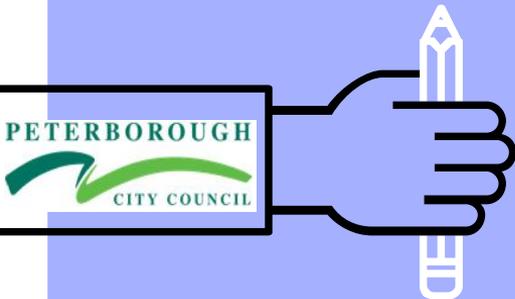
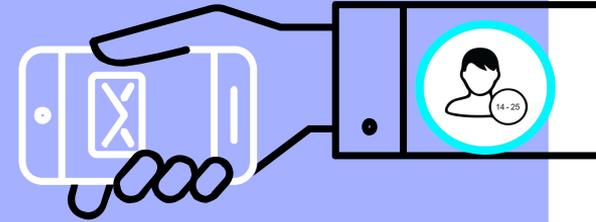
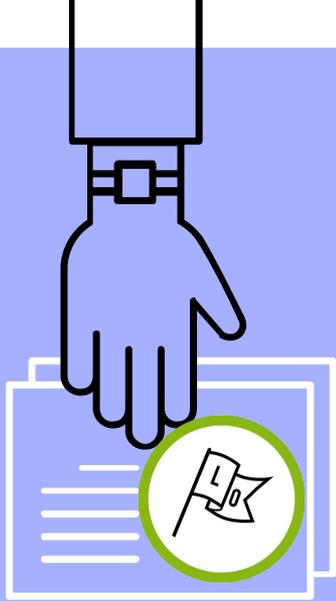
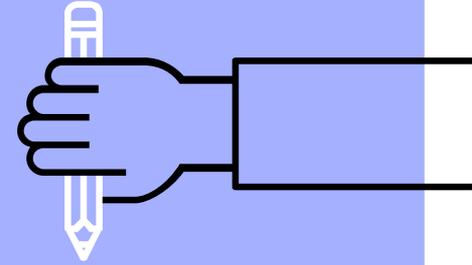
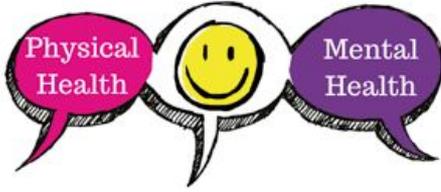


# Special Educational Needs and Disability Transition to Adulthood





Children and Families  
Act 2014

# A Parent's Guide



# Contents

- ▷ Change of Legal Status
  - Mental Capacity Act
  - Power of Attorney
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  - Mental Health Act
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- ▷ Education at 16-18
- ▷ Money and Benefits
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# Change of Legal Status

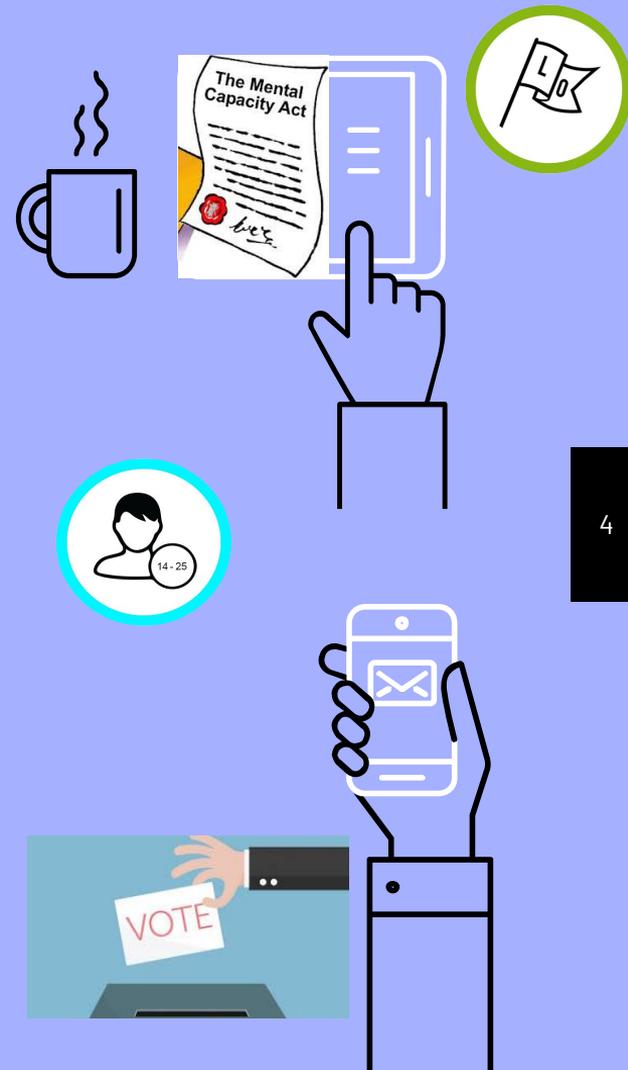
At the age of 18 there are changes for your young person in respect of their Legal Status. They legally become an adult.

## Mental Capacity Act

The Mental Capacity Act (MCA) is designed to protect and empower people who may lack the mental capacity to make their own decisions about their care and treatment. It applies to people aged 16 and over.

It covers decisions about day-to-day things like what to wear or what to buy for the weekly shop, or serious life-changing decisions like whether to move into a care home or have major surgery. Examples of people who may lack capacity include those with:

- Dementia
- A severe learning disability
- A brain injury
- A mental health illness
- A stroke
- Unconsciousness caused by an anaesthetic or sudden accident



# Change of Legal Status

## Mental Capacity Act (continued)

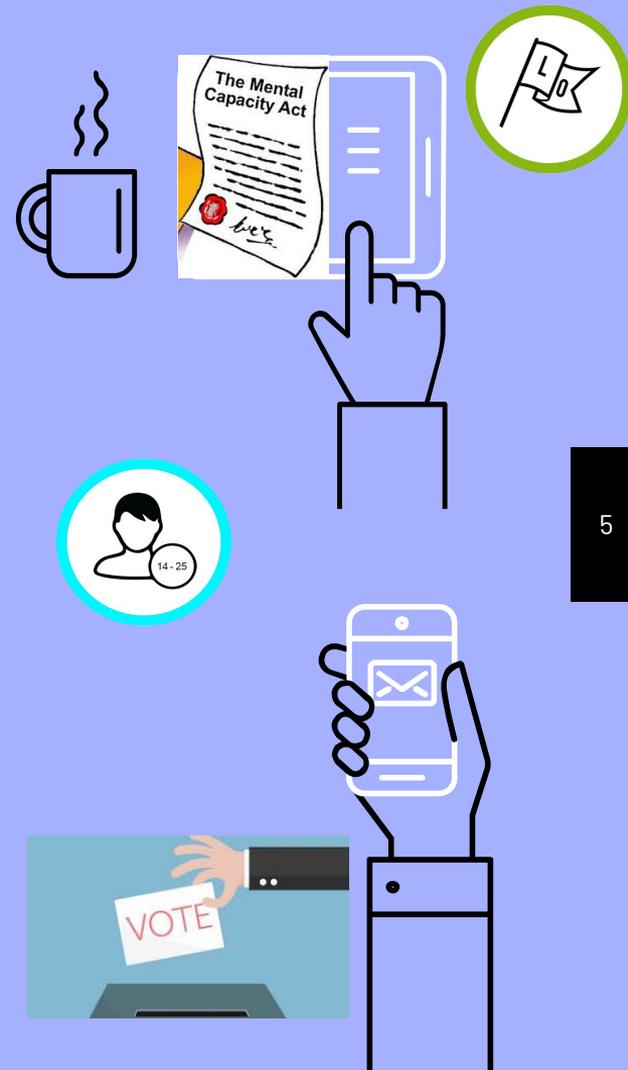
Someone can lack capacity to make some decisions (for example, to decide on complex financial issues) but still have the capacity to make other decisions (for example, to decide what items to buy at the local shop).

The Mental Capacity Act says:

- assume a person has the capacity to make a decision themselves, unless it's proved otherwise
- wherever possible, help people to make their own decisions
- don't treat a person as lacking the capacity to make a decision just because they make an unwise decision
- if you make a decision for someone who doesn't have capacity, it must be in their best interests
- treatment and care provided to someone who lacks capacity should be the least restrictive of their basic rights and freedoms

You can find out more at

**[www.nhs.uk/conditions/social-care-and-support-guide/making-decisions-for-someone-else/mental-capacity-act/](http://www.nhs.uk/conditions/social-care-and-support-guide/making-decisions-for-someone-else/mental-capacity-act/)**



# Change of Legal Status

## Become an appointee for someone claiming benefits

If someone who is over 16 lacks capacity to manage their finances, you can apply for the right to deal to deal with their benefits for them. This is called appointeeship.

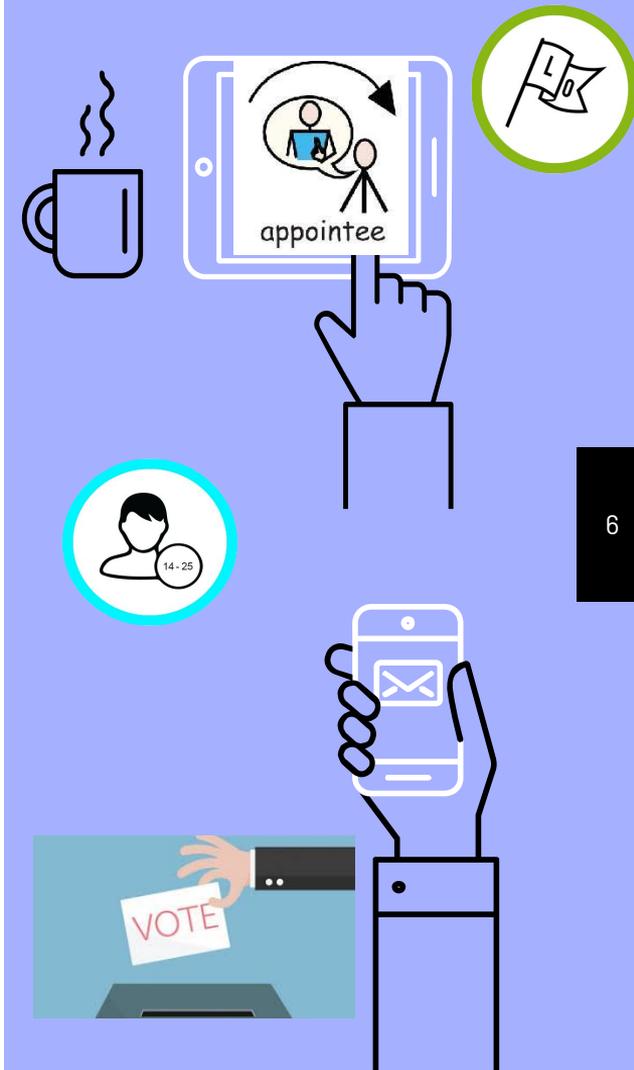
Only one appointee can act on behalf of someone who is entitled to benefits (the claimant) from the Department for Work and Pensions (DWP).

An appointee can be:

- ▶ individual appointees, such as a friend or relative
- ▶ corporate appointees, such as a solicitor or local council

You can find out more at

[www.gov.uk/become-appointee-for-someone-claiming-benefits](http://www.gov.uk/become-appointee-for-someone-claiming-benefits)



# Change of Legal Status

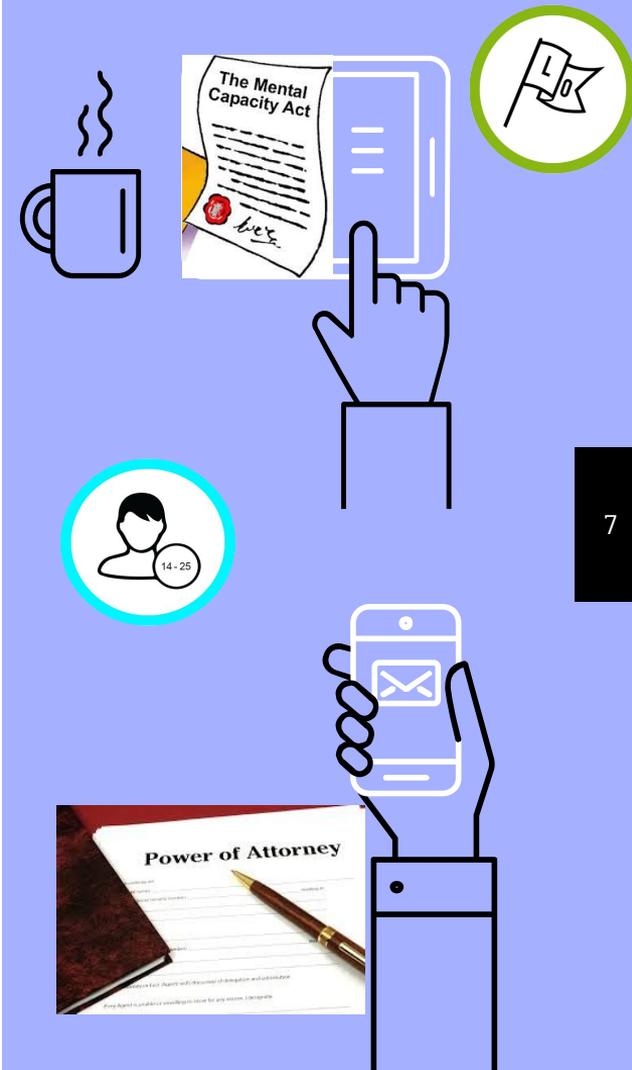
## Power of Attorney

A lasting power of attorney is a legal document that lets your young person appoint people to make decisions on their behalf if they became unable to make their own decisions. It can be about finances or about health and social care.

Your young person must be 18 or over and have the ability to make their own decisions when they make the lasting power of attorney. If they do not have mental capacity you may need a court-appointed deputy.

A deputy is someone appointed by the Court of Protection to make decisions for someone who is unable to do so alone. They are responsible for doing so until the person they are acting for dies or is able to make decisions on their own again.

You can find out more at [/www.gov.uk/power-of-attorney](https://www.gov.uk/power-of-attorney)



# Change of Legal Status

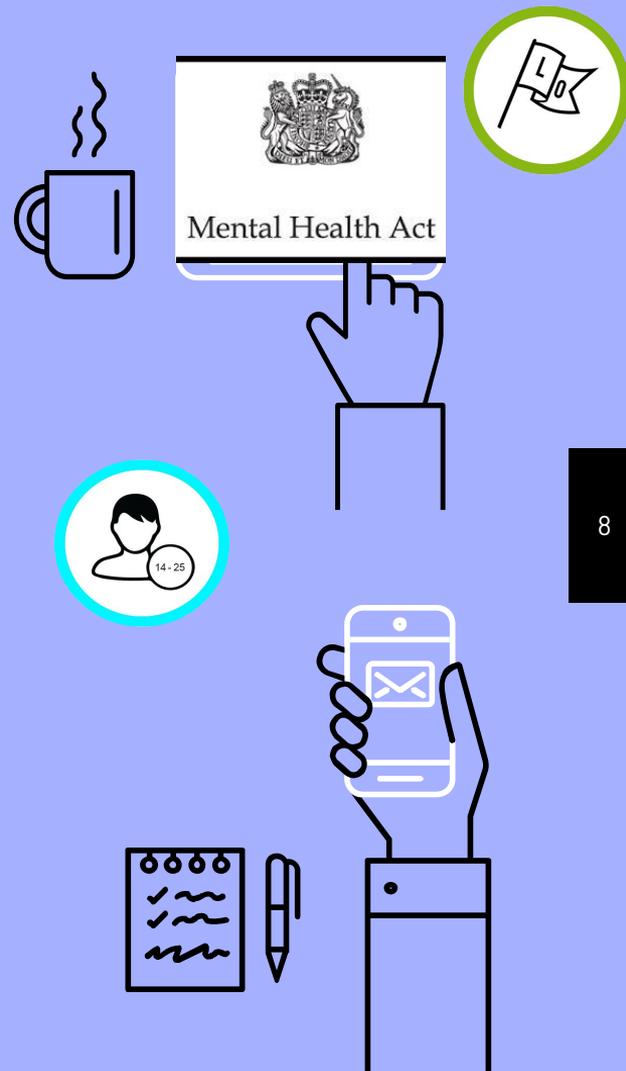
## Mental Health Act

The Mental Health Act is a law that can be used to provide support and treatment to people with a diagnosed mental illness.

Being detained (also known as sectioned) under the Mental Health Act is a legal process that starts when an approved mental health practitioner has assessed that you are not safe to be at home and need to be kept safe while you are being assessed/treated. This law protects your rights.

You can find out more at

[www.nhs.uk/using-the-nhs/nhs-services/mental-health-services/mental-health-act-your-rights-easy-read/](http://www.nhs.uk/using-the-nhs/nhs-services/mental-health-services/mental-health-act-your-rights-easy-read/)



# Change of Legal Status

## Wills

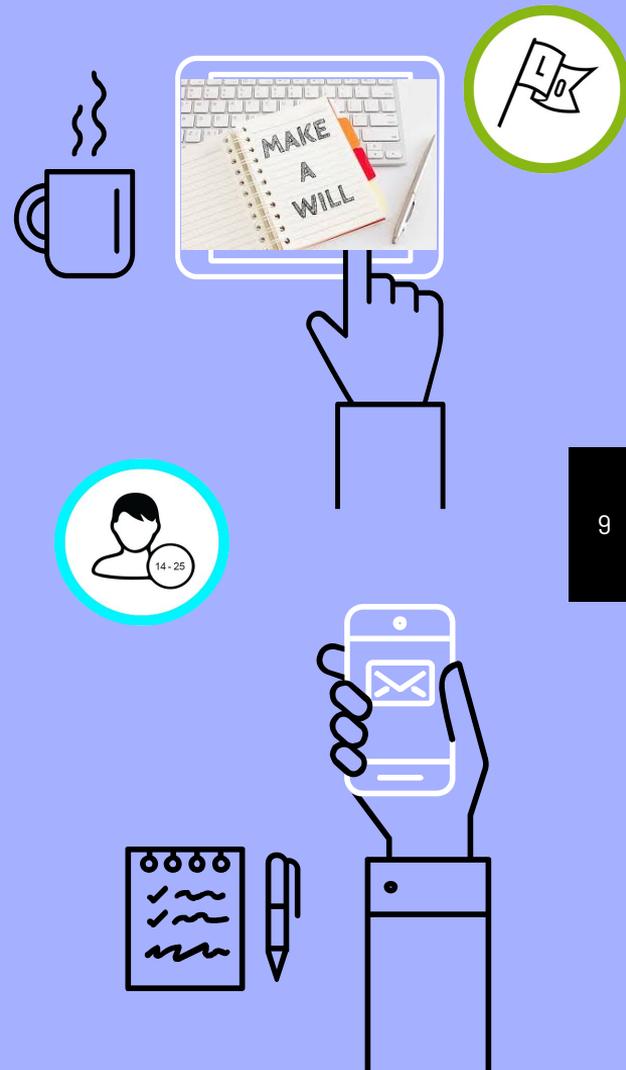
Your will lets you decide what happens to your money, property and possessions after your death. If you make a will you can also make sure you don't pay more Inheritance Tax than you need to.

You can write your will yourself, but you should get advice if your will isn't straightforward.

You need to get your will formally witnessed and signed to make it legally valid. If you want to update your will, you need to make an official alteration (called a 'codicil') or make a new will.

If you die without a will, the law says who gets what.

You can find out more at [www.gov.uk/make-will](https://www.gov.uk/make-will)



# Education at 16-18

## Where to go to study

There are a number of options open to you. It is a good idea for parents/carers and young people to visit schools and colleges to see what is available.

You can then make a choice that is the right one for each young person.



## Exams

Different courses award different qualifications.

Please check on your pre-visit as to the qualifications offered and the nature of the course involved.

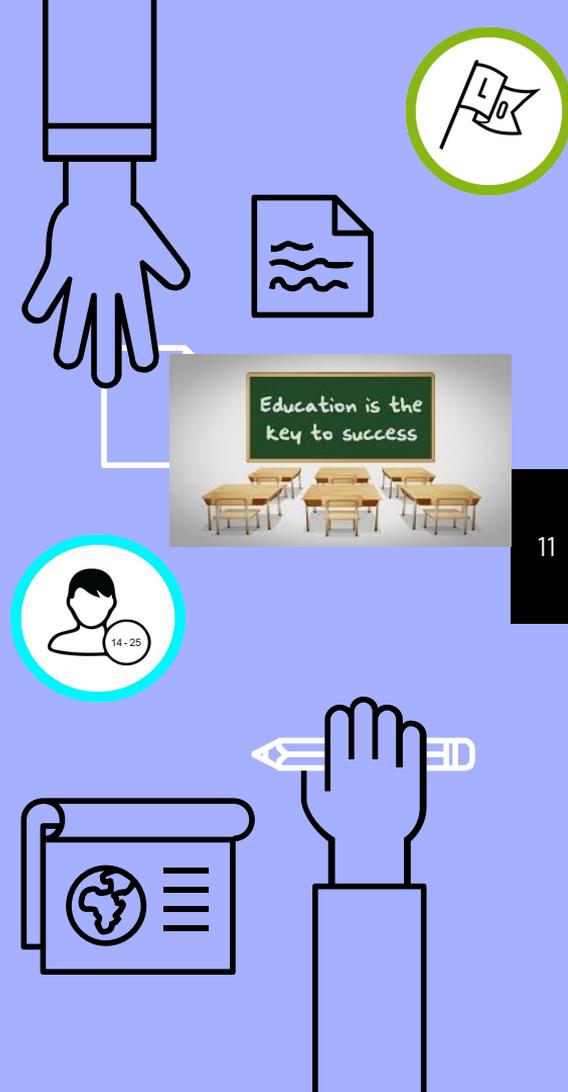


# Education at 16-18

## Going to College

Your young person might be offered a place at a local college. You will find, however, that a 'full time place' may only be for two days a week.

You will need to look at other options for them for other weekdays.



# Money and Benefits



As your young person approaches 16 there will be some changes to the benefits they receive.

## Being contacted by the DWP

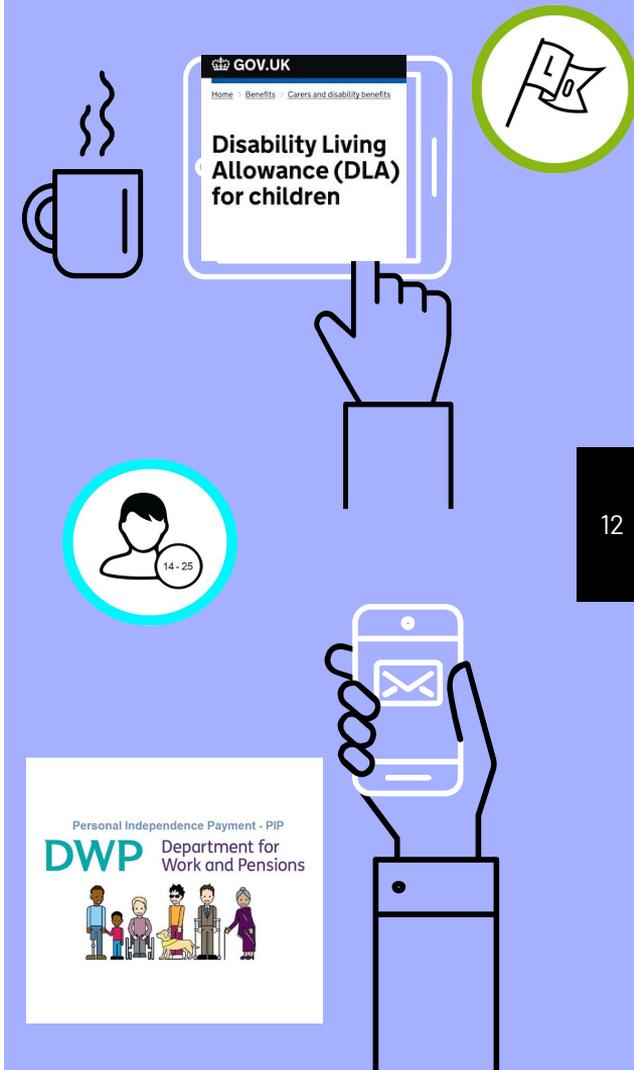
Once your young person reaches 16 they will receive a letter from the DWP inviting them to apply for Personal Independence Payment (PIP). PIP is not a simple transfer, it is a new benefit and has to be applied for.

To be eligible for PIP your young person must be aged 16 to 64 and have a health condition or disability where they:

- have had difficulties with daily living or getting around (or both) for 3 months
- expect these difficulties to continue for at least 9 months (unless they are terminally ill with less than 6 months to live)

Your young person must have lived in England, Scotland or Wales for at least 2 of the last 3 years, and be in one of these countries when you apply.

You can find out more at: [www.gov.uk/pip](http://www.gov.uk/pip)



# Money and Benefits



## Being assessed for PIP

Unless your young person has a terminal illness they usually have to have an assessment to complete the Personal Independence Payment (PIP) application. It's an opportunity for your young person to talk about how their condition affects them. It's important you prepare - the DWP will use evidence from the assessment to decide whether your young person can get PIP. A health professional will carry out the assessment - they'll write a report and send it to the DWP.

Make sure that when you and your young person are answering the questions, that you think about a 'bad' day. Don't let the assessor rush you and try not to just answer 'yes' or 'no'.

It's a good idea to take a copy of your PIP claim form with you. That way you can refer to it in the assessment and make sure you tell the assessor everything you want them to know about your condition.

More information can be found at

[www.citizensadvice.org.uk/benefits/sick-or-disabled-people-and-carers/PIP/help-with-your-claim/your-assessment/](http://www.citizensadvice.org.uk/benefits/sick-or-disabled-people-and-carers/PIP/help-with-your-claim/your-assessment/)



# Money and Benefits



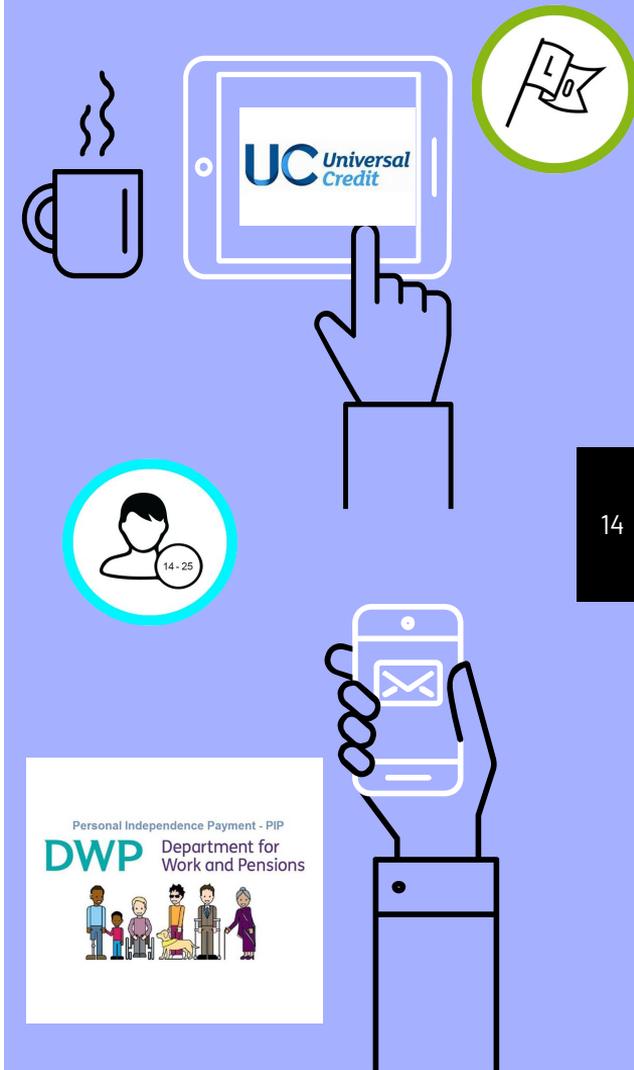
## Universal Credit

If you have been claiming Tax Credits and you have a third or subsequent child born after 6 April 2017, you will not be able to claim the child element for them under Universal Credit. Children with disabilities are not exempt from this ruling.

If you have a third child born on or after 6 April 2017, who is awarded Disability Living Allowance (DLA), you will be entitled to an extra **disabled child** element for them.

To get the disabled child element, make sure you tell the Universal Credit office any of your children who currently receive DLA or Personal Independence Payments (PIP), even if you don't get a child element for them.

You may find that, if you were receiving single person council tax benefit, that you lose this as your young person reaches 17? 18?

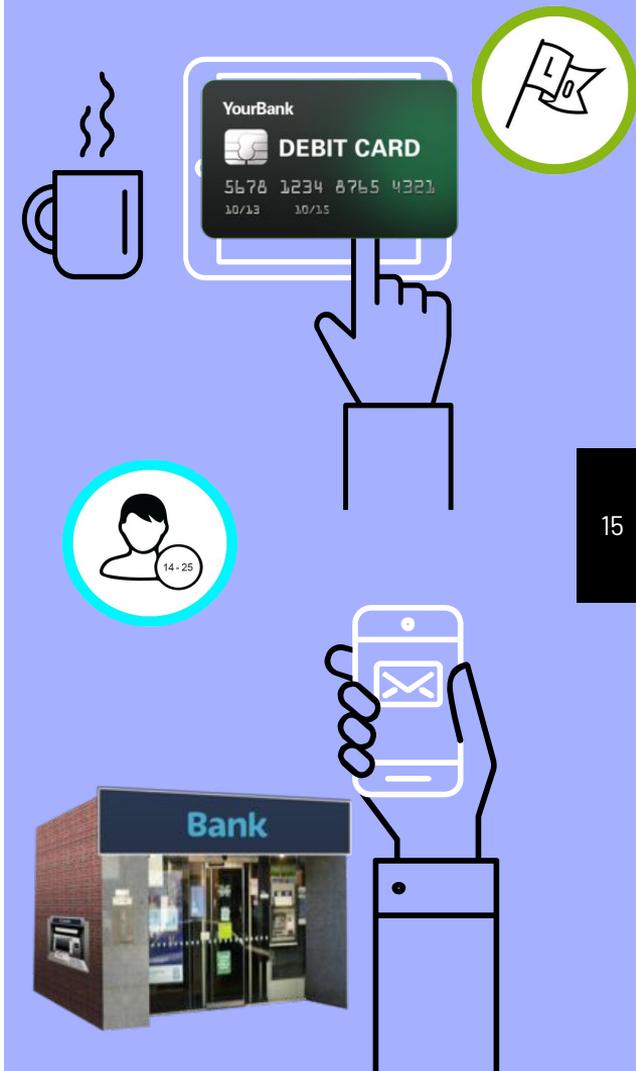


# Money and Benefits

## Bank accounts

When your young person reaches the age of 16 you might want them to start managing their own money. A good option is a fee free Basic Bank Account. Most major banks and building societies offer Basic Bank Accounts, but because these accounts do not have an overdraft facility (which is how the banks make their money) they are not widely advertised. These accounts are good for people on a low income with no credit history.

You might want to consider opening a joint account with your young person, so you can monitor how they are using the bank account.



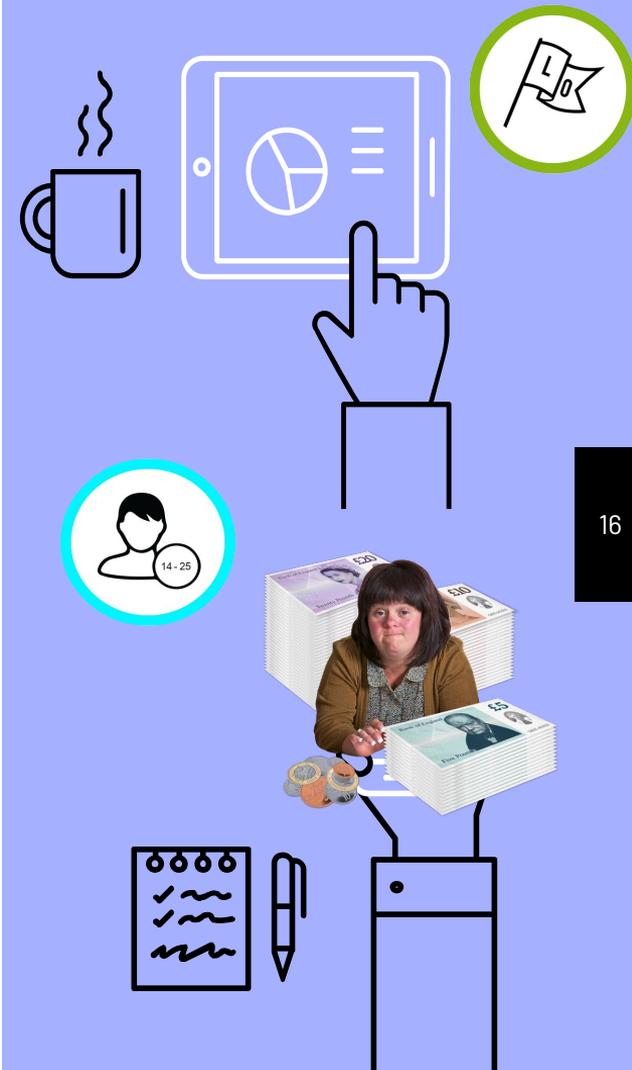
# Money and Benefits

## Personal budgets and Direct Payments

You might have been offered a Personal Budget or Direct Payment for your young person. A Personal Budget is money identified to pay for support in the EHC Plan. You can opt to have some of the money as a Direct Payment. With a Direct Payment you can source and pay the care providers yourself.

A Personal Budget is not additional funding, it is about using existing funding in a way that suits your young person's needs better.

Peterborough City Council has a [Guide to Personal Budgets](#) which you access and download.



# Health at 16-18



## Physical Health

At the age of 18 your young person will move from child health services to adult health services.

Your child's current worker should begin discussions with you about transitions to adult teams approximately 6 months prior to transition.

Not all young people will transition to a specialist adult health care team and their care may be returned to their GP to oversee. Their GP can then refer to adult services at a later date if there is a need.

## Mental Health

For CAMHS and Neuro-developmental Services, transitions planning typically starts between 16½ and 17½. The CAMHS team will discuss your child's transition about 6 months prior to transition.

Not all youngsters will need ongoing adult mental health and for some, their care will transfer back to their GP.

Did you know that from the age of 16 a young person can make their own decisions about their health?





# Health at 16-18



## Annual Health Checks for people with a learning disability

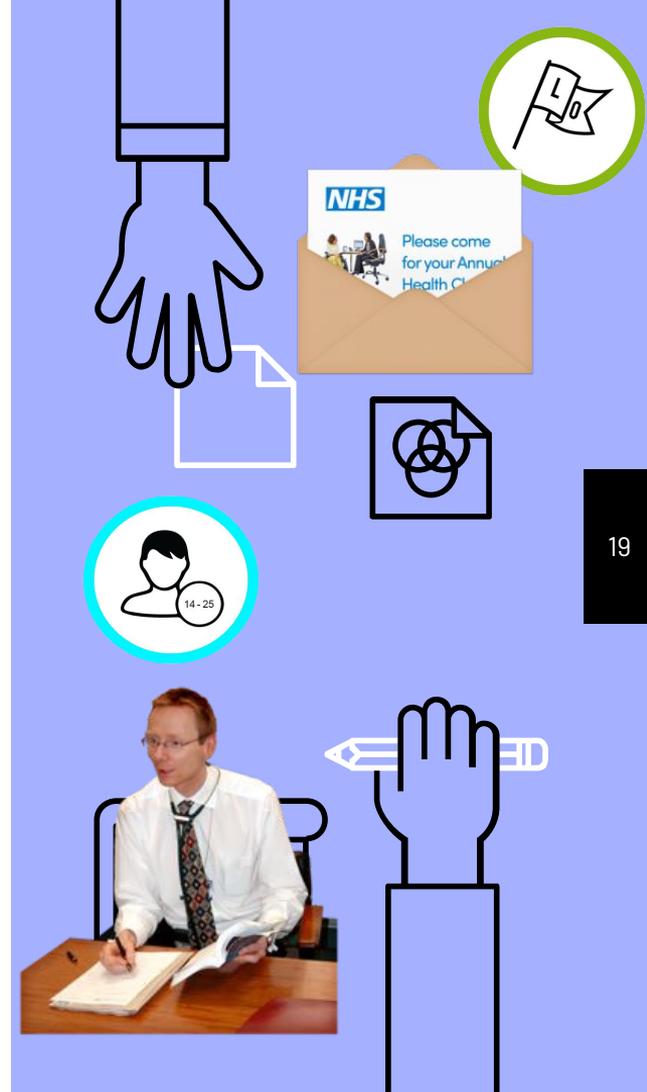
People with a learning disability often have poorer physical and mental health than other people. This does not need to be the case.

Annual health checks are for adults and young people aged 14 or over with a learning disability.

You can ask your GP for your young person to be added to their Learning Disability Register. They will then be invited for an annual Learning Disability Health Check.

You can find out more at

**<https://www.nhs.uk/conditions/learning-disabilities/annual-health-checks/>**



# Social Care at 18

## The Care Act 2014

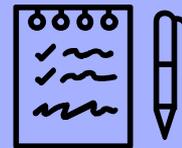
When your young person reaches 18, they are no longer eligible for Children's Social Care. Although they are still covered by the SEND regulations, the social care element will now be provided by Adult Social Care.

Adults who meet the Care Act 2014 eligibility criteria for support are defined as having needs caused by physical or mental impairment or illness. As a consequence, there is or is likely to be, a significant impact on their wellbeing. The result of these needs are that they are either unable to achieve two or more specified outcomes.

These outcomes are listed on the next page.



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# Social Care at 18

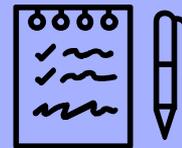
## The Care Act 2014 (continued)

### Wellbeing Outcomes

- managing and maintaining nutrition
- maintaining personal hygiene
- managing toilet needs
- being appropriately clothed
- being able to make use of the home safely
- maintaining a habitable home environment
- developing and maintaining family or other personal relationships
- accessing and engaging in work, training, education or volunteering
- making use of necessary facilities or services in the local community including public transport and recreational facilities or services
- carrying out any caring responsibilities the adult has for a child



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# Social Care at 18

## Changes to services

Services provided in Adult Social Care are very different to those provided for children. Your social worker should be able to guide you through the changes.

## Carers Assessments

You can receive a carers assessment as a carer of an adult. You can request a copy by calling 01733 747474 option 5 or you can complete one online by visiting the Peterborough Information Network and searching on 'Carers Assessment'.

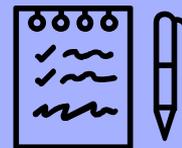
## Respite/Short Breaks

In Adults Services the term 'short break' is not recognised.

However, you might be able to access one off or regular 'respite' stays if your young person is eligible for care and support from Adult Social Care .



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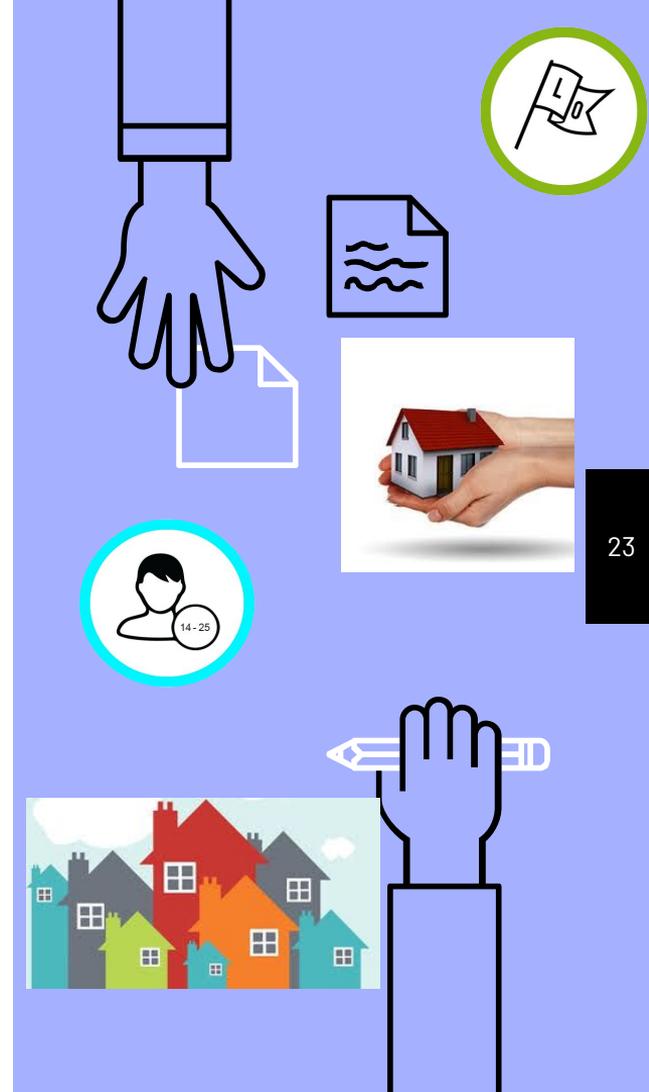


# Housing at 18

Moving home is a very big step for anyone. You and your young person will need to think about things like:

- ▶ Do they want to live alone or with other people?
- ▶ Will they be renting or buying their home?
- ▶ How will they pay for their home?
- ▶ What sort of support will they need?
- ▶ Will they move into a supported living scheme?
- ▶ What Technology would help them to live independently?
- ▶ What adaptations will they need to their home?

You can get advice and support on housing options for your young person from ????????



# Transport - Home to School

Post 16 students may be eligible for assistance with transport, subject to an assessment of the student's needs. Assistance with travel for students above school leaving age is discretionary and is subject to regular review and possible change.

For older students, the Local Education Authority believes that the ability to travel independently, either by foot or by public transport, is an important part of the young person's development and social education.

To find out whether your young person will still receive Home to School Transport, speak to the Children's Transport Team on 01733 747474.



# Public Transport

There are a range of travel options open to your young person.

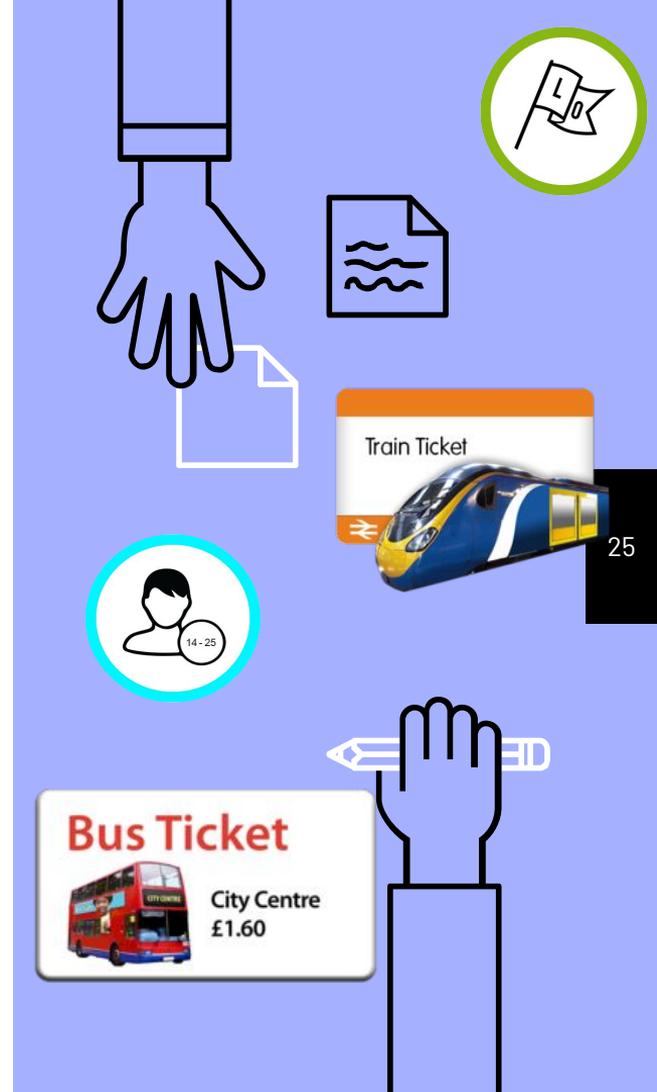
**If travelling by bus**, Stagecoach produce Journey Assistance Cards which can be used to tell the driver that you need a bit more help. You can find out more at:

<https://www.stagecoachbus.com/promos-and-offers/national/journey-assistance-cards>

**If travelling by train**, most train operators make special arrangements for people with disabilities - you can find out more on the Local Offer.

Your young person can also apply for a Young Person's Railcard:  
<https://www.16-25railcard.co.uk/>

Local colleges run courses for young people on developing independence and these can include travel training.



# Transport - driving

You might want to consider a **Blue Badge** to make parking easier.  
You can find out more at  
<https://www.peterborough.gov.uk/residents/parking/blue-badge-parking-scheme/>

## Mobility vehicles

Your young person may be eligible for a mobility vehicle. You can find out more at <https://www.motability.co.uk/>



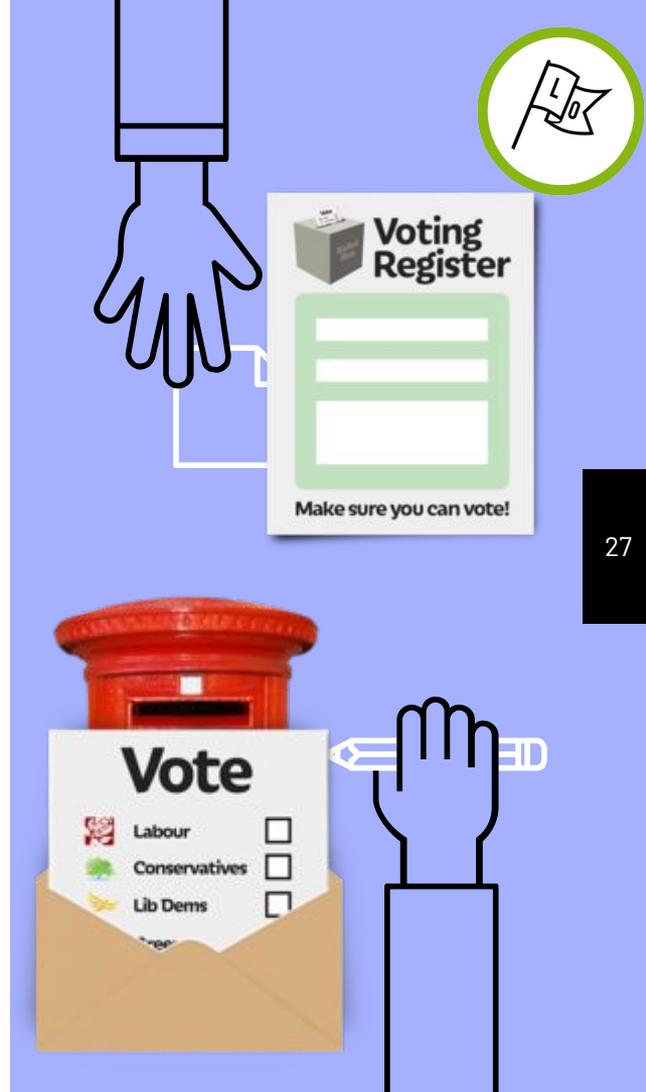
# Participating in Democracy

When your young person reaches the age of 18 they are eligible to vote. People with a learning disability have as much right to vote as anyone else.

In order to be able to vote, your young person must be on the Electoral Register. The government have produced a [simple guide to registering to vote](#).

Once they are on the Electoral Register they are eligible to vote.

If they are not able to get out of the house to vote, they can apply for a Postal Vote. You can also vote for them by using a Proxy Vote. You can find out more about Postal Votes and Proxy Votes on <https://www.gov.uk/voting-in-the-uk>



# Find out more information on the Local Offer

You can also find out more on our [Frequently Asked Questions about Transitions](#).

