PfA Factsheet: The Links Between The Children and Families Act 2014 and The Care Act 2014 for those on the autism spectrum

PfA Factsheet: The Links Between

The Children and Families Act

2014 and The Care Act 2014

The Background

There are many policy changes approaching that will affect the lives of young people with SEN, disabled young people and their families, and will impact on the range and quality of support available to them as they prepare for adulthood. The two pieces of legislation that will have the greatest influence on support for disabled young people preparing for adulthood are Part 3 of the Children and Families Act 2014, which focuses on Special Educational Needs and Disability and is due to be implemented in September 2014, and Part 1 of the Care Act, which focuses on the care and support of adults with care and support needs and is due to be implemented in April 2015.

Importantly, the Children and Families Act 2014 introduces a system of support which extends from birth to 25, while the Care Act deals with adult social care for anyone over the age of 18. This means there will be a group of young people aged 18-25 who will be entitled to support though both pieces of legislation. The two Acts also have the same emphasis on outcomes, personalisation, and the integration of services. It is therefore essential that the planning and implementation of both of these Acts is joined up at a local level.

This factsheet identifies the key elements in both Acts that relate to preparing for adulthood. It will support local authorities to identify where processes overlap and to consider how they can be effectively joined up. We explore how the legislation can be used to create positive outcomes for disabled young people, with consideration to challenges and barriers, and suggest practical ways of implementing the reforms in both Acts through good practice examples.

What you need to know?

The Children and Families Act 2014

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

The SEND reforms focus on the following themes:

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

Preparation for adulthood is a key element of the reforms that cuts across all of these themes.

The transformation of the system for disabled young people and those with SEN is intended to ensure that services consistently support the best outcomes for them by making certain children, young people and their parents have greater choice and control in decisions and that their needs are properly met.

For more information about Part 3 of the Children and Families Act please see the key resources at the end of this factsheet.

The Care Act 2014

Part 1 of the Care Act pulls together threads from over a dozen different Acts into a single, modern framework for care and support. It reforms how the law works, prioritising individual wellbeing for adults with care and support needs over the age of 18, with a particular focus on person-centred practice and outcomes, putting people in control of their care and support.

The intended outcome of the new legislation is that people's wellbeing, needs and goals are prioritised so that individuals will no longer feel like they are battling against the system to get the care and support they need. It highlights the importance of preventing and reducing needs, putting people in control of their care and support and for the first time, it puts carers on a par with those for whom they care.

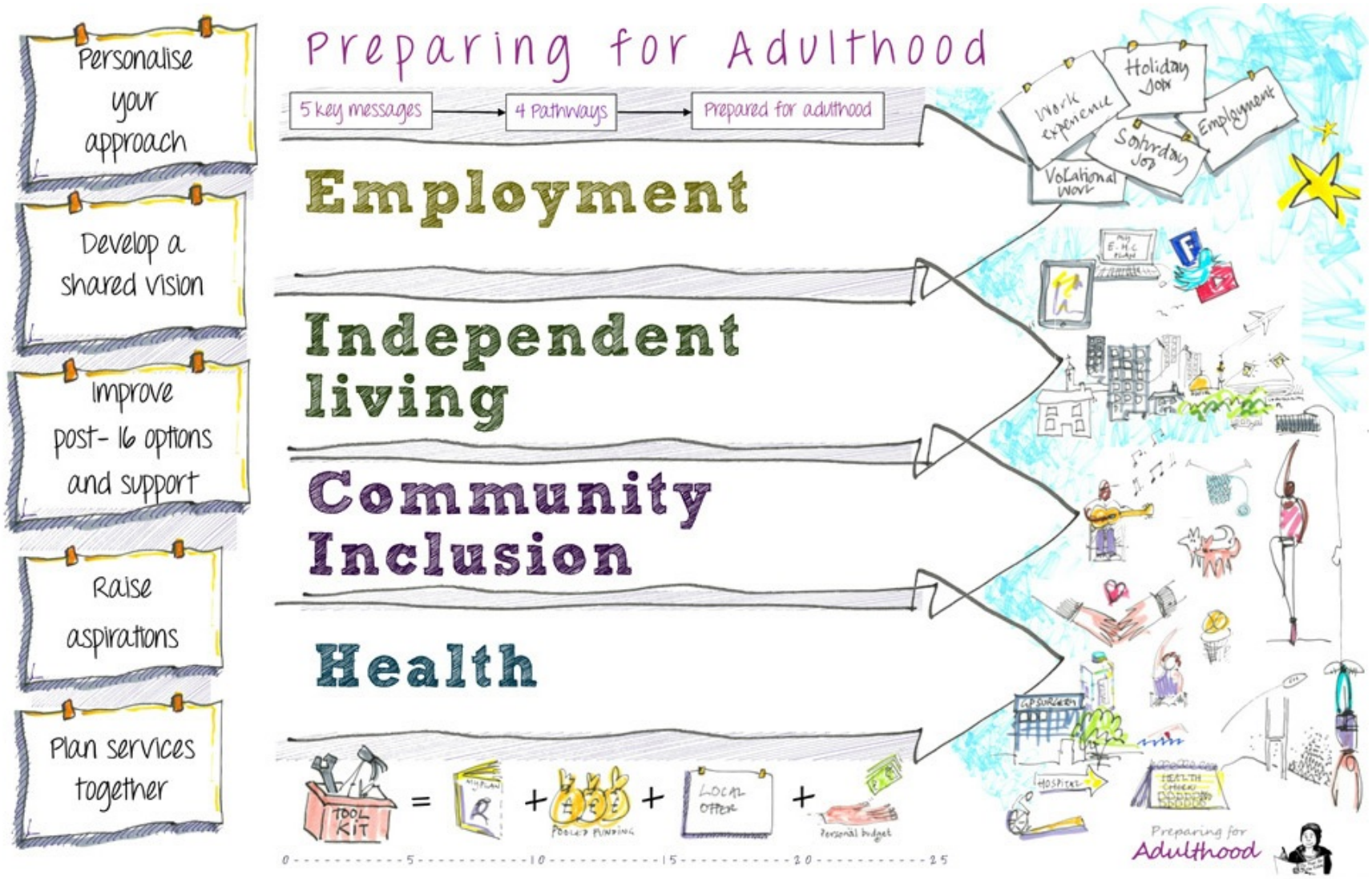
For more information about Part 1 of the Care Act please see the key resources at the end of this factsheet.

For disabled young people aged 18-25 there will be an impact from both pieces of legislation. This is a period of time which can be particularly challenging for young people and their families. It is therefore vital that when local authorities and partners are planning for implementation of the reforms, in both the Children and Families Act and the Care Act, that they are considered together with an emphasis on joining up processes where there are links between them.

What are the opportunities?

There are many places 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 and the development of 0-25 teams which sit across both 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.


Personalise your approach
Develop a shared vision
Improve post-16 options and support
Raise aspirations
Plan services together
Preparing for Adulthood
5 key messages
4 Pathways
Prepared for adulthood
Employment
Independent living
Community Inclusion
Health
Work experience
Holiday Job
Employment
Saturday Job
Vocational Work
TOOL KIT
LOCAL OFFER
Personal budget
0 5 10 15 20 25
Preparing for Adulthood

This graphic shows how our 5 key messages, identified by the SEND pathfinders, are essential in improving life chances in the four outcomes: employment, independent living, community inclusion and health, which are vital in ensuring young disabled people are prepared for adulthood.

Outcomes and Wellbeing

What the law says:

Children and Families Act

- Outcome focus;
- Preparing for Adulthood outcomes from Year 9:

- Employment
- Health
- Independent living
- Friends, relationships and community participation

- Focus on choice and control over support for young people and their families;
- Focus on the importance of the involvement of parents and young people in decision making;
- Must have regard to the wellbeing duty in the Care Act when providing support to parent carers.
- Duty to ensure integration of services across education, health and care, in particular where it promotes the wellbeing or improves the special educational provision that is available.

Care Act

- Outcome focus;
- Duty to promote wellbeing, including:

a) Control by the individual over day-to-day life (including over care and support, or support, provided to the individual and the way in which it is provided);

b) Participation in work, education, training or recreation;

c) Social and economic wellbeing;

d) Domestic, family and personal relationships;

e) Suitability of living accommodation;

f) The individual’s contribution to society.

- Care and support works to actively promote people’s wellbeing and independence, rather than waiting for people to reach a crisis point;
- Duty to provide or arrange for the provision of services, facilities or resources that contribute towards preventing or delaying the development of care and support needs;
- When promoting individual wellbeing the local authority must have regard to the importance of achieving a balance between the individual’s wellbeing and that of any friends or relatives who are involved in caring for the individual.

The Children and Families Act focuses on putting children and young people at the heart of planning and decision making through co-production and person-centred practice. It emphasises the importance of engaging young people and their families in all processes from developing and planning, particularly in relation to the Local Offer and Education, Health and Care Plans, and also in the commissioning of services and strategic decision making.

In alignment with this 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, including 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 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 of what helps disabled people achieve employment, independent living, community inclusion, and good health, to young people, families and across all agencies;
- Develop capacity and competency in outcome focused support planning across children's and adults' services. Staff and professionals who are developing 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 other stages of a young persons preparation for adulthood.

Assessment and Planning

What the law says:

Children and Families Act

- Single, co-ordinated assessment process;
- Single Education, Health and Care plan for young people with SEN, which can potentially continue up to the age 25;
- Emphasis on person-centred practice;
- Children and young people are engaged, empowered and supported to participate in planning for their future;
- Focus on preparation for adulthood from Year 9 at the latest;
- Duty to assess a parent carer or a young carer if it appears they may have needs for support, or if they request an assessment, where the local authority are satisfied that they may provide or arrange for the provision of services under section 17 of the Children Act 1989;

Parent carers' needs assessment must have regard to:

- The wellbeing of the parent carer;
- The need to safeguard and promote the welfare of the disabled child cared for, and any other child for whom the parent carer has parental responsibility.

Young carers' needs assessment must have regard to:

- The extent to which the young carer is participating in or wishes to participate in education, training or recreation, and the extent to which the young carer works or wishes to work.

Care Act

- Duty to carry out an Assessment for young people over 18;
- Duty to produce a Care and Support plan for anyone over 18 where eligible needs are identified;
- Duty to carry out a Child's Needs Assessment (CNA) if there is likely to be care and support needs post-18;
- Duty to carry out a CNA at a time when it is of significant benefit to the young person's preparation for adulthood;
- CNA can be requested by young people or parents at any age;
- Adult Need's Assessments carried out for individuals over the age of 18 must include a personal budget;
- Duty to carry out Child's Carer's Needs Assessment and Young Carer's Needs Assessment where there is "likely need" for support post-18 and when it is of "significant benefit";

A Carer's Assessment must include an assessment of:

- Whether the carer is able, and is likely to continue to be able, to provide care and whether the carer is willing to do so;
- The outcomes that the carer wishes to achieve in day-to-day life;
- Whether, and if so to what extent, the provision of support could contribute to the achievement of those outcomes.

The Children and Families Act introduces Education, Health and Care (EHC) plans; a single assessment and planning process for young people with SEN which can potentially continue up to age 25.

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 are 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 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 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 and 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.

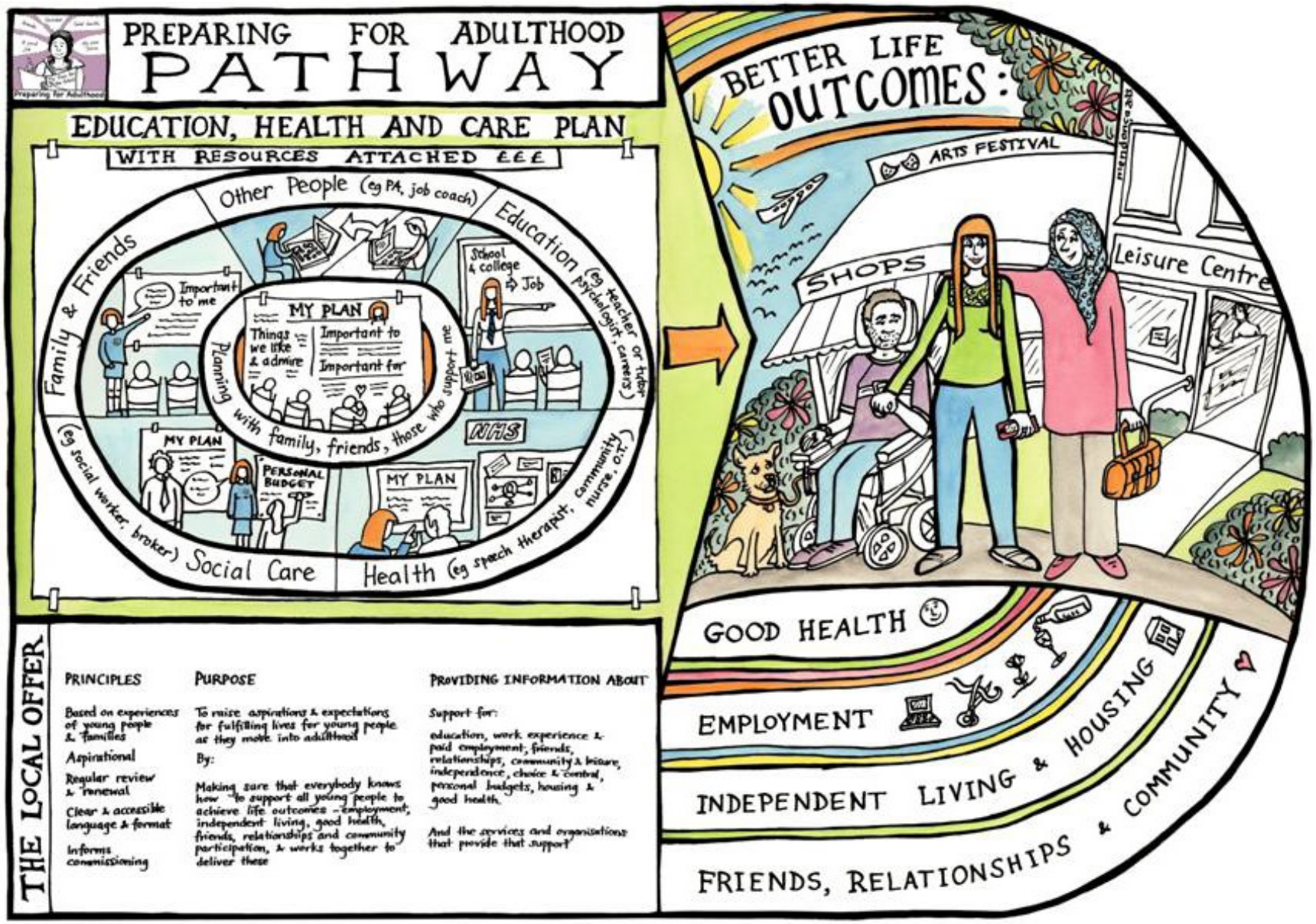
Matthew's Story

Matthew is a young adult who currently lives independently, with appropriate support, and has a job that he loves. From the age of 11 Matthew has been involved in a range of work experience, such as being given responsibility for delivering the post in his school. This experience has helped him to develop his confidence, social and communication skills, and has given him the opportunity to learn about different types of employment opportunities that he might want to do in the future.

As Matthew got older his school started working to develop person-centred approaches to planning. Matthew's mother immediately recognised the value in this approach and pushed for person-centred practice to be used to support planning in other areas of Matthew's life.

To ensure that Matthew was fully involved in this process, 4 planning sessions were held with his Transition Officer and facilitated by an outside agency who had expertise in person-centred planning. Matthew's aspirations were to live independently in his own home and to have paid employment in an office. It was vital to Matthew's preparation for adulthood that he was given information about what support he would be eligible for post-18 in order to plan for sustainable employment and to ensure the appropriate support would be available to enable Matthew to live independently. This involved considering whether he would still have a personal budget, would it be sufficient to employ a team of skilled people to support him with travel training, job coaching and to live independently and also developing appropriate housing options locally.

Matthew and his family worked with the local authority and the housing association to identify a suitable home for Matthew. The housing association then bought the house for him and another young man to live in along with a carer. This whole process took over 3 years and early, person-centred planning has been crucial to Matthew achieving his goals.


PREPARING FOR ADULTHOOD
PATHWAY
EDUCATION, HEALTH AND CARE PLAN
WITH RESOURCES ATTACHED £££
Other People (eg PA, job coach)
Education (eg teacher or tutor Psychologist, careers)
Family & Friends
Important to me
School & college
Job
MY PLAN
Things we like & admire
Important to
Important for
Planning with family, friends, those who support me
NHS
MY PLAN
PERSONAL BUDGET
MY PLAN
(eg social worker, broker) Social Care
Health (eg speech therapist, community nurse, O.T.)
THE LOCAL OFFER
PRINCIPLES
Based on experiences of young people & families
Aspirational
Regular review & renewal
Clear & accessible language & format
Informs commissioning
PURPOSE
To raise aspirations & expectations for fulfilling lives for young people as they move into adulthood
By:
Making sure that everybody knows how to support all young people to achieve life outcomes - employment, independent living, good health, friends, relationships and community participation, & works together to deliver these
PROVIDING INFORMATION ABOUT
Support for:
education, work experience & paid employment; friends, relationships, community & leisure, independence, choice & control, personal budgets, housing & good health
And the services and organisations that provide that support
BETTER LIFE OUTCOMES:
ARTS FESTIVAL
SHOPS
Leisure Centre
GOOD HEALTH
EMPLOYMENT
INDEPENDENT LIVING & HOUSING
FRIENDS, RELATIONSHIPS & COMMUNITY

The Preparing for Adulthood pathway builds on the Getting a Life Pathways, reflects the SEND reforms and shows how the Local Offer and EHC plan can help young people achieve fulfilling lives and good outcomes. Available from: www.preparingforadulthood.org.uk/pathway.

Joint Commissioning

What the law says:

Children and Families Act

- Integrate education, health and care services to promote wellbeing;
- Put in place joint commissioning arrangements including securing provision set out in EHC plans;
- Requirement to cooperate to meet EHC needs;
- Young people and families have a right to request a personal budget if they have an EHC plan;
- Right to request a direct payment.

Care Act

Ensure the integration of care and support with health provision and health-related provision where this would:

- promote the wellbeing of adults and carers;
- contribute to the prevention or delay of the development of needs for care and support;
- improve the quality of care and support for adults.

Duty to promote the efficient and effective operation of a market in services for meeting care and support needs, with a view to ensuring that any person in its area wishing to access services in the market:

- has a variety of providers to choose from who, collectively, provide a variety of services;
- has a variety of high quality services to choose from;
- has sufficient information to make an informed decision about how to meet the needs in question.

Requirement to cooperate with each of its relevant partners, and each relevant partner must cooperate with the authority, in relation to adults with care and support needs in its area;

- Care and Support plan for individuals over the age of 18 must include a personal budget;
- Right to request a direct payment.

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.

The Care Act also provides the legislative framework for the Better Care Fund, which includes existing NHS, and social care funding, that will now be jointly invested.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/270417/Factsheet_19_Better_Care_Fund.pdf

The Better Care Fund has a focus on ensuring that health and care and support work together to improve continuity of care, to deliver earlier intervention to support people to stay healthy and independent at home and to deliver person-centred care and support.

Both the Children and Families Act and the Care Act promote better choice and control over care and support for young people and families. The Children and Families Act provides young people and families the right to request a personal budget as part of an EHC plan. The personal budget could be made up of SEN, social care and/or health funding depending on eligibility. The Care Act requires local authorities to include a personal budget in the Care and Support Plan (Care element of an EHC plan) for individuals over the age of 18.

Personal budgets and personal health budgets can be taken in a variety of ways to suit the individual and their family (including direct payments), and budget holders should be offered a range of support to make these choices real.

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1. https://www.gov.uk/government/publications/national-framework-for-nhs-continuing- healthcare-and-nhs-funded-nursing-care

2. http://www.personalhealthbudgets.england.nhs.uk/

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;**

- **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.**

Eleanor's story

When Eleanor and her family started to plan for her post-16 education they continued to have high aspirations. They wanted to put together a week that was like that of any other 16 year old. The local authority agreed to create a personal budget made up of funding from education and social care. This funding provided Eleanor with the support she needed to take part in a Level 3 Health and Social Care course at her local sixth form college, a ceramics painting class, an adult education cooking class, music lessons, Girl Guides, swimming and laughter yoga.

Eleanor had a range of work placements, including visiting an elderly woman in her community who loves to sing. Eleanor's love of singing made it a particularly successful experience.

During the last year Eleanor and her mum, with one of Eleanor's assistants, have established a small cosmetics business, which means Eleanor holds parties and has stalls at various fairs and events. This development was based on Eleanor's interest in cosmetics and her love of being with people.

Eleanor's mum feels that having a support broker from the local authority to help put Eleanor's individual package and funding together was an enormous help. She suggests that people use the Getting a Life Pathways to support young people to prepare for adulthood. You can see the Pathways at: www.gettingalife.org.uk

Information, Advice and Support

What the law says:

Children and Families Act

- Duty to develop a Local Offer of services and support available across education, health and care from 0-25 for disabled children and young people and those with SEN and their parent carers;
- The Local Offer must be co- produced with disabled children and young people and those with SEN and their parent carers;
- IAS available through a single point of access which can signpost to other services and types of information;
- All information from both the Local Offer and the IAS service must be accessible.
- Duty on local authorities to review their local offer, publish comments that they receive on their local offer and publish their response to those comments.

Care Act

- Duty to establish and maintain a service to provide information and advice relating to care and support to individuals and relating to support for carers;

The service must provide information about:

- How the system operates in its area;
- The choice of types of care and support and choice of providers;
- How to access the care and support;
- How to access independent financial advice on matters relevant to meeting the needs for care and support;
- How to raise concerns about the safety and wellbeing of an adult;
- Provide sufficient information and advice to enable adults to plan for meeting care and support needs that may arise;
- Information must be accessible.

Accessible, good quality information, advice and support are vital to ensuring good outcomes for young people and their families. Existing Parent Partnership Services (www.parentpartnership.org.uk) provide impartial information, advice and support to parents and carers of children and young people with SEN. The Children and Families Act extends the duty on local authorities to provide information, advice and support on education, health and social care, both to the parents and carers of disabled children and young people and those with SEN and also directly to the children and young people themselves. Local authorities should ensure that the information, advice and support is available through a single point of access. Local authorities will be looking at how they can work with existing Parent Partnership Services in order to build and develop this single point.

The Care Act requires local authorities to establish and maintain a service which must provide information and advice relating to care and support for adults and support for carers. For young people aged 18-25 and their carers these services will overlap and in order to maintain the single point of access required in the Children and Families Act. Consideration should be given to how they can be aligned and whether there is scope for a service that is joint funded between children's and adults' services.

The Children and Families Bill also requires every local area to have a Local Offer, which will include the education, health and care services the local authority expects to be available to support disabled young people and young people with SEN aged from 0-25. There is a duty for local authorities to consult with young people, parents, schools, colleges and other services when developing the Local Offer.

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 ULOs 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.**

Key Resources

Care Act 2014

Factsheets on the Care Act: www.gov.uk/government/publications/the- care-bill-factsheets

Children and Families Act 2014.

Revision of the SEND Code of Practice Consultation: www.gov.uk/government/consultations/revision-of-the-send-code-of-practice-0-to-25- years

Preparing for Adulthood Resources

Delivering Support and Aspiration for disabled young people: www.preparingforadulthood.org.uk/resources/pfa-resources/delivering- support-and-aspiration

PfA Forum and FAQ documents: www.preparingforadulthood.org.uk/forum

PfA Blog: http://preparingforadulthood.wordpress.com/

PfA e-bulletin: www.preparingforadulthood.org.uk/what-we-do/best- practice-and-information

Wider Resources

SEND Information Packs: www.sendpathfinder.co.uk/infopacks/

The Local Government Association: www.local.gov.uk/care-support- reform

Personal Budgets and Supported Employment: www.bild.org.uk/our- services/events/working-together/

Transition Information Network: www.transitioninfonetwork.org.uk

Council for Disabled Children - Strategic Reform Partner: www.councilfordisabledchildren.org.uk/what-we-do/strategic-reform-partner- work

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Editor's Note

Readers might also be interested in the article from Rise Educational Advocacy on the importance of language and how we can move from 'acceptance' to 'appreciation'.

https://www.riseeducationaladvocacy.com/blog/A-Shift-from-Autism-Acceptance-to-Appreciation

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If you need help looking for services for an autistic child or adult, we will do our best to help. Click below for the Autism Placement Support Service.