protection from abuse, enabling access to paid or unpaid work, education, training, recreation, maintaining a range of relationships and accommodation

- If a duty exists, the LA must meet the needs
- S.19: If a power exists: the LA can choose whether or not to meet the needs
- S25: LA must complete a care and support plan where it meets a duty and a power
- S27: the LA must review the care plan in due course

- S 18/20: Where LA decides no duty exists, they have to provide written reasons for not meeting the need
- S. 24 (1): If LA decides to meet need either as a duty or power, it must produce a written care and support plan
- S 17(6): LA must provide a written record of the financial assessment

How to challenge decisions

- LA review
- LA complaint process
- Complaint to local government ombudsman
- Judicial review

SIMPSON MILLAR LLP
0800 260 5010

