

Integrated Transition Strategy for Young People with Learning Difficulties and/or Disabilities

September 2011

FOR CONSULTATION

1. INTRODUCTION

Transitions occur at various stages throughout life, from starting school, leaving primary school and starting secondary school, to preparing for independence and leaving home. The transition of young people with learning difficulties and/or disabilities from childhood through to adulthood is the focus of this strategy.

In Bromley we expect young disabled people to be able to maximise their potential, to live independently and to have the opportunity to have as many ordinary experiences as possible. This can include working, making and keeping friends, relationships and leisure activities.

Analysis of the future demand pressures over the next 10 years indicates an increase in both the number of young people with disabilities and in increase in their levels of need. Based on current data 305 young people will transition to adult services over the next 10 years. Over this time frame there are clear indications that not only the numbers but also the levels of need are increasing and the development of an integrated strategy that combines Social Care, Housing and Health provision is critical in helping to ensure that future services are able to meet this increase in service demand.

The overarching 'Improving Lives – Supporting Families: Disability Strategy for Children and Young People in Bromley' clearly identified amongst its key aims the improved transition planning for young people with learning difficulties and disabilities.

In light of these drivers a new Transition Strategy that reflects the future integrated state of commissioned service delivery to young people as they progress along the care pathway to adulthood is required.

The purpose of this strategy document is to ensure that children's and adults' services work together effectively to commission sufficient high quality cost effective services for young people with learning difficulties and /or disabilities as they transition from children's to adult services. The strategies main aims are to:

- ensure that adult and young people services have sufficient accurate information about children and young people to enable them to commission services going forward
- maximise the independence of children and young people so that when they become adults their reliance on services is minimised
- monitor the pathways of young people during transition years to enable accurate planning for individuals needs

Access to publicly funded care services is still based on meeting the Council's eligibility criteria (which in Bromley are substantial and critical need) and whilst this strategies focus is aimed at the cohort of young people who will

require adult services under Fair Access to Care Services (FACS) criteria those young people who will not meet FACS criteria will still be served by the principles outlined in Section 5 of this strategy.

This strategy considers:

- The context within which transition occurs and key legislative drivers
- pathways taken by the cohort of young people from children's to adults services
- maximizing independence of young people
- the collection of data to inform commissioning
- commissioning services for young people as adults
- key actions for development going forward

The strategy has been put together by officers from both Children's and Adults services, Health professionals and SEN schools and changes to improve working together have been made throughout the process.

2. WHAT DO WE MEAN BY TRANSITION

Transition for the purposes of this strategy is defined as the process that occurs when children move from children's services to adult services. This involves physical, emotional and psychological developments that are coupled with changes to roles and relationships with family and friends, care staff and the wider community.

This move is not restricted just to services provided by the local authority; it includes all agencies that provide services and support, which allow young people to have the opportunities to experience life as their peers do. Given the magnitude of factors that are involved, this particular transition can be a very uncertain time for young people and their families and needs particular attention from local agencies to ensure that the experience of transition is positive.

Transition planning is about planning for the whole child, and not about planning for the management of the disability. This requires all adults to ensure that the child is seen first, the disability second.

The transition of young people from childhood through to adulthood is the focus of this strategy. It will acknowledge the real challenges that families encounter in Bromley and nationally. It will also describe how, in Bromley, these challenges will be confronted and managed in ways that promote choice, participation and inclusion. Moreover this strategy is a strategy for Bromley, it involves all families, services and professionals, who care, work and engage with young people with complex needs.

Transitions occur at various stages throughout 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, embraced with enthusiasm and excitement about what happens next. 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 on offer. When it goes wrong families are left angry, upset and afraid for their children as they prepare for independence. These emotions can be heightened when the child or young person facing transition has complex needs

2.1 Other key factors influencing transition planning

The transition to adulthood covers every aspect of a young person's life and can be a challenge for service providers to get right. The transition process is spread out over a number of years and different services have different age and eligibility criteria for access to support to young people and their carers. For example, at the age of 16 or 17 a disabled young person will move from paediatric to adult health services while the age for moving to adult social services is 18. Young people who receive child and adolescent mental health services also move on to adult services at 18 if there is a need for continued support.

Independently of this, the young person will be moving through the different stages of education, considering opportunities post-16. Generally, adult social services have more stringent eligibility criteria for accessing support than children's services due to more limited resources. This can mean that valuable support is withdrawn as soon as the young person turns 18. Leisure services covers young people up to the age of 25, after which support to access services, such as transport, could be withdrawn.

The result is that during this difficult time of change, young people and their families have to deal with several new agencies and professionals to access support and services. An effective transition process would guide the young person and his or her family through these changes, mitigating the different criteria and processes of the various agencies involved in providing adult services.

This strategy will set out the plan that all agencies in Bromley will follow to ensure a successful transition for young people. By successful we mean that the transition to adult services takes full account of the views of young people and their parents, is well planned and co-ordinated and enables as seamless a transition as possible across organisational boundaries. A successful transition will also support independence, choice and improved outcomes. In Bromley we seek to support young disabled people to maximise their potential, to live independently and to have the opportunity to have as many ordinary experiences as possible. This can include working, making and keeping friends, relationships and leisure activities. All day-to-day experiences that non-disabled people take for granted.

3. THE CONTEXT

3.1 National Context

The transition process is governed by a complex web of legislation, statutory guidance, government policy and good practice guidance. When the Disabled Person's Act was introduced in 1986, transition was in the main a responsibility for education services, with limited input from health and social services. The Children Act 1989 and the NHS and Community Care Act 1990 required social services to take a more active role and introduced a requirement of multi-disciplinary assessments. More recent developments have brought services closer together, requiring a multi-agency approach to supporting disabled young people in all aspects of their lives into adulthood.

A significant Green Paper entitled "Support and Aspiration a New Approach to Special Educational Needs" was published in March 2011. The document advocates the concept of Education health and Social care Plans which would replace a statement and run from 0-25. The timescale for this development appears to be from 2014 and would clearly have a significant impact on this transition strategy.

Appendix 2 details the legislation and key drivers relating to the transition process.

3.2 Bromley Context

Recognising the importance of transition Bromley has improved its pathway services over recent years reflected in that out of 33 London Boroughs 3 are now at Development Stage 4 and 7 are at Development Stage 3 of which Bromley is one.

The Council, in conjunction with Bexley Council, have been approved SEN and Disability Green Paper pathfinder status in testing the following options:

- Personal budgets
- Banded funding
- Support to parents and young people

A key part of this pathfinder work focuses on exploring how the health reforms can be used to improve services for disabled children and young people and those with SEN. This will help to ensure a more strategic and informed approach to the needs assessment and commissioning decisions made for disabled children and young people and those with SEN Personal budgets – all pathfinders will be testing personal budgets across education, health and social care. There will be some links to the Personal Health Budget Pilot scheme, and we will be able to use direct payments for health on this pathfinder programme. This pathfinder project will be in conjunction with named voluntary/ community sector and parent partners.

The Children's Strategy, out for consultation in October 2011, references transition for Learning Difficulties and/or Disabilities (LDD) as it has been mentioned in a number of different inspection reports and with the transfer of LDD funding to the Council for Further Education it will become more high profile. The Children's Strategy is owned by the Children and Young people's Strategic Partnership and covers the period to 2014.

The Autism Commissioning Plan also has, as required by Statutory Guidance, has as a key objective the requirement that *"transitions from childhood to adulthood should be smooth and well co-ordinated"*. The needs of young people with autism will be reflected through this strategies action plan and will support delivery against the Autism Commissioning Plan objective.

Two Transition groups comprised of Children and Young People (CYP) and Adult and Community Services (ACS) social care professionals, CYP & ACS commissioning representatives, health partners, schools and family representatives meet to discuss both operational and strategic issues and identify where service improvements could be implemented.

The primary focus over the coming years will be to reduce our usage of residential services and replace them with person centred and more cost effective supported living opportunities. Alongside this are the refocusing of commissioned resources to support young people & their families through the transition process.

Work is being carried out to expand choice & opportunity in the market, reducing impact and reliance on funded services, increasing people's skills, independent travel and encouraging the accessing of mainstream services.

In order to maximise the levels of independence of children and young people on transition from school it is proposed that a pump primed project as part of the DOH funding bid will, for 2 years, identify and reduce the amount of expenditure that could be saved in adult services in the future through:

- Schools both in and out of borough identifying children and young people who have the capacity to achieve supported independent living so that services can work together to provide enhanced training
- Key workers are identified for these children and young people to work on specific targets to improve independence and ensure that these are built on when children and young people transfer to further education.
- Short breaks for adolescent children and young people will be commissioned and designed to maximise their level of independence
- The current pilot for independent travel will be increased and enhanced and the SEN transport policy will ensure that children and young people can be required to travel independently where appropriate

3.3 Health Context

An overview of the health context to be provided by the PCT.

3.4 Financial Context

With limited resources and competing demands, the Council will need to operate corporately, constantly keep under review the effectiveness of the organisation, and its investment in services and support. The actions proposed in this draft strategy will need to be met within existing or reduced resources.

A number of initiatives are planned (Department of Health Project) or underway (use of Care Funding Calculator, joint YPLA panel process) in order to manage the pressures of reduced financial parameters whilst meeting the increase in projected demands.

Currently the average net yearly cost for adult residential placements is £52k and the average net yearly supported living cost is £33k. Continued commissioning of supported living schemes, including collaborative development of specialist schemes aimed at high support needs within the Borough will obviously support the reduction in financial pressure.

4. THE TRANSITION PATHWAY

4.1 Current processes

All children and young people have a transition review at 14+ and each annual review of their Statement of SEN after that should build on what was discussed at this stage as the young person moves towards the end of their time at school. Whilst the SEN Green Paper proposes changes to the way in which children and young people are assessed and reviewed there will nevertheless always be a process to review a young person's needs at this age.

Local Authorities under Section 139a of the 2000 Act, have a duty to arrange for an assessment to be conducted of all children and young people who have a statement of special education needs that they expect to leave school to receive post 16 education, training or higher education. This applies whether the young person is in year 11, 12 or 13. It also applies whether the young person leaves school at the end of the academic year or in the case of young people over the age of compulsory schooling, at any point during the year. Statements of special education needs can last until a young person's 19th birthday and, as part of the funding agreement the YPLA has with local authorities, local authorities continue to fund statements past the 19th birthday if that allows the person to finish a course or an academic year that they would have to give up otherwise.

The S139a Assessment report should inform decisions about the type of education of training provision a person being the subject of such an assessment should receive. It should clearly identify their needs and the most appropriate provision that can actually and realistically be provided to meet them.

The cohort of children and young people who also have learning difficulties and/or disabilities and are likely to receive services as adults have their 139a assessment carried out by a specialist transition worker with the support of the joint transition post in special schools. The transition support worker has in the past been part of the Connexions Service but will now move to the SEN and Disabilities team which will improve co-ordination with social workers and with the SEN caseworkers. The 139a assessments are required to ensure funding from the YPLA for FE at an Independent Specialist College (ISP). This funding is provided via an Individual Learning Schedule (ILS) for each student.

The Transition Operational Group will devise a panel procedure to ensure that professionals from both adults and children's services understand and agree the next steps for young people post 19 which will maximise their independence. This will then be translated into the (ILS) ensuring that the appropriate provision for young person is commissioned from the ISP.

Children and young people with learning difficulties and/or disabilities enter Children and Young people Services at distinct points in their lives normally determined by the level and nature of their disability.

4.2 For children and young people with disabilities and complex needs.

children and young people with disabilities and complex needs known from birth or in infancy usually receive immediate family support from the early support service run by the Specialist Support and Disability Service (SSDS) based at the Phoenix centre. They then move in to pre school either at the Phoenix, Petts Wood Play Group for Special Needs or in a supported mainstream early years setting. These children are effectively tracked and monitored to enable education services to plan for their school provision. The SSDS includes social workers from the children with disabilities team and so they will be known to those services at that time but may not receive services until their families require short breaks or other benefits. The aim at this time is to provide sufficient services to enable children to remain in the borough when they reach school age.

At transition into school these children will receive a statement of SEN and be placed in either Marjorie McClure or Riverside Schools or one of the 16 units in mainstream schools which take children with complex needs. The SEN team hold a series of professionals meetings to ensure that there are sufficient places for children in the appropriate provision and again the aim is to ensure that as few children as possible require placements outside the

borough. Children attending Bromley's primary school units are likely to transfer to special school at 11+. They may go to the Glebe which only takes secondary age children or join the secondary school provision at Marjorie McClure or Riverside.

Some children whose needs cannot be met in Bromley special schools transfer to out of borough special schools either on a day or residential basis. This transition can occur at reception age but is more likely to occur during a child's school career when parents feel that Bromley provision no longer meets their child's needs. Every effort is made to maintain a child in Borough and referral to the Specialist Support and Disability panel is made to try and prevent the need for the child to move.

All these children will go onto require adult services at 18+. The young people's pathway is at this stage determined by a 139a assessment which is carried out for all young people with learning difficulties and/or disabilities and makes recommendations about their further education. At 16+ almost all these children will remain at special school at 19+ there are three distinct pathways. The most disabled young people may move into adult social care provision immediately often in a residential setting. This is a very small group who are thought not to be able to benefit from further education.

The majority of this cohort will move to Independent Specialist Colleges where the education is currently funded by the YPLA. They may also receive financial support from adult social services and/or health to meet their care needs.

A small number of the more able young people will attend discrete courses at mainstream further education colleges.

4.3 For children and young people with learning difficulties and/or autism

This cohort of children is usually identified shortly after they have started school. They may not have attended pre school provision or their difficulties may only become apparent when they fall behind in their learning or have difficulty conforming to the behaviour required in a mainstream classroom. Where the support required is considered to be beyond what a school could reasonably be expected to provide from within its own resources they will be assessed and ultimately receive a statement which will in most cases include funding to provide additional support but in some cases requires a change of placement to special school or unit. Every attempt is made to keep these children in Bromley schools. These children are less likely to meet the threshold for adult services.

At transition to secondary school most will remain in mainstream education with support but some may then move to a special school usually the Glebe. At 16+ some young people transition to further education colleges or other training providers again this will be determined by their 139a assessment. Those who do not leave school at this age remain in sixth form provision

either in mainstream education or at the Glebe. At 19+ children leaving education from the Glebe usually transition to Bromley College's discrete course but as this cohort becomes more complex they will increasingly require more specialist provision and may move to Independent Specialist Colleges. A section 139a assessment is used to determine the most appropriate route. These children have a community care assessment at this time and are more likely to meet the threshold for adult services.

5. MAXIMISING THE OPPORTUNITIES FOR INDEPENDENCE

The aims of this section of the strategy are to ensure that:

- all children and young people achieve maximum independence before leaving school
- services commissioned for children and young people post 16 and/or post 19 are required to maximise young people's independence in preparation for adulthood
- transition planning for children and young people is used to inform the development of adult services which meet their needs.

5.1 The Current Position

Bromley currently has 3 special schools for children and young people with learning difficulties and/or disabilities all 3 schools have received outstanding status from OfSTED. All 3 schools have sixth form departments where children and young people have a varied curriculum covering academic subjects as well as improving independence. There is also a joint post across the schools to work with the local authority on transition issues and introduce person centred planning.

There are a large number of children and young people attending special schools outside Bromley. In the cohort of children and young people who would fall into the category of learning difficulties and/or disabilities the % going to schools outside the borough is slowly decreasing.

There is a shared overnight stay facility (Wood Lodge Living Skills Centre) where young people from the boroughs special schools receive training and support in life skills to maximise independence. There is a short break facility at Hollybank jointly funded and commissioned by the Council and the PCT, which is managed by Bromley Health Care. There are plans to develop additional residential short break facilities targeted at adolescents with complex (autism/challenging behaviour) support needs.

Short break services, including after school and weekend activities, have increased extensively over the past 2 years with additional grant funding. There are proposals for this funding to continue until at least 2015. The Hawes Down Children and Family Centre has facilities and resources for adolescents with learning difficulties and/or disabilities to have short break activities in an inclusive environment.

Whilst some young people travel to school in Bromley independently or receive travel training the majority receive transport to school. An independent travel training programme is currently being piloted and there are plans to extend it further. Children who attend out of borough schools on a daily basis almost always receive door to door transport.

5.2 Services commissioned for children and young people post 16 and/or post 19 are required to maximise young people's independence in preparation for adulthood

On leaving special school most children and young people with learning difficulties and/or disabilities, who would later be eligible for adult services, transfer to ISPs. Most ISPs are residential however a small number of children and young people attend Nash College in Bromley each year on a daily basis. A further cohort attend Bromley College however only a small proportion of these children and young people would be eligible for adult services.

As explained above each children and young people has an ILS which enables their placement to be funded through the YPLA. It is proposed that when approving placements at colleges each individual learner schedule must have an identified plan to improve independence and prepare the children and young people for adulthood. The transition service will work with the SEN team to develop a methodology for monitoring this plan. If funding is available the plan could then be monitored by key workers visiting colleges and ensuring that young peoples independence is being maximised and that adult services are aware of the current levels of need of the young person before they return Bromley. The aim would be to increase year on year the percentage of young people leaving ISPs and being supported in independent living settings.

The outcomes delivered from these placements are reviewed annually and where an ISP college is found not to be maximising the young person's independence the learning difficulties and/or disabilities commissioner within children's services will intervene and in extreme cases the college may not continue to be commissioned.

The Council is seeking ways of increasing the level of suitable education placements in borough, providing choice and allowing young people to participate in their community and prepare more successfully for adulthood. The majority of Bromley learners have an aspiration to live close to, but independently from their families following the completion of their formal education and seek supported living arrangements.

This strongly aligns with the remit of Adult Social Care in supporting young people to develop independent living skills within the community in which they will live following their education placement.

5.3 Transition planning for children and young people is used to inform the development of adult services which meet their needs.

Bromley Special Schools are audited on an annual basis by the Complex Needs Team. The information gained from this audit will be developed so that it can capture the following information that can be used to develop adult services.

There are currently a large number of children and young people in out of borough placements. Children's services has a plan to reduce this number as a percentage of children with statements however in the meantime a system will be developed to ensure that we have as robust an indication of numbers and levels of needs in these schools.

6 LOCAL POPULATION DATA

Analysis of the future demand pressures over the next 10 years indicate an increase in both the number of Young People with disabilities and in increase in their levels of need.

Table 1 – Numbers of YP with disabilities reaching 18 by calendar year.

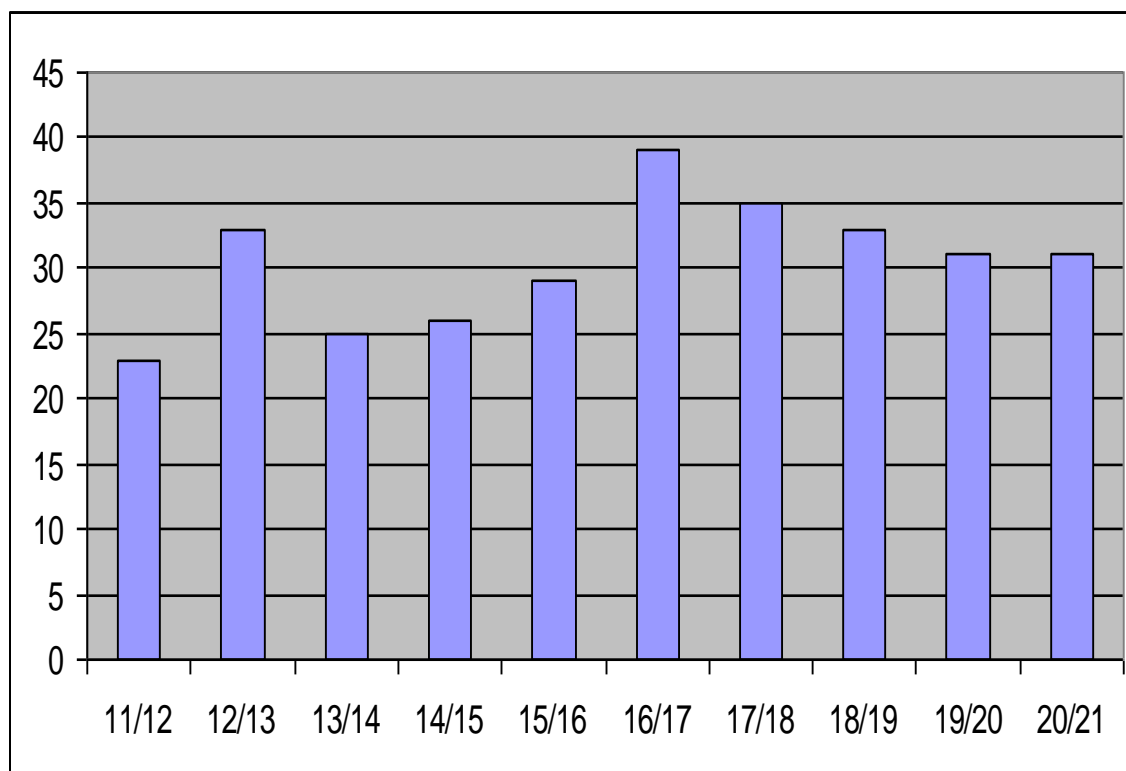
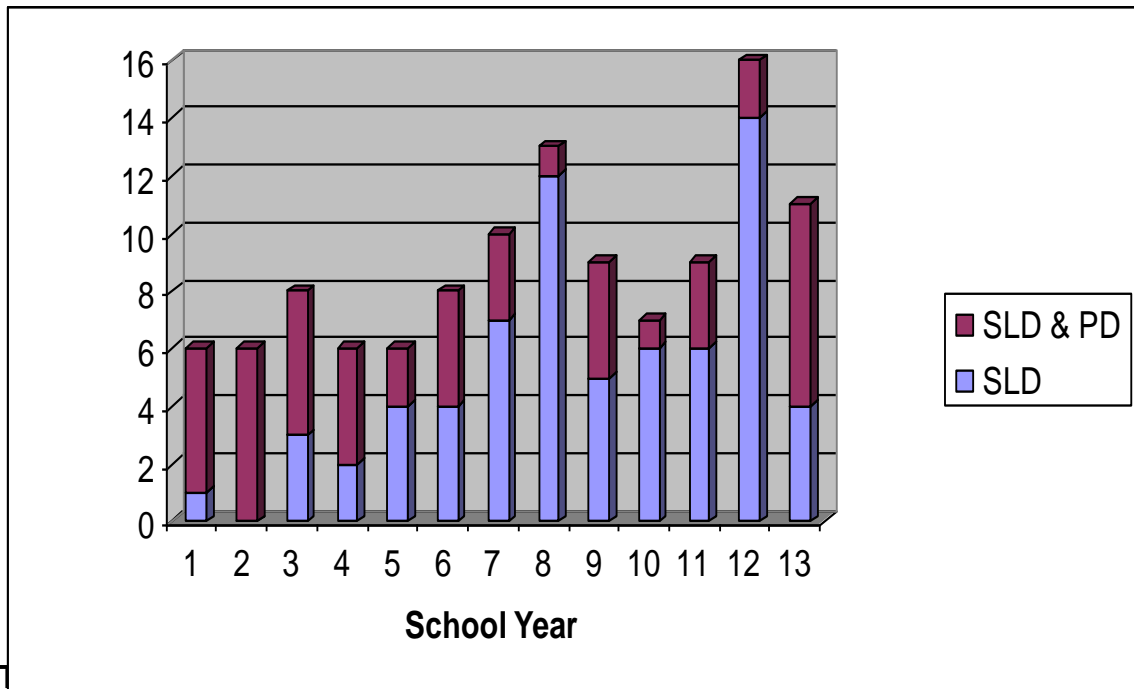
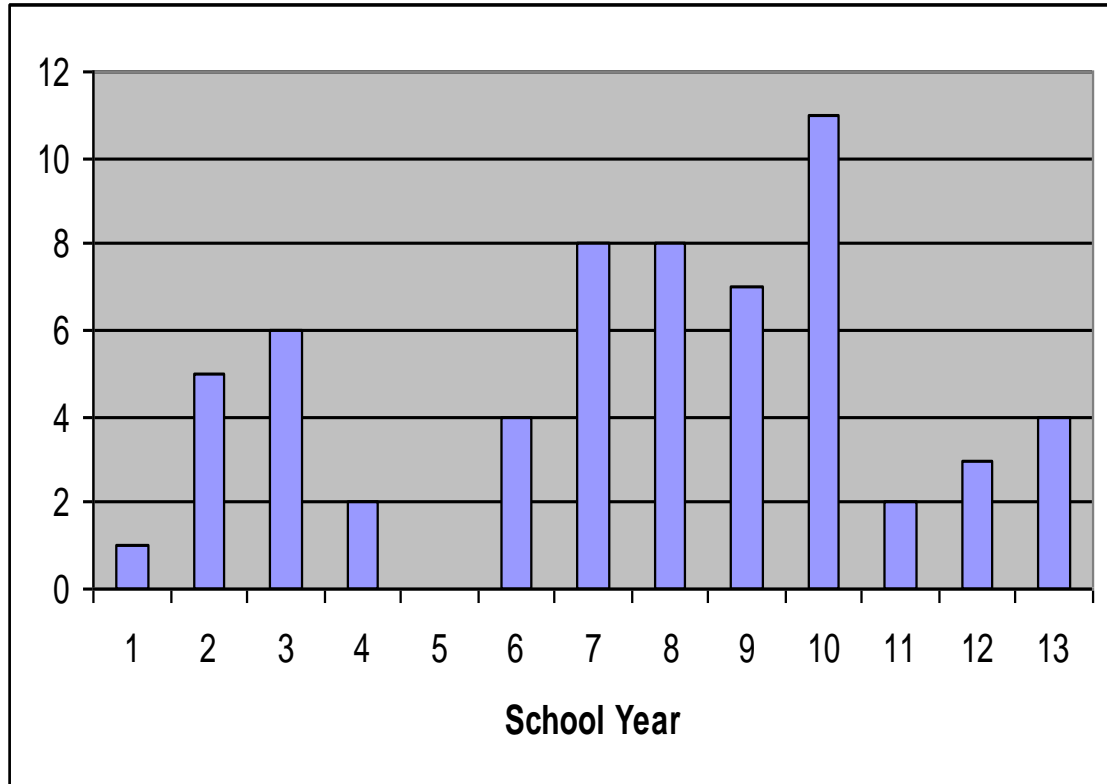


Table 2 – Detailed analysis of young people at Riverside School by level of needs and current school year. (SLD = severe learning disability; PD = physical disability)



Disability, Medical Needs & Learning Disability) at Marjorie McClure School



(Note: Other LA placed YP removed from year data)

Future data analysis will be drawn from Bromley Special School audits, YPLA placements, SEN financial data, Adult Social Care financial data and Bromley Specialist placement audits.

A mapping exercise to link SEN audit criteria to Adult thresholds will be carried out to improve forecasting and identification of both trend patterns and individual needs.

This data is used to inform current and future commissioning plans for the development of services. For example by Adult Services in discussions with Housing colleagues in order to ensure that supported living developments will be able to accommodate the physical needs of future tenants.

6. STRUCTURE TO DELIVER THE STRATEGY.

Following consultation and review of the aims of this strategy an action plan will be developed that will be owned by the Transition Strategy Group at a strategic level.

Transition Operational Group will have responsibility for ensuring that those actions with an operational focus are delivered on.

Partnership arrangements with external providers across all service areas are paramount to the successful development and delivery of this strategy. The Learning Disability Partnership Board, through its Young People's Group will ensure that direct client engagement with both the consultation process, development of the action plan and its ultimate delivery occurs.

Underpinning the action plan will be a number of key principles, namely:

- Commitment by senior managers of all agencies to ensuring that priority is given to transition planning and the allocation of resources to ensure successful transition
- That strategic planning and commissioning of adult services is informed by an analysis of transition needs of the cohort of young people from 14yrs onwards receiving support from children's services and who will be requiring services from adult health and social care within 5 years. Strategies and actions will be underpinned by good financial planning and the range and quality of services commissioned and outcomes for young people are systematically monitored.
- That clear systems and processes that support the monitoring and management of transition planning and care across agencies at an individual, operational, managerial and strategic level.
- That there is a person centred/support planning approach that includes:

Person centred/support planning methods and processes to create integrated transition plans

The promotion of direct payments

A focus on achieving outcomes, improving, supporting independence and reducing reliance on direct funded services.

- That there is regular monitoring and follow up to ensure that plans and services at all levels remain appropriate and deliver the desired outcomes.

Appendix 1

Action Plan

The Action Plan for implementation of the Strategy will be defined by the Governance Structures detailed above and the outcomes of the consultation process.

Appendix 2

Legislation and key drivers

There are many laws and regulations relating to the rights of disabled people and the duties of public bodies to meet these rights. The overall role of the laws governing service provision for disabled people is to support young adults to live independent and fulfilled lives. Under the Children Act 1989, local authorities are required to take into account the young person's needs, wishes, and preferences when planning services. This Act also sets out the formal complaints procedure by which a young person, or their carers, can challenge a decision made by a public body.

The Chronically Sick and Disabled Person's Act 1970 (now incorporated into the NHS and Community Care Act 1990) lists services that local authorities must make available to disabled children and adults, such as short breaks, day activities, equipment, adaptations etc. There are some overlaps with the Children's Act 2004, but when a service can be provided under both Acts, it is provided under the 1970 Act as this is the more enforceable duty.

The recent Equality Act 2010, incorporates the previous Disability Discrimination Acts of 1995 and 2005 but they are still described here as important pieces of the overall legislative puzzle.

Other laws directly effecting transition are the Learning and Skills Act 2000 and the Apprenticeships, Skills, Learning and Children Act 2009, both regulating support to access post-16 education and training, and the Children Act 2004 which established a requirement on children's authorities to make arrangements to cooperate with relevant partners to deliver services to children and young people in their area. Failure to undertake proper transition planning, resulting in for example that services are disrupted or delayed, could constitute maladministration and make a public body liable to paying compensation.

The Acts presented below is a selection of legislation relevant to this strategy.

Legislation	Policy and Guidance
<ul style="list-style-type: none">• Local Government and Housing Act 1986• Children Act 1989 and 2004• NHS and Community Care Act 1990• Disability Discrimination Act 1995 and	<ul style="list-style-type: none">• SEN Code of Practice 2001• Assessment of Young People with Learning Difficulties and Disabilities (Connexions) 2004• Removing Barriers to Achievements – SEN Strategy 2004• National Service Framework for

2005

Children, Young People and Maternity Services 2004 (Standard 8)

- Education Act 1996
 - Housing Grants, Construction and Regeneration Act 1996
 - Learning and Skills Act 2000
 - Carers and Disabled Children Act 2000
 - Children (Leaving Care) Act 2000
 - SEN and Disability Act 2001
 - Health and Social Care Act 2001
 - Carers (Equal Opportunities Act) 2004
 - NHS Act 2006
 - Education and Inspection Act 2006
 - Apprenticeships, Skills, Learning and Children Act 2009
 - Equality Act 2010
- Improving the Life Chances of Disabled People 2005
 - Youth Matters 2006
 - Our Health, Our Care, Our Say: A New Direction for Community Services 2006
 - Valuing People: A New Strategy for Learning Disability for the 21st Century 2001 and 2008

Brief descriptions of how each of these laws and policy documents relates to the transition process are set out below. All of the policy and guidance documents were issued under the previous Government and may be subject to change. A consultation on changes to special educational needs policy has recently been conducted by the current Government.

Local Government and Housing Act 1986

Local authorities housing and social services are legally obliged to work together to draw up community care plans and promoting community care. This covers housing provision to disabled young adults through special needs housing, mainstream housing, home adaptations and advice.

Children Act 1989 and 2004

Provides the framework for social care services for children and young people with learning difficulties and disabilities. This includes the need for the views and interests of children to be taken into account when making decisions that affect them. The Children Act 2004 introduces the legal framework underpinning the Every Child Matters programme. It introduces a duty on agencies providing services to children to work together to improve physical and emotional health. This requirements is extended to 19-25 year olds who have a learning disability and are receiving services under the Learning and

Skills Act. The Children Act 2004 also introduces new roles such as Key Worker and Lead Professional.

NHS and Community Care Act 1990

Incorporates the Chronically Sick and Disabled Persons Act 1970. Under this Act, local authorities are required to publish a plan for the provision of Community Care services in their local area. Local authorities are required to assess an individual's needs for services, if such a need appear to exist.

Disability Discrimination Act 1995 and 2005

The 1995 Act established in law services to be provided in a non-discriminatory way and to make reasonable adjustments to enable disabled people to access services. The 2005 Act placed a requirement on public authorities to actively promote equality for disabled people.

Education Act 1996

Specifies the process whereby parents can request that the local authority conducts a statutory assessment of learning support, and if there is a need, issue a SEN statement. Appeals against the local authority's decision to make an assessment and whether to draw up a statement can be made to the Special Educational Needs and Disability Tribunal.

Housing Grants, Construction and Regeneration Act 1996

Requires housing authorities to deal with alterations to homes, by providing disabled facilities grants, to help disabled people with daily living.

Learning and Skills Act 2000

Section 140 of this Act places a duty on the Secretary of State to make arrangements for the assessment of disabled young people when they are undertaking post-16 education, training or higher education. Recent legislative changes passed the responsibility for the assessments to local authorities. The Act also sets out the reasons for seeking a specialist residential placement.

Carers and Disabled Children Act 2000

Requires local authorities who receive a request for a carer's assessment to assess the carer's needs and provide services they think are appropriate to support the carer to continue in their caring role. The services may be physical help or other support.

Children (Leaving Care) Act 2000

This Act amends previous provisions set out in the Children Act 1989 for care leavers, and its purpose is to improve the life chances of young people living

in, and leaving, local authority care. The Act gives care leavers an entitlement to an assessment, a Pathway Plan and a personal adviser to help the young person to successfully leaving care and continue to receive support during the transition process to adult life.

Special Educational Needs and Disability Act 2001

Amends both the Education Act 1996 and the Disability Discrimination Act 1995 and applies to both pre- and post-16 education. It requires institutions to make reasonable adjustments to ensure that a disabled student is not placed at a substantial disadvantage.

Health and Social Care Act 2001

Section 57 covers direct payments and extends their use to disabled young people aged 16 and 17.

Carers (Equal Opportunities Act) 2004

Introduces a legal obligation on social services to inform carers of their rights. It allows social services to ask housing, health and education authorities, as well as other local authorities for help to support carers, and ensures that work, lifelong learning and leisure are considered as part of a carer's assessment.

NHS Act 2006

This Act places a duty on Strategic Health Authorities, Primary Care Trusts, NHS Trusts and NHS Foundation Trusts to involve and consult with persons, or their representatives, who are receiving health services for which these bodies are responsible.

Education and Inspection Act 2006

Amends the Education Act 1996 and places a duty of local authorities to improve the well-being of young people 13-19 (and up to 25 for those with learning difficulties) by providing access to sufficient educational and recreational leisure-time activities and facilities. Local authorities are expected to make arrangements to facilitate access, including providing information, financial assistance and transportation. Local authorities must consult with young people on existing provisions and take their views into account.

Apprenticeships, Skills, Learning and Children Act 2009

The Act dissolves the Learning and Skills Council and redirects funding to local authorities to secure education and training for all 16 to 19 year olds. Learners with a 139A Learning Difficulty Assessment will be funded by their local authority until they are 25. Local authorities must consider the transport needs of young disabled people aged 19-25 when providing education and training.

Equality Act 2010

Aims to protect disabled people and prevent disability discrimination. It provides legal rights for disabled people in the areas of employment, education, access to goods, services and facilities including transport services, buying and renting land or property. The Equality Act also provides rights for people not to be directly discriminated against or harassed because they have an association with a disabled person. This can apply to a carer or parent of a disabled person. This Act brings together several pieces of equality and discrimination legislation and replaces much of previous anti-discrimination laws such as the Disability Discrimination Act 2005.

Key government policy and guidance

Policy and statutory guidance relating to disabled young people have in recent years been designed to move away from a service focussed, silo mentality to a person-centred, multi-agency approach. Services should be designed to support the individual person's and family's needs and aim to promote independence and offer real choices for the young person. The Government's recent paper on their vision for adult social care echoes this approach and is based on the principles of prevention, personalisation, partnership, plurality, protection, productivity and people.

While some of the documents below are prescriptive and others more general guidance, they all have in common the purpose of improving the experience of transition into adulthood and tailoring support to individual circumstances.

SEN Code of Practice 2001

This Code of Practice sits under the Education Act 1996. It describes the annual review process from year 9 and the place of the transition plan within that process. It sets out the roles of social services, health services and Connexions in relation to transition. It recommends that the Pathway Plan, Transition Plan and Connexions Personal Action Plan should be one document.

Assessment of Young People with Learning Difficulties and Disabilities (Connexions) 2004

Includes guidance on how to carry out the Section 140 (Learning and Skills Act 2000) assessments to link them with the context of wider transition planning. It highlights the need to carry out assessments on both those with a statement and those with special educational needs without a statement.

Removing Barriers to Achievements – SEN Strategy 2004

A Government strategy making a commitment to work across departments to improve the quality of transition planning, setting national standards for health

and social care and work with the Connexions service to expand opportunities for education and training and the transition to work.

National Service Framework for Children, Young People and Maternity Services 2004 (Standard 8)

This ten year programme aims to stimulate sustained improvement across all services in children's health. Section 7 of Standard 8 describes key elements to successful transition planning. It highlights the importance of a multi-agency and multi-disciplinary approach focussed on the hopes, dreams and potential of the young person.

Improving the Life Chances of Disabled People 2005

This Government report sets out the vision “by 2025, disabled people in Britain should have full opportunities and choices to improve their quality of life, and will be respected and included as equal members of society”. It sets out three key elements needed to achieve successful transition into adulthood: Planning focussed on the individual's needs; continuous service provision; and, access to a more transparent and appropriate range of opportunities and choices.

Youth Matters 2006

Sets out the Government's plans for the future of information, advice and guidance for all young people, with targeted support for those with complex needs. It sets out how local authorities will work with all relevant partner agencies to develop a more personalised, integrated and efficient support for young people.

Our Health, Our Care, Our Say: A New Direction for Community Services 2006

This Government White Paper gives Directors of Adult Care Services a key role to play in ensuring that arrangements are in place to support disabled young people during the transition process from children's to adult services, working in cooperation with Directors of Children's Services.

Valuing People: A New Strategy for Learning Disability for the 21st Century 2001 (updated 2008)

Sets out the key principles for services as Rights, Independence, Choice and Inclusion. The main objective during the transition period is to ensure continuity of care and support to the young person and their family, and to enable as many young disabled people as possible to participate in education, training or employment. Building on this strategy, the Government published in 2008 Valuing People Now, which further emphasises a person centred approach in supporting disabled people.

