

# Care Act Bulletin

Edition 16

19 February 2015

Welcome to the sixteenth edition of the Care Act Bulletin. This is a series of Bulletins which have been produced to provide an outline of the key elements in the Care Act, to prompt thinking about how these changes may impact on your organisation and what opportunities it may bring. Each bulletin will cover a chapter in the Care Act Guidance issued by the Department of Health. Links to the guidance and relevant fact sheets are detailed at the end of the bulletin.

## TRANSITION TO ADULT SOCIAL CARE

Transitions are a period of time which can be particularly challenging for young people and their families. It is, therefore, vital that the Care Act together with the Children and Families Act are considered when local authorities and partners are planning for the implementation of reforms. There must be an emphasis on joining up the processes of both Acts where there are links between them.

### **What are the opportunities?**

There are many areas where the duties in the Acts overlap. This creates a range of opportunities for local authorities to consider making effective use of resources when planning for implementation of the reforms. This could include new systems and processes, such as pooled budgets across adults' and children's services as well as across education, health and social care. Opportunities could also include the development of 0-25 teams which would sit across both or all services. The emphasis in both Acts is on outcome focused, person-centred practice when considering assessment, planning and support as well as co-production and multi-agency approaches to planning and commissioning.

### **What does the Care Act ask Local Authorities to do for young people preparing for adulthood?**

The Care Act focuses on individual wellbeing with an emphasis on outcomes and person-centred practice and for the first time participation in **work** has been identified as an outcome for adults with care and support needs. This development should ensure that the focus on young people having employment as they move into adulthood is maintained by adult social care. Social care professionals are expected to work in partnership with Health and Education to find creative ways of ensuring that individuals are able to express their views and are supported to engage in decision making, this will include arranging independent advocacy, if required. Developing person-centred, measurable outcomes across different areas of the lives of young people is a challenge that is common to both of the Acts.

## **Outcomes and Wellbeing – Things to do:**

- Develop a shared vision for Preparing for Adulthood with young people, families and key stakeholders who work with young people aged 14-25;
- Raise awareness to young people, families and all agencies of whatever helps disabled people achieve employment, independent living, community inclusion, and good health;
- Develop capacity and competency in outcome focused support planning across children's and adults' services. Staff and professionals who are developing Education, Health and Care (EHC) plans, including Child's Needs Assessments (see Assessment and Planning section) and care and support plans will need to develop common skills in person-centred practice, developing and monitoring outcomes, integrated support plans and personal budgets. Training staff together can lead to efficiencies and a more seamless experience of transition to adulthood;
- Develop a lifespan approach to outcomes. Ensure that professionals at each stage understand their role and responsibilities and how they relate to the other stages of a young person's preparation for adulthood.

## **Assessment and Planning**

The Care Act will introduce a new duty on local authorities to carry out Child's Needs Assessments (CNA) for young people who are likely to have needs for care and support after they reach 18. The purpose of a CNA is to determine what adult social care a young person might be eligible for, once they reach 18, so they can make informed choices about their future.

Young people or their parents can request a CNA at any time prior to a young person's 18th birthday, whether or not they have an EHC plan. In addition, a local authority has a duty to carry out an assessment for anyone where there is "likely to be a need for care and support post-18" whether or not they have eligible needs. The CNA should be carried out at a time when it is of "significant benefit" to a young person's preparation for adulthood and should include an indicative personal budget so that young people are able to plan ahead for what their future support might look like.

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

For a young person with an EHC plan a CNA should, as a starting point, be based on a review of the care element of the EHC plan. However it is vital that it fits with and informs the holistic approach across the plan. This would create the least duplication for professionals, young people and families and provide person-centred information about a young person's needs, plans and aspirations for their future. It should include clear, short and medium term outcomes, which can then be used as the basis for a conversation with the young person, their family, a professional from adults' services who has a good knowledge of the support options that may be available to them in the future, as well as the other professionals involved in their care and support.

Under the Children and Families Act, EHC plans must clearly set out the care and support which is reasonably required by the young person's Statement of Special Educational Needs (SEN). For people over 18 with a care and support plan, this should be incorporated into the EHC plan rather than developed separately. It will include those elements of their care and support which are directly related to their SEN and also specify other care and support. Elements that are directly related to SEN should be delineated. For young people who do not have an EHC plan, but where they are supported by children's social care, their existing assessment and plan should form the basis of the CNA.

The key to ensuring that a CNA leads to effective planning is to make sure that the process results in an addition to the care element of the EHC plan, which should include an indicative personal budget, and allows for the needs of young people to feed into the Joint Commissioning Strategy in the appropriate way. The conversation about whether a young person needs a CNA should begin in the Year 9 review as part of the preparation for adulthood planning. The process itself could form part of the review of the EHC plan in order to minimise the repetition of assessments and meetings that many young people and families tell us are stressful for them.

We must:

- Ensure that there is a representative from adult social care on the local authority's SEND implementation board. Ideally this person would have responsibility for implementing the Care Act locally;
- Ensure that the process for Adults' Needs Assessment and Care and Support plan for young people post-18 are aligned to the assessment and planning process for the care element of an EHC plan;
- Work in partnership with families, young people and other professionals to ensure planning enhances and supports wider aspirations;
- Establish which professional, with good knowledge of adult care and support services, is responsible for CNAs, ensuring they work with those designing the coordinated assessment and EHC planning process;
- From Year 9 ensure young people and families receive information on how to request a CNA. This can be done as part of their Year 9 review. If the young person is likely to be eligible for care and support post-18 it is important that Adult social care is part of transition reviews from Year 9. The local authority should work with schools to identify the best way to achieve this and to inform the preparing for adulthood planning process;
- Develop a process that enables the CNA to produce an indicative personal budget for adult care and support.

### **Joint Commissioning and Personal Budgets**

The overlap between the two Acts around joint commissioning creates an opportunity to explore how pooled budgets across local authorities and health bodies, as well as across children's and adult's services, can lead to more effective use of resources and better outcomes for young people. Partners need to be aware that rules on NHS Continuing Healthcare funding (NHS CHC) come into force at age 18 and some young people with EHC plans will need to be assessed for eligibility. This does not mean that their support must change, except to match their needs. People eligible for NHS CHC have the right to request a personal health budget (and from October 2014 the right to have one in most circumstances).

The Children and Families Act creates a new duty on local authorities and health bodies to jointly commission services across education, health and care. The Care Act includes general duties on local authorities to promote integration and on local authorities and "relevant partners" (including the NHS) to cooperate generally and in relation to individuals. Joint commissioning that encompasses the transition to adult services will need to involve a wider range of partners, such as housing and employment support.

### **Joint commissioning and personal budgets - Things to do:**

- The joint commissioning strategy and Joint Strategic Needs Assessment (JSNA) should be informed by young people, their families, information in a young person's EHC plan and the Local Offer. Young people and families can play a valuable role in quality checking, the results of which should feed back into the strategy;
- Develop a process to allow the information from the EHC plan, including the CNA, and from personal budget holders' choices, to inform the Joint Commissioning Strategy;

- Ensure that the work streams around developing joint commissioning across the 0-25 age group and the Better Care Fund are joined up and that there is a common process being developed;
- Develop the market to ensure that there are quality services, which lead to the intended outcomes of the Children and Families Act and the Care Act that young people can buy with their personal budget. Local authorities should work with education and training providers, health, social care, employment and housing agencies to develop a range of post-16 support options that lead to better outcomes and more efficient use of resources;
- Explore how personal budgets across education, health and social care (and personal health budgets for young people eligible for NHS Continuing Healthcare post-18) can be integrated to develop personalised post-16 options and support that lead to better outcomes for young people;
- Care and Support plan for individuals over the age of 18 must include a personal budget;
- Right to request a direct payment.
- Ensure that young people and their families have access to good information, advice and support in relation to what is available and how to purchase it;
- Provide young people and their families with opportunities to pool budgets and commission mutually beneficial support.

#### **Information, Advice and Support – Things to do:**

- Develop the Local Offer in partnership with young people, parents, carers and professionals;
- Use the Local Offer to identify gaps in provision and feed into the joint commissioning strategy;
- Use the Local Offer to review the quality and quantity of IAS services for disabled young people and those with SEN and their families (e.g. Parent Partnership Services) and for disabled young people 18+ and their families (e.g. Disabled people User Led Organisations and other local authority IAS services);
- Ensure there is a strategic approach to developing good IAS for young people moving into adulthood;
- Explore how PPS can be developed to meet the new duties in the Children and Families Act as a single point of access signposting to other services;
- Ensure that professionals responsible for developing the Information and Advice service in the Care Act are working closely with those developing the Local Offer and PPS;
- Consider establishing a joint information and advice offer across all age groups, or across the 0-25 age group.

You can view the Department of Health Care Act Guidance by visiting:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/366104/43380\\_2390277\\_7\\_Care\\_Act\\_Book.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/366104/43380_2390277_7_Care_Act_Book.pdf)

The factsheet regarding general responsibilities is available on:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/366080/Factsheet\\_1\\_-\\_General\\_responsibilities.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/366080/Factsheet_1_-_General_responsibilities.pdf)

Any comments you have about these Bulletins (good or bad!) are welcome. Please contact:

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