



**Children and Young People Social Care  
and Adult Social Care**

**Transitions Procedure  
v12.4**

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## Chapter 1. DOCUMENT CONTROL

### 1.1. INTRODUCTION

1.1.1. This chapter logs the revisions, versions, approvals and distribution of the Procedure.

### 1.2. REVISION HISTORY

Version	Status	Revision Date	Summary of Changes	Author
10	Draft		<ul style="list-style-type: none"> <li>• Inclusion of references to agreed FNP</li> <li>• Deletion of references to ICS</li> <li>• Amended Flowchart</li> <li>• Update of Outstanding Tasks</li> <li>• Transitions Panel Terms of Reference from report</li> </ul>	A Chadwick
10.2	Draft	Tuesday, 05 January 2010	<ul style="list-style-type: none"> <li>• Outstanding Tasks updated</li> <li>• Reference to MCA added</li> <li>• Future Needs Plan included in assessment table</li> <li>• Decision to use the adult SDAQ for 16+ transitions cases.</li> </ul>	A Chadwick
10.3	Draft	Thursday, 07 January 2010	<ul style="list-style-type: none"> <li>• Amendments from Connexions</li> </ul>	A Chadwick
10.4	Draft	Friday, 22 January 2010	<ul style="list-style-type: none"> <li>• Person Centred Planning section moved</li> <li>• Strengthened references to Safeguarding</li> </ul>	A Chadwick
10.5	Draft	Monday, 26 January 2010	<ul style="list-style-type: none"> <li>• Added Chapter summaries</li> </ul>	A Chadwick
10.6	Draft	Wednesday, 10 February 2010	<ul style="list-style-type: none"> <li>• Added reference to Predicted Adult User Group</li> </ul>	A Chadwick
10.7	Draft	Monday, 15 February 2010	<ul style="list-style-type: none"> <li>• Amendments to SDS</li> <li>• Outstanding Tasks updated</li> </ul>	A Chadwick

Version	Status	Revision Date	Summary of Changes	Author
10.8	Draft	Monday 15 March	<ul style="list-style-type: none"> <li>Amendments from Meeting - DR/BS - 1st March 2010</li> </ul>	A Chadwick
10.9	Final Draft (1)	Thursday 18 March 2010	<ul style="list-style-type: none"> <li>Amendments to Chapters 1, 4, 5, and 7</li> </ul>	A Chadwick
11.0	Final Draft (2)	Friday, 16 April 2010	<ul style="list-style-type: none"> <li>Amendments to Panel TOR</li> <li>Amendments to procedure and flowchart (including safeguarding section)</li> </ul>	A Chadwick
11.1	Final Draft (3)	Thursday, 29 April 2010	<ul style="list-style-type: none"> <li>Amendments to the procedure and Flowchart</li> </ul>	A Chadwick
11.2	Final Draft (3)	Tuesday, 04 May 2010	<ul style="list-style-type: none"> <li>Amendment to 5.2.5</li> </ul>	A Chadwick
11.3	Final Draft (4)	Friday, 07 May 2010	<ul style="list-style-type: none"> <li>SCSB changes to 4.3, 5.2.5, the management structure diagram, 6.2.1 and 6.2.2</li> </ul>	A Chadwick
11.4	Final Version	Friday, 14 May 2010	<ul style="list-style-type: none"> <li>Remove underlining in 5.2.7 &amp; 5.2.9</li> </ul>	A Chadwick
12.0	Revised version	Tuesday, 03 August 2010	<ul style="list-style-type: none"> <li>Remove ambiguities re: who the procedure applies to</li> <li>Insert references to Indicative Budget</li> <li>Insert TOMG ToR</li> <li>Move all ToRs to Appendix</li> <li>Correct typos</li> </ul>	A Chadwick
12.1	Revised version	Thursday, 09 September 2010	<ul style="list-style-type: none"> <li>Amendments / additions to the TOMG TOR</li> </ul>	A Chadwick
12.2	Revised version	Monday, 13 September 2010	<ul style="list-style-type: none"> <li>Amendment to 4.8.3</li> </ul>	A Chadwick
12.3	Revised Version	Tuesday, 19 October 2010	<ul style="list-style-type: none"> <li>References to ISC Protocol</li> </ul>	A Chadwick
12.4	Revised Version	Thursday, 04 November 2010	<ul style="list-style-type: none"> <li>References to FACS and approach to ISC</li> </ul>	A Chadwick

### **1.3. APPROVALS**

<b>Name</b>	<b>Date of Issue</b>
Transitions Project Board	24 February 2010
Social Care Service Board	Wednesday, 05 May 2010
Chief Officer Learning Disability Services	Friday, 14 May 2010
Transitions Operations Management Group	Wednesday 05 September 2010
Steve Bardsley (LD Services SDM) & Maxine Naismith (Head of LD Services)	October 2010

## **1.4. DISTRIBUTION**

1.4.1. This document has been distributed to the following:

<b>Name</b>	<b>Version</b>
All members of the Transitions Project Board	10.0
National Transitions Support Programme	10.0
Scrutiny Board	10.1
Connexions / Prospects	10.2
All members of the Transitions Project Board	10.7
Head of Learning Disability Services Interim Head of Disability Services (Childrens)	10.8
All members of the Transitions Project Board Chief Officer Learning Disability Services Chief Officer Childrens Services	10.9
All members of the Transitions Project Board Chief Officer Learning and Disability Services Chief Officer Childrens Services	11.0
Social Care Services Board	11.2
Chief Officer Learning Disability Services	11.3
All members of the Transitions Project Board; ASC Information Management; Family Hub	11.4
All members of the Transitions Operations Management Group	12.0
All members of the Transitions Operations Management Group;	12.3
Inter and Intranet web pages; National Transition Support Team	12.4

## **1.5. PROCEDURE REVIEW**

1.5.1. The Chief Officer Childrens and Young Peoples Services and the Chief Officer Adult Social Care will be responsible for arranging a review of this procedure by April 2011.

## **Chapter 2. WHAT IS TRANSITION AND WHO IS ELIGIBLE FOR SUPPORT**

### **2.1. INTRODUCTION**

- 2.1.1. This chapter explains 'transition' in the context of social care service provision and defines who is eligible for support from the Adult Social Care Transitions Team.

### **2.2. LIFE TRANSITION**

- 2.2.1. Transitions occur at various stages throughout a young person's life, from starting School, leaving Primary School and starting Secondary School, to preparing for independence and leaving home. Each transition can be fraught with uncertainty, fear, confusion, or embraced with enthusiasm and excitement about what happens next. These transitions coincide with physical, emotional and psychological developments that are coupled with changes to roles and relationships with family and friends, care staff and the wider community.
- 2.2.2. What makes the difference in how these transitions are experienced is the planning, understanding and information available to those facing transition. When it goes well children, young people and their families can look to the future confident that their child will enjoy their future with whatever guidance, support and opportunity is on offer. When it goes wrong, families are angry, upset and afraid for their children.

### **2.3. SERVICE TRANSITION**

- 2.3.1. There has been a growing Governmental recognition of the importance of the period covering the last few years at School and the first years of adult life in determining what will happen to young people throughout their adulthood. Government guidance has highlighted the need for agencies to develop robust protocols to ensure positive outcomes for all Young People going through the transition process and in particular for protocols to address the specific needs of children with additional support needs.
- 2.3.2. Central to achieving these positive outcomes is the need to ensure that young people are fully involved and participate in the planning process and are supported to have as much choice and control over their lives as possible.
- 2.3.3. The recent government report "Improving Life Chances for Disabled People" underlines the need to co-ordinate services and to fully involve people in planning life choices by setting the targets of:
- By 2015, all disabled young people and their families will experience continuity and coordination in the services they receive, as both children and adults.

- By 2015, all young people will have the opportunity to be fully involved in the personalised planning of their future activities and provision.

## **2.4. WHO IS ELIGIBLE FOR TRANSITIONS SUPPORT**

2.4.1. Most children transit from childhood to adulthood, and some children can transit from a range of children's services (e.g. NHS, Education and Social Care) to range of adult services in similar agencies.

However, this procedure only applies to those children who are likely to meet Fair Access to Care Services criteria and are likely to transit to the council's Adult Social Care services.

2.4.2. Adult Social Care Services has a specialist disability Transitions Team. The Transitions Team is a city wide service that offers advice, guidance and support to disabled young people, and their parent carers, who are in transition between a range of Childrens Services and Adult Social Care Services

The Team works with young people with a range of disabilities / complex health needs who are between the ages of 14 to 25 years.

Transition workers work closely alongside social workers, education providers, connexions, health professionals, and a wide range of voluntary and independent sector providers to develop future needs plans. These plans are built around the young persons needs and look at all aspects of their life, care and support needs.

The transitions team is funded by Leeds Social Care and Connexions.

2.4.3. A Transitions Worker will be allocated to co-work with a Childrens Social Care Services worker and a young person if:

- the young person is disabled, **and**
- the young person is likely to be FACS eligible at 18, **and**
- the young person is referred from any of the following:
  - Children's Services
  - Continuing Care Services
  - Children's OT Services
  - Children's Asylum / Refugee Team
  - CAMHS

## **Chapter 3. HOW IS TRANSITION MANAGED?**

### **3.1. INTRODUCTION**

- 3.1.1. This chapter sets out the governance and management structures in Leeds that apply to the transition between children's services and Adult Social Care Services.

### **3.2. RESPONSIBILITIES**

- 3.2.1. Responsibility for transition is shared between all agencies who are involved in the lives of children and young people who have a statement of special educational needs and / or who are disabled.
- 3.2.2. There is one Transitions Governance Structure and three Transitions Management Structures in Leeds:
- A Multi-Agency Commissioning Board (that is, a sub-group of the Joint Strategic Commissioning Group and the Healthy Leeds Partnership (Governance))
  - A Transitions Operations Management Group (Management)
  - The Social Care Transitions Panel (Management)
  - Learning Disability Services, Adult Social Care (Management)
- 3.2.3. Each structure has a short description below.

### **3.3. JOINT STRATEGIC COMMISSIONING BOARD**

- 3.3.1. The Board will ensure that arrangements are in place to effectively performance-manage the generation and delivery of the strategic, and associated, commissioning plans in relation to young people in transition.

The draft Terms of Reference for the Commissioning Board are attached at Appendix 1

### **3.4. TRANSITIONS OPERATIONS MANAGEMENT GROUP**

- 3.4.1. This Group will ensure continuity of the development of the Transitions Procedure until April 2011.

#### **Purpose**

- To ensure continuity of the development and implementation of the Transitions Procedure
- To give leadership and direction to the work of Transitions Team
- To ensure all partner organisations are involved in aligning resources, effective communication, joint training for staff, and reaching agreements on multi-agency working
- Ensure disabled young people and their carers are involved in reviewing the effectiveness of the Transitions procedure

- Identify and report to the ‘*Joint Strategic Commissioning Board 14 -25 Sub-Group - Young People in Transition*’ gaps in services for young people in transition
- 3.4.2. The Terms of Reference for the Operations Management Group are attached at Appendix 2

### **3.5. SOCIAL CARE TRANSITIONS PANEL: TERMS OF REFERENCE**

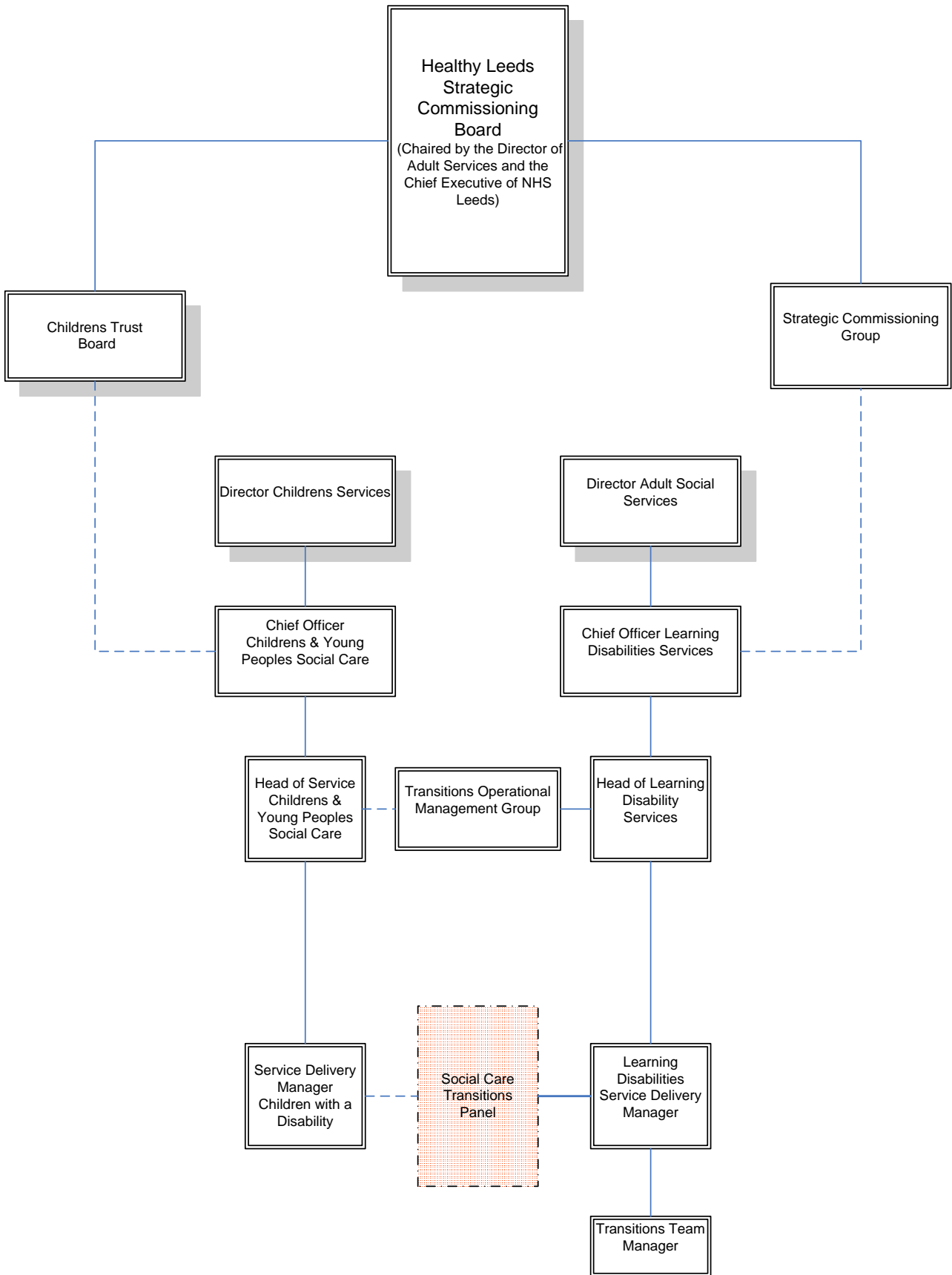
#### **Purpose of Transitions Panel**

- 3.5.1. The panel is presented with Future Needs Plans completed by either the Transitions Team or the Path Way Planning Team. From the information presented the panel will decide which pathway that young person will follow i.e. which team the individual will receive on going active care management.
- 3.5.2. The Terms of Reference for the Transitions Panel are attached at Appendix 3

### **3.6. MANAGEMENT OF THE TRANSITIONS SERVICE**

- 3.6.1. The Scheme of Delegations identifies the Director of Adult Social Care as responsible for Transitions
- The transitions team reports through Adult Learning Disability Services to the Director of Adult Services.
- The reason Learning Disability Services was chosen is that people with learning disabilities make up 70% of cases currently dealt with by the Transitions Team.
- The Chief Officer, Learning Disabilities will liaise with the Chief Officer, Access and Inclusion who has responsibility for Mental Health and Physical Disability Services.
- 3.6.2. The arrangement will be reviewed once the team has been operational for 12 months.

### 3.7. TRANSITIONS GOVERNANCE AND MANAGEMENT CHART



## **Chapter 4. TRANSITIONS PROCEDURE**

### **4.1. INTRODUCTION**

- 4.1.1. The policy context for this procedure is provided by the Leeds Multi-agency Transition Strategy 2010-2015 – “It’s My Life: A person-centred approach to transition between children’s and adults’ services”.
- 4.1.2. This chapter sets out the pathways for FACS eligible young disabled people into Adult Social Care. It refers to the steps taken by all services involved.
- 4.1.3. The procedure is set out in a chronological order for illustrative purposes; however, it must be noted that a young person can enter the procedure at any time: (for example, if they develop an impairment or have an accident during the transitions phase). It will be the caseworker’s responsibility at that time to ensure that all previous processes are undertaken where relevant.
- 4.1.4. The separate guidance notes referred to in this chapter can be found on the Transitions pages on the council’s intranet.

### **4.2. SAFEGUARDING**

- 4.2.1. The legal framework for providing services generally changes when a young person turns eighteen. As an adult, a young person has rights to independence with the choice and control that accompanies it. In transitions work it is expected that from the age of sixteen, partners prepare young people to take on more responsibility for their own decisions in readiness for becoming an adult.
- 4.2.2. It is essential to ensure that there is a clear strategic overview of Childrens and Adults safeguarding processes to ensure they dovetail together well. Staff involved in transitions work need to have an operational familiarity to ensure that safeguarding procedures are applied to best effect in the lives of individual young people.
- 4.2.3. In Leeds at a strategic level, there is a reciprocal arrangement between the Leeds Safeguarding Children Board and the Leeds Safeguarding Adults Partnership Board; also, The Leeds Safeguarding Adults Partnership Support Unit work with the Child Protection Coordination Team to ensure that interface issues can be jointly managed.
- 4.2.4. A corporate project led by Children’s and Adult Safeguarding staff has developed joint procedures and training for Leeds City Council staff to ensure that front-line staff recognize abuse of vulnerable people and know what to do to report it when they come across it.
- 4.2.5. If a safeguarding allegation is made whilst the young person is going through transitions, it is good practice for Children’s and Adults staff to work with the young person to ensure protective measures are in place and that the investigation is planned with the involvement of both Children’s and Adults staff.

The Adult Social Care Transitions Team will be involved in the Child Protection and Adult Safeguarding Investigations but will not lead on this.

- 4.2.6. If an allegation of abuse is made before a young person turns 18, the process would be managed under child protection procedures. The investigation, once started, should be completed under these procedures. Staff from Adult Social Care can attend strategy meetings to advise about Adult Services procedures and to contribute to the planning of the investigation and the development of protective measures.

If a young person over 16 lacks the mental capacity to consent to protective arrangements, an Independent Mental Capacity Advocate should be considered in line with the Leeds guidance on Advocacy, IMCA, and Safeguarding.

- 4.2.7. Once a young person turns 18, protection arrangements would then be reviewed under adults safeguarding procedures.

The particular team responsible for reviewing the effectiveness of protection arrangements will be the team carrying case responsibility for the individual young person.

- 4.2.8. If an allegation of abuse is made after a young person turns 18, a safeguarding referral will be passed to the Initial Response Team for the area where the young person lives or is “ordinarily resident”. The team manager will consider whether the case should be passed to a specialist team (for example, learning disability or mental health) according to existing criteria for case carrying responsibility. If so, the specialist team manager or senior practitioner will coordinate the safeguarding investigation and protection arrangements. Otherwise, the area team manager or senior practitioner would coordinate the safeguarding investigation and protection arrangements.

- 4.2.9. The transitions team will not take the lead on any safeguarding coordination or investigation. If the transitions team has case carrying responsibility, the safeguarding coordination will be undertaken by the area or specialist team, with the transitions team worker taking full part in any strategy meetings and case conferences and leading on the protection arrangements as part of the risk assessment and management, and care planning work.

- 4.2.10. For a young person living in an out of county placement, the responsibility for coordinating any safeguarding investigations would lie with the local host authority, who would liaise with the Leeds team with case carrying responsibility.

### **4.3. FROM YEAR 9 TO YEAR 10**

#### **Year 9 (Age 13/14)**

- 4.3.1. Childrens Social Care Services workers will identify those young people who are likely to be FACS eligible at 18 and therefore are likely to

transfer to Adult Social Care at 18. (See the separate guidance regarding assessing indicative FACS eligibility)

The worker must ensure that indicative FACS eligibility is recorded on ESCR.

If there is any doubt regarding potential FACS eligibility, the caseworker must contact the Adult Social Care Transitions Service by email for advice.

4.3.2. A Transitions Worker will only be allocated to co-work with a Childrens Social Care Services worker and a young person if:

- the young person is disabled, and
- the young person is likely to be FACS eligible at 18, and
- the young person is referred from any of the following:
  - Children's Services
  - Continuing Care Services
  - Children's OT Services
  - Children's Asylum / Refugee Team
  - CAMHS

4.3.3. If the young person is over 18, referrals to the Transitions Team, can come from ASC Teams through the Transitions Panel.

4.3.4. The Transitions worker will advise on the Transitions Procedure and its implications for the Education Transitions Plan, the Future Needs Plan and the Section 139a assessment.

The Transitions Worker will provide Transitions Information to young people and their parents / carers.

The transitions information may contain advice on social and leisure opportunities, post school options, employment options, money matters, and the roles and responsibilities of all the agencies involved in Transition Planning.

4.3.5. Year 9 is the start of the formal Transition process. The annual review in Year 9 is the Transition Review, where Education Transitions Plans are agreed.

Education Transition Plans are statutory for young people with SEN statements, but may also be issued to disabled young people. An Education Transition Plan could also apply to a disabled looked after child entering aftercare.

An Education Transition Plan should cover the young person's aims and aspirations for the future, the service options that may be available to the young person when they leave school, and the support the young person may need as they prepare to leave school, and when they have left school. In accordance with the Independent Specialist College Protocol,

the Transition Plan must also indicate where Independent Specialist College provision is being considered. (See Appendix 4)

The Education Transitions Plan will be reviewed annually. Schools have the responsibility for writing, holding, and reviewing the Education Transition Plan.

4.3.6. The annual review is arranged by the young person's school and must be attended by:

- The Young Person and their family or chosen representative
- The Transitions Worker
- School Staff
- Connexions Advisor
- SEN Team representative
- Pathway Planning worker (post 16)

The following should attend if involved and with the agreement of the young person and their family.

- The young person's Social Care Services Worker
- Relevant NHS staff (e.g. school nurse and / or any therapists involved)
- Person Centred Planner

4.3.7. The Connexions PA will record the review outcomes onto the IYSS 'Insight' database, to which the Transitions Service has access.

4.3.8. If a young person is not currently involved with the Children's Social Care Services, then Health Workers, Connexions Workers, Head Teachers, SENCOs or Review Officers should ascertain whether the young person needs any social care services involvement pre-or post-18.

If it is likely that the young person will need social care services, then a Childrens Assessment Framework (CAF) assessment should be carried out. If support for a young person's transition into adult social care is confirmed by the assessment, those workers responsible for the CAF will make a referral to the Social Care Services Call Centre. (See separate Referral Guidance Notes)

4.3.9. Connexions staff will continue their Section 139a assessment, which Connexions will complete when the young person leaves school.

4.3.10. Childrens Social Care Services workers will begin the young persons' Future Needs Plan.

#### **Year 10 (Age 14/15)**

4.3.11. The young person's school will inform everyone involved of Education Transition Plan review dates.

These dates should coincide with Children's Social Care review (undertaken by the Children's Social Care Services worker) and, if appropriate, the two reviews should be 'joined up' and held at the same meeting.

- 4.3.12. If the young person is likely to leave statutory education at the end of year 11 or is seeking specialist college provision, the Connexions Service should continue the Section 139a Assessment in consultation with the school and other services involved.
- 4.3.13. The Children's Social Care Services worker should introduce the idea of SDS / Direct Payments to parents and young people.

#### **4.4. FROM YEAR 11 TO YEAR 13**

##### **Year 11 (Age 15/16)**

- 4.4.1. The Education Transition Plan will be reviewed by the school.
- 4.4.2. The school will inform everyone involved of review dates. These dates should coincide with Children's Social Care reviews.
- 4.4.3. If the pupil is likely to leave statutory education at the end of year 11 or is seeking specialist college provision, the Connexions service, in consultation with the school, should continue the Section 139a Assessment.

The Connexions service should refer to the Education Transition Plan and the Future Needs Plan and ensure applications are timed to meet deadlines. Any funding required needs to be approved by the appropriate panels.

- 4.4.4. For young people who are likely to be FACS eligible and likely to receive a service from Adult Services the following will apply prior to the young person's sixteenth birthday. The Childrens Social Care worker (with advice from the Transitions Worker) will:
  - review the indicative FACS eligibility (See separate FACS Guidance Notes)
  - enter the young persons predicted Adult Disability Service onto ESCR (See separate Indicative Adult Service Guidance Notes)
  - complete the young person's Future Needs Plan. The Future Needs Plan and the Indicative ASC costs must refer to any Independent Specialist College provision that is being considered. (See separate Future Needs Planning Guidance Notes and the Independent Specialist College Protocol)
  - undertake an indicative budget assessment and enter the amount onto ESCR. (See separate Indicative Budget Guidance Notes)
- 4.4.5. The Childrens Social Care Services worker will involve the Pathway Planning Team where a disabled young person is looked after full-time.

### **Year 12 (Age 16/17)**

- 4.4.6. Where young people aged sixteen and above lack the mental capacity to consent to protective measures, they have rights under the Mental Capacity Act, which are not available to young people below the age of 16.
- 4.4.7. Reviews for young people who have left school will be arranged by the post 16-education provider. Schools will arrange annual reviews of the Educational Transition Plan as in previous years.
- 4.4.8. When a young person reaches the age of 16, their financial position may change in a number of ways depending on individual circumstances therefore the Childrens Social Care Services worker should review the financial position. This may include:
- Continuing Care Assessment
  - Disability Living Allowance (DLA) – if this has been claimed on behalf of a young person they are now eligible to claim it in their own right.
  - If the Young Person receives the highest rate of DLA care component and significant input from social services, they are potentially eligible to access monies from the Independent Living Fund. Any application will be the responsibility of the relevant Childrens Social Care Services worker.
  - Some young people may be able to access Incapacity Benefit and / or Income support and / or an Education Maintenance Allowance.
  - Due to the complexity of these issues, following the review of the young person's financial position by the Childrens Social Care Services worker they will make a referral to the Welfare Rights Team to ensure that all Young People are in receipt of the correct benefits.
- 4.4.9. By the young person's 17<sup>th</sup> Birthday, the Transitions Case Carrying / Entry Exit Criteria will be applied (see Chapter 5).
- Young people should transfer to an appropriate Area / Specialist Team at 18 unless they meet the exceptional criteria outlined in Chapter 5.
- If complexity is disputed, the case will be referred to the Transitions Panel for further discussion and a timely decision.
- If it has been decided that the Transitions Team will be case carrying, then the Care Plan will record the end date of the Team's involvement.
- 4.4.10. When an Adult Services Team Manager agrees to the provision of services, the allocated Adult Social Care Services worker will:
- Record Adult Team Allocation on ESCR
  - Confirm the indicative FACS Eligibility

- Formalise the draft support plan and indicative budget using the Supported Self Assessment and the Resource Allocation System.

Applications should be submitted to the relevant funding panel prior to the Young Person's 18th birthday even though funding responsibility will not begin until that date.

### **Year 13 (Age 17/18)**

- 4.4.11. Where a young person is still educated within a school setting, the annual review process will take place.
- 4.4.12. The Adult Social Care Services worker will complete a Carers Assessment with particular reference to the carer's requirements during the transitions process.  
The relevant Children's Social Care staff will help to facilitate the assessment by providing introductions and information as necessary.
- 4.4.13. The Adult Worker will attend the final 'Child in Need' or 'Looked After Child' (LAC) review that will be a handover meeting. Where a young person is not subject to a LAC review a specific transitions planning meeting maybe arranged as required.
- 4.4.14. The Adult Social Care Services worker will make a referral to the FAB Team.  
The FAB Team will complete a Fairer Charging Assessment to determine the level of financial contribution that the young person must make to services received once they become 18. The FAB Team will also complete or refer for a benefits check to look at any changes in income that may occur as the Young Person reaches 18.
- 4.4.15. The transfer of the Primary Worker on the young person's 18th birthday on must be recorded on ESCR.  
There can only be one primary worker; there is no joint management, but Adult Social Care may allocate a care manager to co-work from around 17 ½.
- 4.4.16. The whole funding package (apart from Pathway Planning funding, e.g. Care Leaver grants and resources), subject to review, should transfer from child budget to adult budget at age 18, without sharing, or each side being responsible for different elements of the budget.

## **4.5. YEAR 14 AND BEYOND (AGE 18 TO AGE 25)**

### **Year 14 (Age 18/19)**

- 4.5.1. Before the age of 18, safeguarding processes will be undertaken under child protection procedures. Once a young person turns eighteen, arrangements will be made under adults safeguarding procedures.
- 4.5.2. Where a young person is still educated within school, the final annual Education Transitions Plan review process will take place. Where the young person is in post-16 education, the provider will organise a review of the service they provide.

Relevant Adult Social Services representatives should attend the Education Transition Plan Review.

- 4.5.3. Connexions staff will complete the S139a Assessment for young people who are remaining in education.
- 4.5.4. The Adult Care Manager or the Transitions Team (where case carrying) will ensure that the actual costs of the young person's ASC Package / Support Plan is recorded on ESCR.

#### **Age 18 – 25**

- 4.5.5. Adults aged over 18 are entitled to an assessment of need if they meet Section 47 (1) NHS CCA 1990). Following the assessment, if Fairer Access to Care Services Eligibility Criteria are met, an application may be made to identify an appropriate support plan and individual budget.
- 4.5.6. For those young people who are being supported by the Transitions Team – The Team will inform the appropriate adult team of the transfer and the individual budget / support plan costs a year before the end-date of the young person's Future Needs Plan.
- 4.5.7. Following an initial three-month review, all adults in receipt of Adult Social Care services will have a minimum of one annual review to determine continued eligibility for services.
- 4.5.8. Connexions can provide advice and guidance to young people with learning difficulties and disabilities up to the age of 25. A small number of Children who were "looked after" are entitled to ongoing support under the Children Leaving Care Act (2000).

#### **4.6. NEW AND UNEXPECTED ENTRIES TO THE PROCEDURE**

- 4.6.1. Entries to the Transitions Procedure may occur, for example, because of people moving home, or as a result of a young person acquiring an enduring injury during the transition phase. The Transitions Panel will determine case carrying responsibilities for new entries to the system.

#### **4.7. APPLICATIONS TO LEEDS CITY COUNCIL FOR SPECIALIST PROVISION**

- 4.7.1. The general philosophy is for Leeds to keep learners local, and only in exceptional circumstances (that is, when all local options have been investigated and exhausted) should we consider out of area places / independent specialist providers.
- 4.7.2. Where a young person needs to continue with their education at an independent specialist provider (ISP), the connexions service (Prospects) will facilitate a funding application, which includes a learning difficulty assessment (139a) and reports from schools and other interested parties.

The need for this placement would have been identified from the year 9 review onward with connexions, school, children's / adult social care and or health being fully involved in the decision making process. Where the provision and learning support required to meet a young persons needs are identified as being available only through an ISP, the local authority

can make the decision to agree the placement provisionally in the context of the resources available. This will be co-ordinated by the SENSAP team. The Young Peoples Learning Agency for Yorkshire and the Humber (YPLA) will consider funding requests on a regional wide basis and once endorsed the local authority may then offer the placement to the learner.

- 4.7.3. YPLA is contracting with ISP's, on behalf of local authorities, for the provision of education and training for existing and new learners. It is pursuant to the terms of the YPLA contract that funding shall be passed from YPLA to independent specialist providers. YPLA will generate an individual learner schedule to allow for the approval of the provider payments. The individual learner schedule once agreed and signed by the independent specialist provider and local authority will form part of the contract and payment terms between the YPLA, on behalf of the local authority, and the ISP in relation to each learner.
- 4.7.4. Where a contribution from children's / adult social care has been agreed in accordance with FACS eligibility requirements, payments will be made directly to the ISP; these costs are included in the individual learner schedule.

#### **4.8. OUT OF AREA SCHOOLS**

- 4.8.1. A small number of pupils are educated in out of area schools and secure units. The above procedure will still apply.
- 4.8.2. Education Leeds and / or Pathway Planning will inform the Transitions Panel of out of area young people. The Panel will make referrals for Future Needs Planning and Assessment as appropriate.
- 4.8.3. Connexions advisors in Leeds will liaise with Connexions advisors in the host authority to negotiate the guidance process and the completion of S139a assessments and LA/YPLA applications.

## **Chapter 5. TRANSITIONS SERVICE: ENTRY AND EXIT CRITERIA**

### **5.1. INTRODUCTION**

- 5.1.1. This chapter explains the entry and exit criteria for the Adult Social Care Transition Team. It also defines those complex cases that will be carried by the Transitions Team.

### **5.2. ENTRY AND EXIT CRITERIA**

- 5.2.1. The transitions team will case manage complex cases within the service. That is, for some young people transition straight to an adult team at 18 will not be possible because the transition itself is complex. These complex cases will be carried within the transitions team until the young person is ready to move on.

#### **Entry: Non-Case Carrying Functions**

- 5.2.2. The transitions team will assist CYPSC and ASC care managers and social workers develop future needs plans where:
- the person is aged between 14 and 25 years
  - the young person is in receipt of CYPSC services (or eligible for CYPSC services) and is likely to be eligible for ASC support
  - the young person has long term needs in relation to a disability, condition, or health related issue

#### **Exit: Non-Case Carrying Functions**

- 5.2.3. Involvement with young people aged between 14 and 25 years will finish on completion of a Future Needs Plan, although advice can still be requested.

#### **Entry: Case-Carrying Functions**

- 5.2.4. The Transitions team has a case carrying responsibility that relates to the complexity of the transitions process rather than just complexity of need. For cases to be eligible to be carried by the team the following criteria have to be met:
- significant risks have been identified in relation to the transition process failing to be achieved successfully

#### **Exit: Case-Carrying Functions**

- 5.2.5. Young people care managed by the Transitions team will exit the service between their 18<sup>th</sup> and 25<sup>th</sup> year when
- the complex elements of the transition have been resolved with an agreed plan

### 5.3. DEFINING “COMPLEX” TRANSITIONS

5.3.1. ‘Complex Transitions’ is defined below for the purposes of deciding whether the Transitions Team will be wholly, or partially, case holding.

5.3.2. The dictionary definition of transition is very broad.

**transition [ tran zish'n ] (plural transitions)**

**noun**

**Definition:**

**1. process of change: a process or period in which something or someone undergoes a change and passes from one state, stage, form, or activity to another. For example, in transit from childhood to adulthood**

5.3.3. “Transition” in relation to the *Transitions Service* has a much more specific definition: here, “Transition” is concerned with a child’s passing from one set of *funders and service providers* to another set of *funders and service providers*. The “complexity” refers to the complexity of the organisational arrangements and not the complexity of the child’s life as such.

5.3.4. Therefore, the decision to case hold or not **will not** be based on, for example, ‘complexity of the impairment’, complexity of the family structure, complexity of social circumstances (e.g. the unlawful discrimination faced, etc).

5.3.5. The decision to case hold or not **will be** based on the complexity of the transitions process itself, the change from one service to another, which *may* include:

- The discrepancy between the resources available for a previous care plan within children’s services and the resources available for a care plan to achieve similar / same outcomes within adult services
- Whether services that are designed for children do not exist into adulthood. For example, specialist residential / educational establishments for children and young people with autism that have no parallel in adult services
- Whether the services received by the family or the support network during the service users childhood will continue to achieve similar outcomes when the services are provided by adult services.

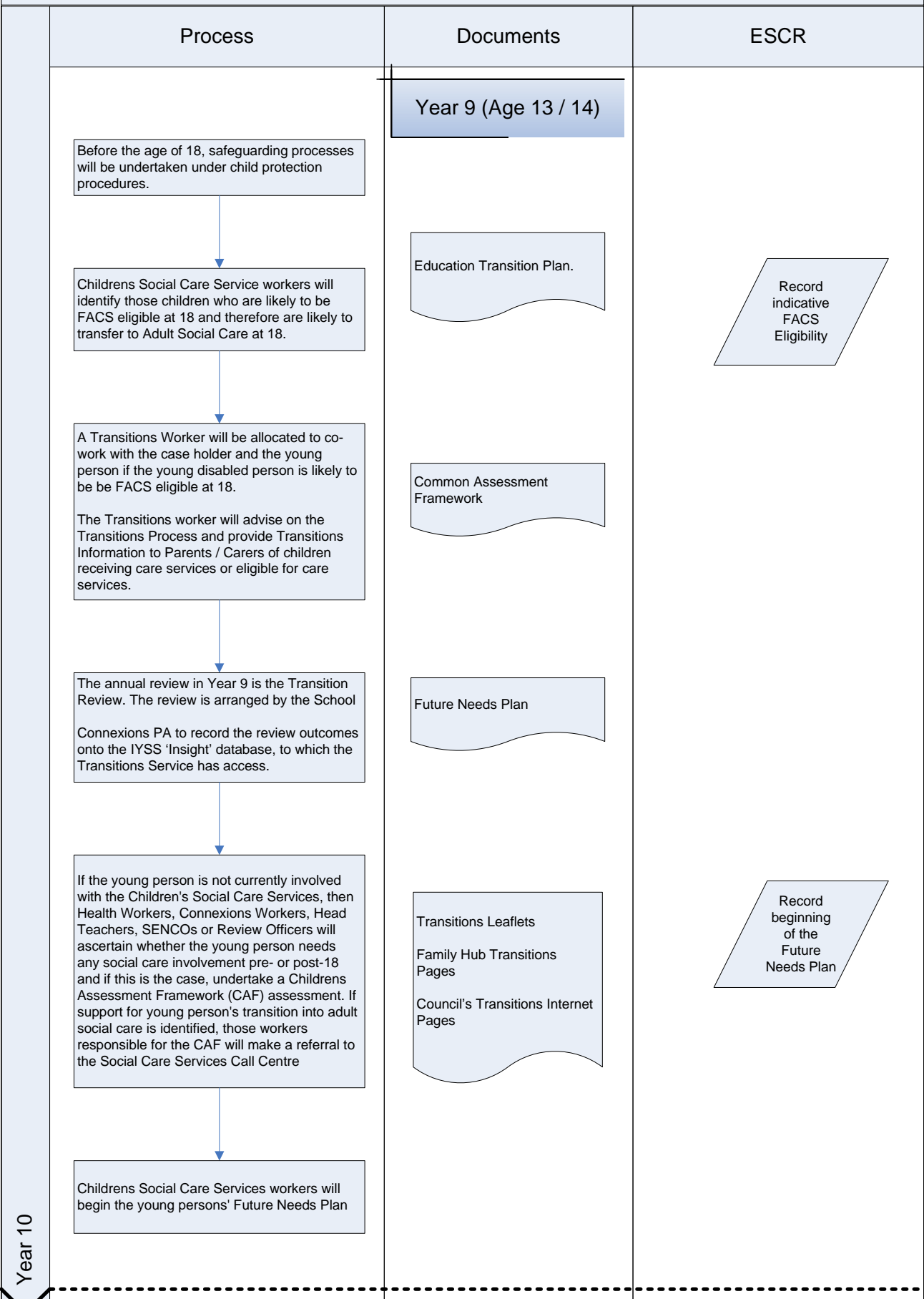
5.3.6. It must be remembered that any criteria operates within an environment which is continually subject to change in terms of organisational resources, e.g. numbers of available social work staff in either area or specialist teams.

## **Chapter 6. PROCEDURE FLOWCHART**

### **6.1. INTRODUCTION**

- 6.1.1. The flowchart provides a high-level overview of the Processes, Documents, and ESCR Recording relating to Transitions. It does not refer to the many other social care processes and recording that can take place from 14 – 25.
- 6.1.2. The responsibility for recording on ESCR lies with the case holder unless otherwise indicated.
- 6.1.3. As of August 2010, ESCR recording and reporting is at a minimum; full recording and reporting will not be available until the future of ESCR is agreed.

# Transitions



# Transitions

Year 10	Process	Documents	ESCR
<div style="display: flex; align-items: center; justify-content: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Year 10</div> <div style="border-left: 1px dashed black; border-right: 1px dashed black; height: 100%;"></div> </div>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;">                     School to review the Education Transition Plan                      The School will inform everyone involved of the review dates.                 </div> <div style="text-align: center; margin-bottom: 10px;">↓</div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;">                     Children's Case Worker to review the Children's Social Care Plan. This review should coincide with the review of the Education Transition Plan.                 </div> <div style="text-align: center; margin-bottom: 10px;">↓</div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;">                     Children's Caseworker to introduce SDS / Direct Payments to Parents and Children.                 </div> <div style="text-align: center; margin-bottom: 10px;">↓</div> <div style="border: 1px solid black; padding: 5px;">                     Transitions Worker to advise on Transitions implications for Education Transitions Plan                 </div>	<div style="border: 1px solid black; background-color: #e6f2ff; padding: 5px; margin-bottom: 10px;">                     Year 10 (Age 14 / 15)                 </div>	
	<div style="display: flex; align-items: center; justify-content: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Year 11</div> <div style="border-left: 1px dashed black; border-right: 1px dashed black; height: 100%;"></div> </div>		

Transitions			
Year 11	Process	Document	ESCR
		Year 11 (Age 15/16)	
	<p>The School to Review the young person's Education Transitions Plan. This review should coincide with any Children's Social Care Review.</p>		Completion of Future Needs Plan
	<p>If pupil is likely to leave school after Y11 then Connexions will complete a Section 139a report and offer placing support into further education, training or employment. This work will be on-going for those who are not placed when leaving school.</p>		
	<p>For Young People who are likely to be FACS eligible and likely to receive a service from Adult Services the following will apply prior to the young person's sixteenth birthday:</p>		
	<ul style="list-style-type: none"> <li>• Childrens Social Care worker (with advice from the Transitions Worker) to complete the young person's Future Needs Plan</li> </ul>		Indicative Costs of an ASC Package
	<ul style="list-style-type: none"> <li>• Childrens Social Care worker to undertake an indicative budget assessment and enter the amount onto ESCR</li> </ul>		
	<ul style="list-style-type: none"> <li>• Childrens Social Worker / Transitions Worker to enter predicted Adult Disability Service onto ESCR</li> </ul>		Record indicative Adult Disability Codes
Year 12	<p>Social Worker to involve the Pathway Planning Team where a disabled child is looked after full-time</p>		

# Transitions

Year 12	Process	Document	ESCR
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Year 12</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Year 13</p>	<p>Where young people aged sixteen and above lack the mental capacity to consent to protective measures, they have rights under the Mental Capacity Act, which are not applicable for younger children.</p> <p>The annual review for Young People who have left School will be arranged by the post 16-education provider if appropriate, otherwise Schools will arrange the review.</p> <p>Childrens Caseworker to Review Financial Position:</p> <ul style="list-style-type: none"> <li>Continuing Care Assessment</li> <li>Disability Living Allowance (DLA)</li> <li>Independent Living Fund</li> <li>Incapacity Benefit and / or Income support, and EMA</li> </ul> <p>By the young person's 17th Birthday, the Transitions Case Carrying / Entry Exit Criteria will be applied</p> <p>Adult worker will formalise the draft support plan and indicative budget using the Supported Self Assessment and the Resource Allocation System</p> <p>When an Adult Services Team Manager agrees to the provision of services, the allocated Adult Social Care Services worker will:</p> <ul style="list-style-type: none"> <li>Confirm the indicative FACS Eligibility</li> <li>Formalise the draft support plan and indicative budget using the Supported Self Assessment and the Resource Allocation System.</li> </ul>	<p>Year 12 (Age 16/17)</p> <p>Adult Supported Self Assessment and the Resource Allocation System</p>	<p>Record Adult Team Allocation</p> <p>Outcome of FACS Eligibility and Fairer Charging Assessments</p>

# Transitions

Year 13	Process	Documents	ESCR
<Year 14>	<p>The annual review for Young People who have left School will be arranged by the post-16 education provider. If the child is still at school the School will arrange the review.</p> <p>The Adult worker will complete a Carers Assessment, with particular reference to the carer's requirements during the transitions process.</p> <p>Adult Worker / Transitions Worker to refer to FAB team for:</p> <ul style="list-style-type: none"> <li>a full benefits check</li> <li>a Fairer Charging Assessment to determine the level of financial contribution that the Young Person must make to services received once they become 18.</li> </ul> <p>Adult Workers will attend the final Child in Need or LAC review which will be a handover meeting.</p> <p>Where children are not subject to LAC review a specific transition planning meeting will be arranged.</p> <p>The whole funding package, subject to review, should transfer from child budget to adult budget at age 18.</p>	<p>Year 13 (Age 17/18)</p> <p>Carers Assessment</p>	<p>At 18 Close Childrens Record / Open Adult Record</p>

# Transitions

Year 14	Process	Documents	ESCR
<div style="display: flex; flex-direction: column; align-items: center; justify-content: center;"> <span style="writing-mode: vertical-rl; transform: rotate(180deg);">Year 14</span> <hr style="border-top: 1px dashed black;"/> <span style="writing-mode: vertical-rl; transform: rotate(180deg);">18 - 25</span> </div>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>Once a young person turns eighteen, safeguarding arrangements will be made under adults safeguarding procedures.</p> </div> <div style="text-align: center;">↓</div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>Where a Young Person is still educated within a School setting, the annual review process will take place as outlined above. Where the young person is in post 16 education, the provider will organise the review</p> </div> <div style="text-align: center;">↓</div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>Connexions staff will complete a S139a Assessment for Young People who are leaving school. Note - Connexions are meant to do an S139a at other times of transition such as leaving college to go to training but this is not implemented yet.</p> </div> <div style="text-align: center;">↓</div> <div style="border: 1px solid black; padding: 5px;"> <p>The Adult Care Manager or the Transitions Team (where case carrying) will ensure that the actual costs of ASC Package/Support Plan is recorded on ESCR</p> </div>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>Year 14 (Age 18/19)</p> </div>	<div style="border: 1px solid black; padding: 5px; margin-top: 100px;"> <p>Actual Cost of ASC Package</p> </div>

# Transitions

18 - 25	Process	Documents	ESCR
	<div data-bbox="255 504 678 593" style="border: 1px solid black; padding: 5px;">                     Most young people with special educational needs remain at School until they are 19                 </div> <div style="text-align: center; margin: 10px 0;">↓</div> <div data-bbox="255 940 678 1041" style="border: 1px solid black; padding: 5px;">                     All adults in receipt of a service will have a minimum of an annual review to determine continued eligibility for a service                 </div> <div style="text-align: center; margin: 10px 0;">↓</div> <div data-bbox="255 1388 678 1523" style="border: 1px solid black; padding: 5px;">                     Connexions can provide advice and guidance to disabled young people up to the age of 25 years. A small number of Children who were "looked after" are entitled to ongoing support under the Children Leaving Care Act (2000).                 </div> <div style="text-align: center; margin: 10px 0;">↓</div> <div data-bbox="231 1870 702 2027" style="border: 1px solid black; border-radius: 15px; padding: 10px;">                     Transitions Worker to implement Transitions Exit processes on completion of Transitions process at any time during 18 – 25 years                 </div>	<div data-bbox="718 392 1045 481" style="background-color: #d9e1f2; border: 1px solid black; padding: 5px; text-align: center;">                         Age 18 - 25                     </div>	

## **Chapter 7. TABLE OF TRANSITIONS ASSESSMENTS**

### **7.1. INTRODUCTION**

- 7.1.1. This chapter provides a brief explanation of Person Centred Planning and a tabular representation of those major assessments that contribute to the transitions procedure.

### **7.2. PERSON CENTRED PLANNING**

- 7.2.1. Valuing People requires local agencies to facilitate person centred plans for young people with a learning disability moving between children and adult services. The Valuing People guidance states that these plans should be separate from social work assessments, which look at levels of need and eligibility for services.
- 7.2.2. The opportunity to have a Person Centred Plan can be discussed at the Year 9 Transition Review. All young people known to the Disabled Children's Team will be offered a Person Centred Plan.
- 7.2.3. Commissioning strategies in Children's and Adult services will be informed and influenced by future needs planning that will identify those young people whose planned outcomes are not easily met. The Transitions Operations Management Group is responsible for supplying relevant information to Commissioning Services.

<b>Assessment</b>	<b>Summary</b>	<b>Age of young person</b>
Common Assessment Framework	Initial, basic assessment tool for use by all services. Social care use as first point of contact to other more specialist assessments	Any age – should be used for initial contacts
Future Needs Plan	Adult Services Planning tool. Sets out the child's needs and actions required regarding housing, social care, leisure, health, safeguarding, education, employment, and finance	16
Framework for the Assessment of Children in Need and their Families (The Assessment Framework)	Assess and plan support from social services including: <ul style="list-style-type: none"> <li>• Short breaks</li> <li>• Equipment</li> <li>• Direct payments (at 16)</li> </ul>	Until transferred to adult services at 18 or 19.

<b>Assessment</b>	<b>Summary</b>	<b>Age of young person</b>
The Children (Leaving Care) Act 2000	Multi-agency assessment and development of a Pathway Plan	15/16
Disabled Persons (services, consultation and representation) Act 1986	Assessment from social care for possible support needed on leaving school or college. Generally, this is not used as has been superseded by other practice.	14 (Year 9)
Education Act 1996 SEN Annual Review/Transition Review	Prepare Transition Plan – Review meeting every year	13/14 (Year 9) up to leaving school or college where kept up.
Learning and Skills Act 2000 - Section 139a Assessment	Assess and plan support for post-school	16 – or until the young person leaves school
NHS and Community Care Act 1990 (incorporating the Chronically sick and disabled persons Act 1970)	Formal assessment of need leading to a Care plan Assessment for support from the Independent Living Fund	18 onwards
Supported Self-Assessment	Differs from traditional assessments in that the customers themselves drive the process, with support as required	16 Onwards

## **Chapter 8. SDS: SELF DIRECTED ASSESSMENT AND RESOURCE ALLOCATION**

### **8.1. INTRODUCTION**

- 8.1.1. This chapter provides a brief explanation of Self Directed Support (SDS), summarises the status of SDS in social care, and instructs staff to use the adult SDAQ for 16+ transitions cases.

### **8.2. EXPLANATION**

- 8.2.1. Self Directed Support is based on the principle that individuals should be able to exercise choice and control when it comes to identifying their own needs, the outcomes they want to achieve, and the services and support that will meet their requirements. The model used for assessment is the first step in achieving this, giving customers an opportunity to provide information about what they need against a range of domains, and also what support is already available to them from carers, family and friends. It differs from traditional assessments in that the customers themselves drive the process, with support as required.
- 8.2.2. Once the initial assessment is complete, and has been validated by a Care Manager, the information is then input into the Resource Allocation System (RAS), which determines the customer's indicative budget. This allows customers to start the process of support planning, where they identify the outcomes they want to achieve, and the types of services and support they can buy to meet them. Again, it should be noted that customers are encouraged to lead this process, with support as needed, and so are able to exercise greater choice and control. In addition, evidence shows that in many cases, they are able to identify much more innovative and cost effective ways of achieving their outcomes with SDS.

### **8.3. STATUS OF SDS**

- 8.3.1. SDS processes were piloted in Leeds through the Early Implementer project. The cohort included four people in transition from Children's to Adult's Services; however, this sample size was insufficient to draw detailed conclusions as to how future processes should operate, so additional work will be required.
- 8.3.2. As of 1<sup>st</sup> April 2010, Adult Social Care will go live with SDS. All new customers will be assessed and have services provided under this model (where appropriate - e.g. not for residential, health funded cases etc), and all existing customers will be offered the choice of moving onto SDS as part of their annual review.

### **8.4. INSTRUCTION**

- 8.4.1. As of 14 December 2009, the adult SDAQ and RAS will be used for 16+ transitions cases.

## **Chapter 9. LEGISLATIVE FRAMEWORK**

### **9.1. INTRODUCTION**

- 9.1.1. The following listing covers the main legislation, guidance and policy from Government that has an impact on the transition to adulthood for disabled young people.
- 9.1.2. At the time of writing, a number of new bills, reviews and consultations were in place that may have a significant impact on the transition process for disabled young people. For up to date information on consultations and proposed legislation see [www.dcsf.gov.uk/consultations](http://www.dcsf.gov.uk/consultations) and [www.dwp.gov.uk](http://www.dwp.gov.uk). The Transition Information Network website also has details. Details on further guidance and effective practice from government is available from:

[www.transitioninfonetwork.org.uk](http://www.transitioninfonetwork.org.uk).

### **9.2. UN CONVENTION ON THE RIGHTS OF THE CHILD 1989**

- The UNCRC is an international treaty, which was ratified in the UK in 1991. Articles 12 and 13 of the Convention enshrine the right of all children to express their views and for these to be taken into account in decisions that affect them. Further to this, Article 23 focuses specifically on disabled children and young people, recognising their right to dignity, independence and participation within their community.

[www.unicef.org.uk/youthvoice/pdfs/uncrc.pdf](http://www.unicef.org.uk/youthvoice/pdfs/uncrc.pdf)  
[www.everychildmatters.gov.uk/uncrc](http://www.everychildmatters.gov.uk/uncrc)

### **9.3. UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES, 2006**

- *Adopted by the UN General Assembly, December 2006, UN signature ceremony 30 March 2007. Then individual countries will ratify.* Embodies the rights of disabled people to equal participation in public, political (Article 29), cultural life (Article 30) and within their community (Article 19). The convention also states that disabled children and young people should have access to the same rights and freedoms as all children, with particular reference to ensuring they have the right to express their views on all issues which affect them and to be provided with the appropriate support to enable them to do so (Article 7). This is supported by Article 21 which states that to enable disabled people to exercise their right to freedom of expression, states parties should take steps to ensure that they are able to receive and impart information using a range of formats, including assistive and augmentative communication, and that information provided to the general public should be made available to disabled people in a range of accessible formats.

[www.un.org/esa/socdev/enable/index.html](http://www.un.org/esa/socdev/enable/index.html)

#### **9.4. CHILDREN ACT 2004**

- Makes various amendments to existing legislation including the **Children Act 1989**.
- Sets the legislative foundation for the actions agreed as a result of Every Child Matters. Includes provision for the establishment of a Children's Commissioner and for each children's service authority in England to make arrangements to promote co-operation between the authority, its partners and other appropriate bodies to improve the well-being of children in the authority's area relating to areas which include physical health, emotional well being and education and training.
- Sets out a mechanism for establishing a database and sharing information, (Integrated Children's System).
- Brings in roles of Key worker and lead professional
- States that the views and wishes of children and young people should be ascertained and given due regard in determining the provision of services to them.

[www.everychildmatters.gov.uk](http://www.everychildmatters.gov.uk)

#### **9.5. CHILDREN ACT 1989**

- Provides the framework for social care services for children and young people. Includes the need for the views and interests of children to be taken into account.
- The Act has been amended by numerous statutes.

[www.dfes.gov.uk/publications/childrenactreport](http://www.dfes.gov.uk/publications/childrenactreport)

#### **9.6. EDUCATION ACT 1996**

- The transition review process which forms the main monitoring and planning tool for most disabled young people is built on this Act and the code of practice issued under it, the **SEN Code of Practice 2001**.
- The SEN Code of Practice outlines the statutory assessment process to identify special educational needs for young people who will probably require more support than is given at School Action and School Action Plus.
- **School Action** aims to help young people get additional learning support from their teacher. If the young person does not make adequate progress, the school will offer further support at **School Action Plus** which means involving specialist help from outside. If the young person still does not progress, the school or parent may ask the local education authority to make a Statutory Assessment under sections 329A or 329 of the Education Act 1996.

- If the authority agrees to carry out a **Statutory Assessment**, the young person will be seen by an Educational Psychologist and a doctor or medical officer, who will advise the local authority on the type of learning support they require. The child's school, any other professional such as a speech and language therapist, and the parents will be asked for advice on the young person's learning difficulties and the provision they need.
- If the local education authority believes the support needed is greater than generally provided by mainstream schools at School Action Plus they will draw up a **Statement of Special Educational Needs**. This document sets out that young person's needs and states the special educational provision they require. Appeals against the local education authority's decisions on whether to assess and whether to draw up a statement may be made to the Special Educational Needs and Disability Tribunal.
- Subsequent legislation relating to pupils with SEN builds on this legislation.

[www.opsi.gov.uk/acts/acts1996/1996056.htm](http://www.opsi.gov.uk/acts/acts1996/1996056.htm).

### **9.7. THE LEARNING AND SKILLS ACT 2000**

- Places a duty on the Secretary of State, through Section 140 of the Act, to arrange for the assessment of disabled young people when they are undertaking or likely to undertake post-16 education or training or higher education.
- Requires the LSC to have regard to the needs of persons with LDD and to any report of an assessment carried out under Section 140.
- Sets out the reasons for seeking a specialist residential placement.

[www.opsi.gov.uk/acts/acts2000/20000021.htm](http://www.opsi.gov.uk/acts/acts2000/20000021.htm)

### **9.8. HEALTH AND SOCIAL CARE ACT 2001**

- S57 covers direct payments and extended their use to disabled young people aged 16 and 17.
- S58 added S17A to the Children Act 1989, which made provision about direct payments in respect of children.

[www.opsi.gov.uk/acts/acts2001/20010015.htm](http://www.opsi.gov.uk/acts/acts2001/20010015.htm)

### **9.9. NHS ACT 2006**

- Section 242 of this Act places a duty on Strategic Health Authorities, Primary Care Trusts, NHS trusts and NHS Foundation trusts to make arrangements to involve and consult with persons receiving health services for which these bodies are responsible, or their representatives, in relation to the planning and provision of such services, developments and changes in such services and decisions affecting the operation of those services.

[www.opsi.gov.uk/acts/acts2006/20060041.htm](http://www.opsi.gov.uk/acts/acts2006/20060041.htm)

### **9.10. DISABLED PERSONS (SERVICES, CONSULTATION AND REPRESENTATION) ACT 1986**

- The Act was designed to improve the coordination and effectiveness of resources and services for disabled people and those with mental illness. *Its use is now limited as it has been superseded by other legislation and guidance.*
- Note that the duty on local authorities under section 8 of this Act to take into account the abilities of the carer is overridden where the Carers (Recognition and Services) Act 1995 applies. The 1995 Act has been amended several times (by the Carers and Disabled Children Act 2000 and the Carers (Equal Opportunities) Act 2004) but is still an important part of the picture.

[www.opsi.gov.uk/si/si1987/uksi\\_19870564\\_en\\_1.htm](http://www.opsi.gov.uk/si/si1987/uksi_19870564_en_1.htm)

### **9.11. NHS AND COMMUNITY CARE ACT 1990**

- Local authorities are required to publish and keep under review a plan for the provision of Community Care services in their area. The Act also places a duty on local authorities to assess individuals' need for services, where they appear to be needed.

<http://www.dh.gov.uk/en/Publicationsandstatistics/Legislation/Actsandbills/index.htm>

### **9.12. COMMUNITY CARE (DIRECT PAYMENTS) ACT 1996**

- The relevant provisions from this Act were repealed by S67 of the Health and Social Care Act 2001.

[www.dh.gov.uk/en/Publicationsandstatistics/Publications/](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/)

### **9.13. CARERS AND DISABLED CHILDREN ACT 2000**

- The Act requires local authorities who receive a request for a carer's assessment to assess the carer's needs and provide services which they think are appropriate and will support the carer to continue in their caring role. The services provided may be physical help or other forms of support. No such provision was made in relation to children's services because local authorities can provide services to the family under section 17A of the Children Act 1989. There is some overlap between the Carers (Recognition and Services) Act 1995 and the 2000 Act.

[www.everychildmatters.gov.uk](http://www.everychildmatters.gov.uk)

### **9.14. CARERS (EQUAL OPPORTUNITIES) ACT 2004**

- This introduced a legal obligation on social services to inform carers of their rights. It ensures that work, lifelong learning and leisure are considered when a carer is assessed. It also allows social services

to ask housing, health, and education authorities as well as other local authorities for help to support carers.

[www.opsi.gov.uk/acts/acts2004/2004015.htm](http://www.opsi.gov.uk/acts/acts2004/2004015.htm)

### **9.15. CHILDREN (LEAVING CARE) ACT 2000**

- The Act amends the previous provision for care leavers set out in the Children Act 1989 and is designed to improve the life chances of young people living in and leaving local authority care. Provides an entitlement to an assessment and a Pathway Plan and a personal adviser for each looked after and former looked after young person to improve the:
  - preparation and planning for leaving care
  - financial arrangements for care leavers
  - and to:
    - ensure that young people continue to receive the support they need to make an effective transition to adult life.

[www.everychildmatters.gov.uk/socialcare/lookedafterchildren/leavingcare/](http://www.everychildmatters.gov.uk/socialcare/lookedafterchildren/leavingcare/)

### **9.16. DISABILITY DISCRIMINATION ACT 1995**

- Legislation which set a new definition of disability, places duties on all providers of services to the public, including education, to make services accessible, making reasonable adjustments to do so. Associated codes of practice also available.

[www.opsi.gov.uk/acts/acts1995/1995050.htm](http://www.opsi.gov.uk/acts/acts1995/1995050.htm)

[www.tso.co.uk](http://www.tso.co.uk)

### **9.17. DISABILITY DISCRIMINATION ACT 2005**

- Widens the definition of disability, places a new duty on public bodies, including maintained schools, to positively promote disability equality and not discriminate in carrying out their functions. Local authorities and others are required to draw up a Disability Equality Scheme to illustrate how they are meeting the duty locally. Associated codes of practice also available.

[www.opsi.gov.uk/acts/acts2005/2005013.htm](http://www.opsi.gov.uk/acts/acts2005/2005013.htm)

[www.tso.co.uk](http://www.tso.co.uk)

### **9.18. SPECIAL EDUCATIONAL NEEDS AND DISABILITY ACT 2001**

- amends both the Education Act 1996 and the Disability Discrimination Act 1995
- applies to pre- and post-16 education
- makes it illegal to treat a disabled person less favourably than a non disabled person for reasons related to his/her disability, without justification

- requires institutions to make reasonable adjustments to ensure that a
- disabled student is not placed at a substantial disadvantage.
- Associated codes of practice also available.

[www.opsi.gov.uk/acts/acts2001](http://www.opsi.gov.uk/acts/acts2001)

[www.tso.co.uk](http://www.tso.co.uk)

### **9.19. EDUCATION AND INSPECTION ACT 2006**

- Contains tools to implement Youth Matters, as well as the White Paper, *Higher Standards, better Schools For All*, and the 14–19 Education and Skills White Paper. Section 6 amends the Education Act 1996 and places a duty on local authorities to improve the well-being of young people aged 13–19 (and up to 25 for those with learning difficulties) by providing access to sufficient educational and recreational leisure-time activities and facilities. Authorities will be expected to meet these requirements by:
  - providing activities and facilities;
  - commissioning others to provide activities and facilities; or,
  - making other arrangements to facilitate access, including providing information, financial assistance and transportation
- Authorities must consult with young people on existing provision and consider their views when providing local information on these activities.
- [www.dfes.gov.uk/publications/educationandinspectionsact/](http://www.dfes.gov.uk/publications/educationandinspectionsact/)

### **9.20. CHILDCARE ACT 2006**

- Measures in the act formalise the important strategic role local authorities' play through a set of new duties. These duties will require authorities to:
  - Improve the five Every Child Matters outcomes for all pre-school children and reduce inequalities in these outcomes
  - Secure sufficient childcare for working parents
  - Provide a better parental information service

[www.everychildmatters.gov.uk/earlyyears](http://www.everychildmatters.gov.uk/earlyyears)

### **9.21. MENTAL CAPACITY ACT (2005)**

- The Mental Capacity Act (2005) supports the principle that a person has the mental capacity to consent to decisions made about them, including protective measures, unless proven otherwise. It is therefore essential to include young people aged 16 or above in discussions about how to protect them from the risks they face from abusive situations. Where young people aged sixteen and above lack the mental capacity to consent to protective measures, they

have rights under the Mental Capacity Act, which are not applicable for younger children.

## **9.22. HEALTH SERVICES LEGISLATION AND GUIDANCE**

- Health services have an essential role to play in disabled young people's transition to adulthood both across health services and in the wider transition process. Whilst there is not statutory 'health transition; requirement, the following legislation and guidance requires health services involvements in the transition process:
  - Health and Social Care Act 2001
  - Education Act 1996
  - Special Educational Needs Code of Practice and SEN Toolkit (S12) 2001, DfES
  - Valuing People: A new strategy for learning disability for the 21st century, 2001 DH
  - National Service Framework for Children, Young People and Maternity Services, 2004 DH and DfES
  - Transition: getting it right for young people. Improving the transition of young people with long term conditions from children's to adult health services, 2006, DH
  - Our health, our care, our say: a new direction for community services, Health White Paper, 2006 DH
  - Health Action Plans and Health Facilitation: Good Practice Guidance for Learning Disability Partnership Boards, 2002 DH
  - Action for health, health action plans and health facilitation detailed good practice guidance on implementation for learning disability partnership boards, 2002, DH.

# **Chapter 10. APPENDIX 1: JOINT STRATEGIC COMMISSIONING BOARD**

## **Terms of Reference Joint Strategic Commissioning Board 14 -25 Sub-Group - Young People in Transition**

### **Introduction**

The Terms of Reference that follow have been written to reflect those of the Joint Strategic Commissioning Board (JSCB) which as part of the Health Leeds Partnership provides the overall co-ordinating governance for joint commissioning adult health, care and support in the city. For completeness, these ToR should therefore be read in conjunction with the constitution for the JSCB.

### **The Functions of the Group**

- 1.0 The Sub-Group will discharge the functions set out below, which may be amended from time to time by agreement and direction from the JSCB.
- 1.1 The Group will define the scope for the generation of a strategic plan in relation to the needs of young adults with care and support needs.
- 1.2 The Group will ensure that planning for this group is informed by the Joint Strategic Needs Assessment (JSNA) and that the evidence of outcomes from health and social care provision informs those elements of the JSNA pertinent to the needs of young adults in transition and their families. The Group will provide advice and make recommendations in relation to the specific future requirements of the JSNA.
- 1.3 The Group will ensure that arrangements are in place to effectively performance-manage the generation and delivery of the strategic, and associated, commissioning plans in relation to young people in transition.
- 1.4 The Group will monitor and, where necessary, co-ordinate the arrangements for, and outcomes of, any significant joint internal or external reviews of health or social care services in the City in relation to young people in transition (as defined in the scope to be agreed at 1.1)
- 1.5 The group will make recommendations or otherwise influence any partner or partnership body in relation to:
  - the provision and commissioning of services that have the potential to improve health and well-being outcomes for young people within the scope of this Group
  - Establish pathways to services for young people
  - Identify and promote best practice in work with young people in transition

- 1.6 To actively promote the principles of good partnership governance as set out in the constitution of the JSCB and to facilitate the members of this group in their compliance with the ToR of this Group and the overall constitution.
- 1.7 To report the work of this Group to the JSCB and the wider partnership.
- 1.8 In addition to the generation of a specific strategy associated with Young People in Transition, the Group will also provide a forum to give consideration to associated strategies and plans requiring partnership approaches for their effective implementation. This would include:
  - NHS Continuing Care
  - The Carer's Strategy
  - Safeguarding vulnerable young people in transition
  - Multi-Agency Public Protection Arrangements (MAPPA) relevant to this group of young adults
  - National Autism Strategy
  - Mental Health Capacity Act
  - Housing Strategy
  - Mental Health Act
  - Children and Young People's Plan
- 1.9 The Group will be supported by a cross-cutting work organised outwith its remit, in relation to:
  - The JSNA
- 1.10 The Group will establish such networks, including existing networks of users and carers, as are believed to be necessary to accomplish the delivery of the Group's priorities, as defined from the scope agreed at 1.1.
- 1.11 The Terms of Reference of the Group to be kept under review with quarterly progress reports to the JSCB.
- 1.12 The Group is envisaged as a task and Finish Group which will terminate in July 2010.

### **Membership of the Group**

The Group will comprise members drawn from the agencies and stakeholders of the JSCB augmented by others actively engaged with the transitions agenda (within the scope agreed at 1.1), other advisory members to be drawn from the wider partnership as requirements arise. Nominated members should be able to appropriately represent their organisation and to coordinate activity to contribute to the scrutiny.

Barbara Shaw	Interim Head of Disability Service	Children & Young People Services
Jane Mischenko	Head of Commissioning for Maternity & Child Health	NHS Leeds
Stacey Hunter	Acting General Manager	LTHT
Matthew Ward	Director of Operations, Children's (Community Service)	NHS Leeds
Ashley Wyatt	Commissioning Manager, Emotional Health & Wellbeing	NHS Leeds
Alun Rees	Head Teacher, Looked After Children	Children's Social Care
Carol Jordan	Strategic Manager	Education Leeds
Representative	Access & Inclusion	Adult Social Care
Maxine Naismith	Head of Services, Adult Mental Health & Learning Disability	Adult Social Care
Mary Cousins	Head of Children & Young People Social Care Commissioning	Children's Social Care
Tim O'Shea	Head of Adult Social Care Commissioning	Adult Social Care
Mick Ward	Head of Commissioning	Adult Social Care
Mike Lowe	Director of Area (West Yorkshire)	Learning & Skills Council
Bridget Emery	Head of Strategy	Housing & Neighbourhoods
Sharon Allen	Chief Exec, St Anne's	VCFS rep through VOICE
Kath Runciman	Participation Officer for disabled children & young people	Children's Services
Felicity Snowden	AHDC Parent Participation Worker	Children's Services
Gerry Hudson	Head of Integrated Youth Support Service	Children's Services
?		Foundation Partnership Trust

**Groups to be considered in scope of project:**

Disabled young people eligible for children's and/or adult social care  
 Young people who meet the Continuing Care Criteria  
 Young people with a Statement of Special Educational Need  
 Young people on school action and school action plus  
 Young people with Funding for Inclusion (FFI)  
 Young learning-disabled people  
 Young people with physical impairment and/or sensory impairment  
 Young people with mental health conditions  
 Young people with autism, Aspergers and ADHD  
 Young offenders, young people in custody and secure accommodation

Unaccompanied asylum seeking young people with no recourse to public funding

Young people who are care leavers

Young people who are not in education, employment or training

Young people who misuse drugs and alcohol

Young people who are homeless or in insecure accommodation

Young Travellers

## **Chapter 11. APPENDIX 2: TRANSITIONS OPERATIONAL MANAGEMENT GROUP**

### **Purpose**

- To ensure continuity of the development and implementation of the Transitions Procedure
- To give leadership and direction to the work of Transitions Team
- To ensure all partner organisations are involved in aligning resources, effective communication, joint training for staff, and reaching agreements on multi-agency working
- Ensure disabled young people and their carers are involved in reviewing the effectiveness of the Transitions procedure
- Identify and report to the '*Joint Strategic Commissioning Board 14 - 25 Sub-Group - Young People in Transition*' gaps in services for young people in transition
- To coordinate the implementation of actions derived from the JSCB's '*Young People in Transition Strategy* relating to the Transitions Procedure

### **Tasks**

- To oversee the publication and implementation of supplementary guidance on the following:
  - Referral from external agencies to CYPSC for Transitions Support (including the use of the CAF); and the roles and responsibilities for referral to the Transitions Service from within CYPSC)
  - Identifying Indicative FACS Eligibility
  - Undertaking a Future Needs Assessment
  - Identifying indicative Adult Disability Categories
  - Assessing Indicative ASC Budgets
- To oversee the operation of the Transitions Panel
- To determine key objectives for achievement and target dates against which progress can be monitored (The Transitions Action Plan)
- To oversee the Transitions Procedure Review and Equality Impact Assessment (including the involvement of service users)
- To monitor the submission and implementation of the "ESCR Transition Team Recording and Reporting Requirements Work-package Request"

- To coordinate the production of accurate management information, including reports of the following on young people in transition to adult services:
  - Expected numbers
  - Likely Adult Service locations
  - Likely ASC resource requirements
- To develop mechanisms for measuring and reporting the performance of the Transitions Team
- To coordinate the updating and publicity of Transitions Information on the Family Hub and ASC Transitions web pages
- To ensure that potential ASC financial commitments not identified through the Transitions Procedure are identified, recorded and reported.

### **Administrative Support**

- Adult Social Care Directorate Support will undertake clerical support for meetings such as note taking, agenda setting, and circulating papers.

### **Frequency of meetings**

- The Group will meet every three months.

### **Membership**

<b>Name</b>	<b>Job Title</b>	<b>Organisation</b>
Maxine Nesmith (Chair)	Head of LD Services	ASC Learning Disabilities Services
Jane Moran	Service Delivery Manager	ASC Access and Inclusion
Janet Wright	Joint Commissioning Manager	ASC Commissioning
Alison Griffiths	Disability Services Manager	ASC Disability Services
Philip Mallard	Information Management Officer	ASC Information Management
Steve Bardsley Graham Heffernan	Service Delivery Managers	ASC Learning Disabilities Services
Kwai Mo	Service Delivery Manager	ASC Mental Health Services
Linda Randall	Team Manager	ASC Transition Team
To be identified		CAMHS
Terry Walsh	Operations Manager	Connexions
Barbara Shaw	Head of Disability Services	CYPSC Disability Services
Jonathan Atkinson	Inclusion Information Officer	CYPSC Information Services

<b>Name</b>	<b>Job Title</b>	<b>Organisation</b>
John Roche	Service Delivery Manager	CYPSC Pathway Planning Services
Susan Morgan	Principal Officer SEN, Statutory Assessment and Provision	Education Leeds
Nyoka Fothergill	Service Delivery Manager	ESCR
Adele Hainsworth	14-19(25) Support, Transition and Monitoring Officer (LLDD)	Learning and Skills Council function in Leeds City Council
Megan Rowlands	Head of Neurology Services NHS Leeds Community Healthcare	NHS

## **Chapter 12. APPENDIX 3: SOCIAL CARE TRANSITIONS PANEL**

### **Membership**

- 12.1.1. The panel will be made up of representatives of Children and Young People Social Care and Adult Social Care including Learning Disability Services, Mental Health Services and generic work teams.
- SDM LD Development (Panel Chair)
  - SDM JCMT-LD
  - Transitions Team Manager
  - SDM Mental Health Services
  - SDM Physical Disability
  - SDM – Children's Services
  - SDM – Access and Inclusion adults

### **Purpose of Transitions Panel**

- 12.1.2. The panel will be presented with Future Needs Plans completed by either the Transitions Team or the Path Way Planning Team. From the information presented the panel will decide which pathway that young person will follow i.e. which team the individual will receive on going active care management.
- 12.1.3. The Panel will meet on a monthly basis, at a central location in the city.

### **Escalation / Disputes Process**

- 12.1.4. If, after further assessment, reasons are identified to challenge the original decision of the panel, advice can be sought from the Panel Chair. Discussions regarding which team should hold the case should then take place between relevant SDMs. If these discussions fail to produce a resolution then the issue should be escalated in writing with reasoned arguments to relevant Heads of Service.
- 12.1.5. Given the responsibility for transitions lies with Chief Officer Learning Disability Services, the final decision of any dispute must remain with the Head of Service, Learning Disability Services.
- 12.1.6. Any disputes arising from the panel should be resolved within two weeks of their presentation to Panel.
- 12.1.7. Whilst case holding disputes are being resolved, it is imperative that casework is ongoing and not effected by the dispute. The Team holding the case must continue to manage the case until the dispute is resolved.

### **Administration**

- 12.1.8. The panel will be supported by one of the Transitions administrators who will record the decision and communicate it to relevant parties including updating ESCR records.

### **Review and Evaluation**

- 12.1.9. The role and function of the Transitions panel will be reviewed after 6 months of it becoming operational. The review will involve panel members, internal audit and a representative from users and carers. The outcome of the review will decide the future of the panel.

## **Chapter 13. APPENDIX 4: INDEPENDENT SPECIALIST COLLEGE PROTOCOL**



### Independent Specialist College Learner Identification and Protocols

- These protocols fit within the Children and Young People and Adult Social Care procedure for Transitions. Professionals should pay heed to this procedure and not use these protocols in isolation.
- Learner is identified at Year 9 Annual Review that an Independent Specialist Provider (ISP) placement may be appropriate for the pupil due the complex needs of the learner. Connexions to state this on the Transition Plan.
- In September each year high cost learners in Year 10 and above are identified using FFI and Transition Plan information from Year 9. This information is passed to the 14-19 team to help to identify expected cohorts to inform funding requirements.
- Where appropriate pupils to access local college link courses - to start in Year 10 – Colleges to start assessments of pupils.
- Transition plan is updated by Connexions at the Year 11 Annual Review to state whether an ISP placement is still an option for the learner, as adequate education provision may not be available locally.
- In September of the academic year of Year 13 for the learner, the investigation into local provision for the learner will begin to take place. All avenues of education provision must be explored. Assessments of learners by local providers will start to take place and liaison with Transition team at Social Care as to what package of support could be provided through Social Care and SDS.
- April to June of the academic year of Year 13 – Connexions to provide the local authority a list of learners who they are recommending for ISP.
- In July of academic year 13 to February of academic year 14 ISP assessments to take place.
- In September of academic year 14 the completion of the Learning Difficulty Assessment (S139a) started. The Learning Difficulty Assessment (S139a) for learners for whom an ISP placement is considered, must evidence why

adequate education cannot be provided at a local level and must contain information from a variety of agencies such as health and social care.

- Written evidence from local providers will be pursued during the 1<sup>st</sup>/2<sup>nd</sup> terms of Year 14 including any information gathered from school links and/or visits. In a small number of cases this could be completed, without a visit, due to the early identification of a high level of needs. School and Connexions will, with the agreement of student and or parent/carer, pass relevant information to a local provider along with a pro forma for completion. This will allow the local provider to state whether they can provide an adequate course of education and appropriate levels of care and support. Where the local provider cannot offer adequate education the pro forma must be fully completed – with reasons given. It is not acceptable for local providers to simply state that they 'cannot meet the learners needs'. (DDA 2005) Data passed to 14-19 team in September to assist commissioning decisions. \*Those students/parents and carers who do not give permission for information to be shared with local providers, do so with the knowledge and understanding that an application for Independent Specialist Placement cannot be made without exploring local options in the first instance.
- November to February of each academic year a panel will meet. Completed cases for consideration to be discussed and provisional decisions made.
- Deadlines for all provisional decisions on applications for ISPs will be made by March of the academic year of Year 14 for the learner. This information will be passed to the Young Peoples Learning Agency (YPLA) for endorsement.
- In exceptional circumstances, cases may to be considered after that date.
- It is imperative that early identification of learners who may need an ISP placement takes place in order to secure funding through the YPLA. Unless there are exceptional circumstances it is those learners who have been identified from year 9 onwards who will be considered by the panel.
- Requests for an ISP placement will only be considered by the panel via the Connexions Prospects service with supporting evidence to complete the application package being made available from other agencies as and when required.
- An appeals process to be put into place following the Local Authority's own complaints procedure.