

Transition & SEND – Growing up and moving on

Hot Topic Session #1

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An overview of transition in the SEND context

- Children and Families Act 2014- the impact of SEND to age 25.
- The challenges around seeking to end a EHCP at age 18
- Legal challenges – more Judicial Review as well as First Tier Tribunal appeals
- What do the SEND regulations say around transition ?
- How does this fit into the aspired stages of adulthood-leaving school; leaving home; into employment; entering into conjugal relationships; having children?

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Phase transfer transitions

Transition in a SEND sense not just at 16/18/25....!

- Early years setting to school
- Infant school to junior school
- Primary school to middle school/secondary school
- Middle school to secondary school, or
- Secondary to a post-16 institution. .

[Regulation 2, The Special Educational Needs and Disability Regulations 2014](#)

Phase Transfer Reviews

- where a child or young person is **within 12 months of a transfer between phases of education**, the local authority must review and amend, where necessary, the child or young person's EHC plan before—

(a) **31 March** in the calendar year of the child or young person's transfer from secondary school to a post-16 institution; and

(b) **15 February** in the calendar year of the child's transfer in any other case,

and where necessary amend the EHC plan so that it names the school, post-16 or other institution, or type of school or institution, which the child or young person will attend following that transfer.

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How does a
move to adult
services change
things?

Transition to adult health services

- This can represent a time of real anxiety for families and contention.
- Is a real pinch point for commissioning as the adult service provision often does not match children provision and SEND provision to age 25 so a meeting of two differing frameworks and provision structures.
- Produces a great deal of legal challenge and dispute inter agency.
- If a child has needs but does not have an EHC Plan, transition happens in a straightforward fashion.
- If a child has an EHC Plan regard has to be had to transition process under the SEND regulations as well as the usual transition arrangements for transitioning over to adult services.

The Care Act 2014

- Local authorities **and their partners** must co-operate in the provision of adult care and support in promoting the individual's wellbeing.
- The transition from children's to adult services needs to be well managed.
- Important to consider ways of supporting carers.

What do you think are key principles for an effective transition?

A non-exhaustive list...

- Establish good communication across all relevant agencies involved.
 - Information sharing.
- Timely communication and MAT working - identify and plan for (changing?) needs.
- Take the setting with you – insofar as possible.
- Support parents, carers and the CYP to understand the changes in rights including as the YP attains adulthood.
- Support to parents for joint conversations regarding any emerging concerns/new determinants.
- Avoidance of cliff-edge.

Transition to adult services

- Young people with SEND turning 18, or their carers, may become eligible for adult care services regardless of whether they have an EHC Plan or whether they have been receiving care services under s.17 Children Act 1989.
- The Act sets out the requirements on local authorities when young people are approaching or turn 18 and are likely to require an assessment for adult care and support.
- For those already receiving support from children's services, the Act makes it very clear that local authorities must continue to provide children's services until adult provision has started.
- CC guidance suggests planning should begin where child reaches 14.
 - At 14 y.o. YP should be brought to attention of ICB as likely to need assessment for CHC.
 - 16-17 y.o. screening for CHC should be undertaken using adult screening tools.
 - 18 y.o. full transition to adult CHC or to universal and specialist health services.

Transition for young people with an EHC Plan

- The local authority should ensure that the transition to adult care and support is:
 - well planned;
 - is integrated with the annual reviews of the EHC plans; and
 - reflects existing special educational and health provision that is in place to help the young person prepare for adulthood.
- As with EHC Plan development in general, transition assessments for adult care and support must involve the young person and anyone else they want to involve in the assessment.
- Transition assessments must also account for the outcomes, views and wishes that matter to the young person – much of which will already be set out in their EHC Plan.

Transition for young people with an EHC Plan

- Assessments for adult care or support must consider:
 - current needs for care and support
 - whether the young person is likely to have needs for care and support after they turn 18, and
 - if so, what those needs are likely to be and which are likely to be eligible needs?
- Local authorities can meet their statutory duties around transition assessment through an annual review of a young person's EHCP that includes the above elements.

Continuity of provision

- Under no circumstances should young people find themselves suddenly without support and care as they make the transition to adult services.
- For the most part, transition to adult services for those with EHC plans should begin at an appropriate annual review and in many cases should be a staged process over several months or years.
- The Care Act 2014: LAs must continue provision of children's services until a conclusion is reached about CYP's situation -> adult.
 - LA *can* also *decide* to continue to provide care and support from children's services after the YP turned 18.
 - Until the EHC Plan is no longer maintained.
 - When EHC Plan ceases or a decision is made that children's services are no longer appropriate, must have continuity of provision (as above).

How effective are transition arrangements in your area?

| Any questions?

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