

Education, Lifelong Learning and Skills Committee

ELLS(2) 16-06(p3) Annex A

The Children Act 2004

Section 25 of the Act provides a statutory basis for co-operation between a local authority and key partner agencies to improve the well being of children and young people aged 0-25. It also provides for specified partners to pool budgets and other resources, thus widening the existing ability of local authorities to pool budgets with the NHS.

Section 26 enables the Assembly by regulations to require local authorities to provide a plan for children and young people, to cover the services provided by the local authority and its partners, including the NHS. It is intended to use this power to implement proposals made in the Assembly Government's Plan Rationalisation proposals.

Section 27 requires each local authority in Wales to designate a lead director and lead member for children and young people's services with responsibility for co-ordination and oversight of the partnership planning arrangements. NHS Trusts will also have to designate lead executive and non-executive directors, and Local Health Boards lead officers and members, to handle arrangements for co-operation.

The single Children and Young People's plan meets commitments to partnership set out in Making the Connections and to plan rationalisation set out in Freedom and Responsibility in Local Government. It also implements proposals set out in Delivering Beyond Boundaries – Transforming Public Services in Wales the Assembly Government's response to the Beecham review. It will cover 3 years from 2008 and will incorporate the Single Education Plan, the social services' Children's Services Plan and the strategic elements of the Young Peoples Plan.

The Education Act 1996 Part IV

The legal system governing provision for children with learning difficulties in the schools sector is to be found in Part IV of the Education Act 1996 ("the EA 1996"). A child has "special educational needs" for the purposes of the 1996 Act if he or she has a learning difficulty which calls for special educational provision to be made for him or her. A child has a "learning difficulty" for the purposes of the Act if –

- he or she has significantly greater difficulty in learning than the majority of children of his or her age;
- he or she has a disability which either prevents or hinders him or her from making use of educational facilities of a kind generally provided for children of his or her age in schools

within the area of the local education authority.

The Assembly is required by section 313 of the EA 1996 to issue and revise a Code of Practice giving practical guidance in respect of the discharge by local education authorities and governing bodies of maintained schools of their functions under Part IV of that Act. LEAs and governing bodies are under a duty to have regard to the Code. The Code is of no legal effect in respect of the functions of other public bodies which may be relevant to services provided by them to children with SEN.

Role of LEAs and Governing Bodies

LEAs are under a duty to keep their arrangements for special education provision under review and must, to the extent that it appears necessary or desirable for the purpose of co-ordinating provision for children with SEN, consult the governing bodies of community, foundation and voluntary and community and foundation special schools and maintained nursery schools in their area.

Section 316(2) of the EA 1996 requires that children with SEN but without a statement of such needs maintained under section 324 have to be educated in a mainstream school, unless that is incompatible with the wishes of his or her parent, or the provision of efficient education for other children. A "mainstream school" means any school other than a special school or an independent school.

There are also other circumstances in which a child with SEN does not have to be educated in a mainstream school:

- where the child is educated in an independent school or a school approved under section 342 (non-maintained special schools approved by the Assembly) and the cost is not met by the LEA;
- the child is admitted to a special school for assessment or remains there following assessment in prescribed circumstances;
- the child is admitted to a special school following a change in his or her circumstances with the agreement of the LEA, the head teacher or the governing body and his or her parent;
- the child is admitted to community or foundation special school in a hospital;
- where section 348 is in operation.

Section 348 of the EA 1996 provides that where special educational provision is made for a child at a school that is not a maintained school and:

- the name of that school is specified in a statement, or
- the LEA is satisfied that the interests of the child require the necessary special education provision to be made for him or her at that school,
- the LEA must pay the whole of the fees payable in respect of the education provided for the child at the school and the cost of board and lodging if any is provided.

The governing body of maintained schools are placed under a duty by section 317(1) EA 1996 to:

- use their best endeavours, in exercising their functions in relation to the school, to secure that,

if any registered pupil has special educational needs, the special education which his learning difficulty calls for is made;

- secure that, where the responsible person has been informed by the LEA that a registered pupil has SEN, those needs are made known to all who teach him; and
- secure that the teachers in the school are aware of the importance of identifying, and providing for, those registered pupils who have SEN.

Governing bodies are also under a duty to consult with the LEA and other schools to the extent that it is necessary or desirable for the purpose of co-ordinating provision for children with SEN (section 317(3)). Those concerned with making SEN provision for a child must also secure, so far as reasonably practicable, that the child engages in activities of the school together with children who do not have SEN. (section 317(4)). Governing bodies (LEAs in the case of PRUs) must inform parents if SEN provision is made for children who are not the subject of statement (section 317A). LEAs may supply goods and services in connection with SEN to assist governing bodies (Section 318).

LEAs may arrange for children's special educational needs to be met by provision outside school if called for (section 319). They must consult parents before doing so. The LEA may also make arrangements for a child to attend an institution outside England and Wales which specialises in providing for children with SEN (section 320). Section 321 sets out the general duty of LEAs in respect of children for whom they are responsible, which is to identify those with SEN where it is necessary for the LEA to determine the special educational provision required for any learning difficulty identified. The duty is confined to children who are in the LEA's area and registered as pupils at a maintained school, or who are educated at a school which is not a maintained school at the expense of the LEA. Those who are not registered pupils at school are still the responsibility of the LEA providing they are not under the age of 2 or over compulsory school age and have been brought to the attention of the LEA as probably having SEN.

A local education authority may make a request for the help of a health authority, primary care trust or local authority, specifying the action required, if such action could help the LEA in exercising its SEN functions (section 322). The health authority, trust or local authority must comply with the request unless they consider that the help is not necessary, the request is not reasonable having regard to the resources available to them under the NHS Act 1977, or the local authority consider that the request is not compatible with their own duties or unduly prejudices the discharge of any of their functions.

If the LEA considers that a child has, or probably has, SEN and that it is necessary for it to determine the child's special educational provision, section 323 of the EA 1996 provides for the LEA to assess the child's needs. The LEA must give notice to parents and following that notice procedure the LEA must then decide, having considered the representations of parents, whether to carry out the assessment. The assessment must be carried out in accordance with Schedule 26 to the EA 1996 and the education (Special Educational Needs) (Wales) Regulations 2002 (SI 2002/152).

The assessment may lead to the conclusion that it is necessary for a child to have a statement of SEN. Section 324 and schedule 27 and the 2002 Regulations sets out the detail of how a statement is to be made and maintained. Where a LEA maintain a statement then, unless the child's parent has made

suitable arrangements, the LEA :

- must arrange that the special educational provision specified in the statement is made for the child, and
- may arrange that any non-educational provision specified in the statement is made for him or her in such manner as they consider appropriate.

If the name of a maintained school or maintained nursery school is specified in the statement, the governing body of the school must admit the child to the school.

LEAs are placed under duties by section 328 to review the educational needs of children subject to a statement of SEN and under duties by section 329 to assess the needs of children not subject to a statement if the parents so request. Section 329A creates a duty to assess at the request of the responsible body of a relevant school. Relevant schools are defined by section 329A(12) and include both maintained and independent schools. The responsible body is defined by section 329A(13) and is, in general the proprietor or head teacher.

Resolution of disputes

LEAs must make arrangements with a view to avoiding or resolving disagreements between LEAs and governing bodies on the one hand and parents of children in their area on the other about the SEN functions of governing bodies and LEAs under Part IV of the EA 1996 (section 332B(1)). The LEA must also make arrangements with a view to avoiding or resolving in each relevant school, disagreements between the parents of a child with SEN who is a registered pupil at the school and the proprietor of the school about the special educational provision made for that child. The arrangements made under section 332B must provide for the appointment of independent persons with the function of facilitating the avoidance or resolution of such disagreements. Such arrangements do not affect the right of a parent to appeal to the SEN Tribunal for Wales (SENTW)

The SENTW was established by the Education Act 2002, which amended Part IV of the Education Act 1996. The SENTW took over from the SEN and Disability Tribunal in Welsh cases. Parents have the right to appeal in the following circumstances:

- where the LEA refuses to make a statement following an assessment under section 323 (s325 (1) and (2));
- against the contents of a statement (s.326)
- in relation to a refusal to assess (s. 328(3)(b));
- in relation to assessments (s.329(2)(b));
- when the LEA decides not to assess a child following a request from the responsible body (s.329A(8))
- where a parent of a child, for whom a statement is maintained which specifies the name of a school or institution, has a request for a change of school turned down (para 8(3)(b) Schedule 27)
- in relation to a decision to cease to maintain a statement (para 11(2)(b) of Schedule 27)

A decision of SENTW can be appealed on a point of law to the High Court.

Ceasing to Maintain a Statement

Generally speaking, an LEA may only cease to maintain a statement where it is no longer necessary to maintain it. This does not apply where an LEA ceases to maintain a statement in respect of a child for whom it is no longer responsible, and a student over 16 who ceases to be a registered pupil may cease to be a 'child' within the meaning of Part IV of the EA 1996 (any person who has not attained the age of 19 and is a registered pupil at a school). However, an LEA cannot escape its duties to children aged 16 and over by failing to plan and secure adequate provision for 16 year olds subject to a statement. In the light of the judgement of Turner J in *S v Essex County Council and Special Educational Needs Tribunal* [2000] ELR 718 'child' in Part IV of the EA 1996 must be taken to mean a child who was the subject of a statement of special educational needs at the time the LEA decided to give notice of its intention to cease to maintain the statement even if, before his or her future education was resolved and his or her parents wished to appeal, he or she ceased to be a registered pupil at the school after ceasing to be of compulsory school age.

A statement will lapse if a young person leaves school at the age of 16 to seek employment; there will be no need for an LEA formally to cease to maintain the statement. If the young person moves into FE the statement will lapse only if the young person, his parents, the LEA and the FE institution are all in agreement about the transfer. There will be no need to formally cease to maintain the statement and the young person will become subject to the more general and less onerous duties of the Assembly under Part 2 of the LSA 2000. If there is similar agreement that the young person's needs are best met in a school, whether maintained or independent, the statement should be maintained naming that school and the LEA will continue to be responsible for making the provision and funding it until the person reaches the age of 19. Where the LEA believe that the person's needs can be met in an FE institution, it should give notice that it proposes to cease to maintain the statement giving the parents the right to appeal to the SENTW.

The Learning and Skills Act

The Learning and Skills Act (LSA) Section 140 places a duty on the National Assembly for Wales to make arrangements for the assessment of young people, under the age of 19, who have statements of special educational need where it believes that they are likely to leave school to continue with post-16 education or training or enter higher education. The assessment must be made during the final year of compulsory education and will should set out a person's learning needs and the provision required to meet them.

Section 140 also gives powers to the National Assembly for Wales to conduct an assessment of any young person who is under the age of 25 where it appears that they may have learning difficulties and where they are undertaking, or likely to undertake post-16 education or training or to enter higher education. This is to enable assessments to be made where young people continuing in post-16 education or training develop learning difficulties shortly before or after leaving school and thus do not have a statement of SEN. The power applies in respect of people up to the age of 25 to enable assessments to apply for the duration of a course.

The National Assembly for Wales exercises this duty through its annual contract with Careers Wales companies, except where a young person with learning difficulties is already attending a Higher Education course in Wales. In these circumstances, the National Assembly for Wales has asked the relevant HE institution to arrange for the assessment – either through its own HE Careers Service or by contracting with Careers Wales.

The Assembly Government has a duty to secure proper and reasonable facilities for post-16 education and training under Sections 31 and 32 of the LSA 2000 (former National Council functions). The Assembly Government has a duty under Section 33 to encourage individuals to undergo post-16 education and training. Under Section 41 of the LSA 2000, if the Assembly Government is satisfied that it cannot secure the provision of proper facilities (in the case of persons aged 16-18) or reasonable facilities (in the case of persons aged 19-25) for the education and training unless it also secures the provision of boarding accommodation, it must secure the provision of boarding accommodation. The Assembly Government has the power to fund all aspects of a place at a residential college, but there is an issue about the proper use of Assembly Government resources where the placement is being suggested for largely medical or social care reasons. In those cases the Assembly Government may decline to fund or may fund in part. Under Section 42 of the LSA 2000 the Assembly Government must have due regard to the need to promote equality of opportunity between persons who are disabled and persons who are not.

Social Services

The responsibilities of Social Services Authorities vary slightly depending on the age of the young person. For 16 and 17 year olds, the Children Act 1989 section 17(1) places a general duty on Social Services Authorities to safeguard and promote the interests of children "in need" and a wide range of services may be provided. A disabled child would be considered a child in need for the purposes of section 17. Schedule 2 to the 1989 Act provides that where it appears that a child is in need, an assessment of needs under the Act can take place at the same time as assessments under the [Chronically Sick and Disabled Persons Act 1970](#), [Part IV of the Education Act 1996](#), the [Disabled Persons \(Services, Consultation and Representation\) Act 1986](#) and any other enactment. In addition every Local Authority must provide services which are designed to minimise the effect on disabled children of their disabilities and allow them to lead as normal a life as possible. The Children Act 2004 imposes a duty on local authorities in Wales to make arrangements to promote co-operation between the authority and relevant partners with a view to improving the well-being of children in the authority's area including with relation to education and training. Relevant partners in this context will include local health boards and the Assembly to the extent that it is discharging functions under Part 2 of the [Learning and Skills Act 2000](#). Section 25(6) further enables the Local Authority and any of its partners to pool funds to provide staff, goods, accommodation and other resources to be used for the discharge of any of their functions.

For young people who are 18 or over, unless they can benefit from the Care Leavers provision in the Children Act 1989, the adult social services regime will apply. The principal provisions that should be considered in this context are those found in the Chronically Sick and Disabled Persons Act 1970 and the NHS and Community Care Act 1990. Section 2(1)(a) of the 1970 Act provides that where a Local Authority believes it necessary to meet the needs of a person to whom it owes a duty, under

section 29 of the National Assistance Act 1948, to provide assistance in taking advantage of educational facilities, then the Local Authority shall provide that assistance. In considering what assistance to provide, the Local Authority is entitled to take its own resources into account. The 1990 Act places a duty on local authorities to assess individual needs for community care services and then, having regard to the assessment result, decide whether they should provide any services.

The Assembly's powers in relation to all these provisions is to be able to issue guidance to Local Authorities under the Local Authority Social Services Act 1970.

Health

The Assembly is, by virtue of section 3 of the National Health Service Act 1977, under a duty to provide health services in relation to Wales to such extent as it considers necessary to meet all reasonable requirements. The exercise of this duty is therefore subject to discretionary judgements being made about the allocation of resources.

Children and young adults from Wales in special educational establishments would be entitled in principle to access high street practitioner services and secondary services. Identification of the responsible commissioner for secondary and tertiary services would depend on individual circumstances. For the generality of health services Local Health Boards (LHBs) exercise the relevant functions pursuant to the NHS Act 1977 in relation to their resident population. In some cases where specialist services are required the Assembly has retained the obligation to commission via Health Commission Wales in respect of persons usually resident in Wales. Services commissioned by LHBs and Health Commission Wales (HCW) for persons for whom they are the responsible commissioner can be provided outside Wales in accordance with commissioning arrangements.

The National Health Service Bodies and Local Authorities Partnership Arrangements (Wales) Regulations 2000, as amended, allow for partnership arrangements between local authorities and LHBs and NHS Trusts where the former can by agreement establish pooled funds and work in partnership in order to improve the way in which certain NHS functions or local authority functions, as the case may be, are exercised.

There can also be commissioning arrangements between LHBs, NHS Trusts and local authorities as anticipated in the Health, Social Care and Well-being Strategies (Wales) Regulations 2003 which deal with the formulation and implementation of strategies for the health and well-being of members of the public in the local authority/LHB areas.

Pursuant to section 26 of the NHS Act 1977 the Assembly and/or LHBs may supply to local authorities goods or materials of a kind used in the health service and make available to local authorities, facilities and the services of health service employees so far as is reasonably necessary and practicable to enable local authorities to discharge their functions relating to social services, education and public health.

Pursuant to section 28A of the NHS Act 1977 LHBs may make payments to a local social services

authority towards expenditure in connection with social services functions and to a local education authority towards expenditure in connection with their functions under the Education Acts in so far as they perform those functions for the benefit of disabled persons.

Special Educational Needs Code of Practice for Wales 2002

Transition – para 9.51 – 9.67

The Transition Plan

9:51 The annual review in year 9 and any subsequent annual reviews until the young person leaves school must include drawing up and subsequent review of the Transition Plan. The Transition Plan should draw together information from a range of individuals within and beyond school in order to plan coherently for the young person's transition to adult life. Transition Plans when first drawn up in year 9 are not simply about post-school arrangements, they should also plan for on-going school provision, under the statement of special educational needs as overseen by the LEA.

9:52 All those involved in the process should adhere to the principles that underpin the nature of transition and transition planning and the requirements of the young people and their families. Transition planning should address the comprehensive needs of the child.

9:53 The Head teacher is responsible for overseeing and co-ordinating the delivery of the transition plan. Careers Wales will have the lead role in ensuring the delivery of the elements of the Transition Plan that relate to the young person's transition into further learning or employment.

9:54 All agencies should recognise their respective funding responsibilities as early into the transition planning stage as possible. Joint planning arrangements should identify elements of planned provision and the agencies responsible for funding each of those elements, particularly where there is a recommendation for post-16 provision in a residential establishment. Further detailed advice on the principles and processes of transition planning are set out in the National Assembly Handbook of Good Practice for Children with SEN.

Student involvement in decision-making during transition

9:55 The views of young people themselves should be sought and recorded wherever possible in any assessment, reassessment or review from year 9 onwards. Representatives from Careers Wales, student counsellors, advocates or advisers, teachers and other school staff, social workers or peer support may be needed to support the young person in this process. Chapter

Three of this Code and the National Assembly Handbook of Good Practice for Children with SEN consider in detail the ways in which young people can be helped to participate fully in the this process.

The role of Careers Wales

9:56 Careers Wales is responsible for ensuring the delivery of the elements of the Transition Plan that

relate to the young person's transition into further learning or employment. The representative from Careers Wales should ensure that they are aware of all young people with SEN in year 8. A representative from Careers Wales must be invited to the year 9 annual review meeting and must make every effort to attend where the young person is considered mature enough to be able to start discussing further learning and career options. Occasions may arise where Careers Wales is unable to provide a representative. In these circumstances Careers Wales should offer the young person and his parents/guardians a careers guidance interview prior to the Year 9 annual review. The resulting notes of the interview should be made available at the Year 9 annual review meeting to inform development of the Transition Plan. Representatives from Careers Wales should be invited to all subsequent annual reviews, and are expected to attend where appropriate.

9:57 Year 9 review meetings are the start of a process for longer-term decision-making. Vocational guidance provided by the school or the representative from Careers Wales should include information on further education and training courses and take fully into account the wishes and feelings of the young person concerned. Careers Wales should assist the young person and their parents to identify the most appropriate post-16 provision, provide counselling and support, and have continuing oversight of, and information on, the young person's choice of provision. Where a need for specialist college provision is identified, Careers Wales has lead responsibility for preparing and submitting applications for placements to NCETW. These processes will need to be carried out in partnership with NCETW, the LEA's SEN officers and those professionals who know the young person well.

Involvement of social services departments

9:58 LEAs must seek information from social services departments under section 5 of the Disabled Persons (Services, Consultation and Representation) Act 1986, as to whether a young person with a statement under Part IV of the Education Act 1996 is disabled (and may require services from the local authority when leaving school).

9:59 Multi-agency input at year 9 is important for all young people with SEN. Under the Children Act 1989 and the NHS and Community Care Act 1990, social services departments are required to arrange a multi-disciplinary assessment and provide care plans for children and adults with significant special needs – which may include the provision of further education facilities. Social services departments should ensure that a social worker attends the year 9 annual review meeting and contributes to the formation of the Transition Plan where a young person is subject to a care order, accommodated by the local authority or is a 'child in need'.

Involvement of health services

9:60 Health professionals involved in the management and care of the young person should provide advice towards transition plans in writing and, wherever possible, should attend the annual review meeting in year 9. They should advise on the services that are likely to be required and should discuss arrangements for transfer to adult secondary health care services with the young person, their parents and their GP. They should facilitate any referrals and transfers of records, which may be necessary, subject to the informed consent of the young person and parents, and should liaise with Careers Wales as appropriate.

Annual reviews from year 10

9:61 The school remains responsible for convening annual review meetings until such time as the pupil leaves school. Some pupils with statements of special educational needs will remain in school after the age of 16. LEAs remain responsible for such pupils until they are 19. There will be occasions where the natural completion of an academic year or completion of a particular course would take a pupil with a statement beyond their 19th birthday. Where pupils remain on a school roll beyond 16 LEAs are required in those situations to maintain statements until the end of the academic year in which the 19th birthday falls

9:62 Whatever the intended future destination of the young person, the annual review has an additional significance as the young person approaches the age of 16. A representative from Careers Wales should attend the review in year 11 in order to ensure that the Transition Plan is updated appropriately. In the young person's final year of school, the National Assembly has a separate duty under section 140 of the Learning and Skills Act 2000, for ensuring that an assessment of their needs on leaving school is undertaken and the provision identified. This duty will be carried out by Careers Wales as part of its contract with the National Assembly. Every effort should be made to link the Year 11 annual review of the statement and to consider the Transition Plan together with this assessment so that a holistic approach is maintained. Where post 16 provision has already been identified it is good practice for the head teacher to invite a representative from the provider to the review meeting.

Transfer of information

9:63 Local Authorities should seek the agreement of students and parents to the transfer of information (including statements) from school to the continuing education sector or other provision, and explain the importance of such information and the desirability of the transfer.

9:64 The Head teacher should ensure that where a young person has a statement of special educational needs, a copy of the statement together with a copy of the most recent annual review, and the Transition Plan, is passed to the social services department and any post 16 provider that the young person will be attending, in sufficient time for appropriate support to be put in place. Where a decision might need to be taken about the placement of a student in a specialist college, a copy of the Transition Plan should be sent to the appropriate office of NCETW.

Students without statements but with special educational needs

9:65 In some instances, a student approaching the age of 16 may have special educational needs which do not call for a statement, but which are likely to require some support if they go on to further education or training. To ensure that these students are able to make decisions, and to facilitate their successful transition, it is important that they have appropriate help and guidance. This might include the provision of school/college link courses or work placements and should involve the different local agencies concerned.

9:66 Careers Wales provides careers advice and guidance for people of all ages. It has a particular

focus on supporting disadvantaged young people or those likely to underachieve, including those with SEN but without statements. Careers Wales should provide schools with information which will help these students make successful transitions to post-school education, training or work, including details of local and national voluntary organisations. Schools should consult as appropriate with Careers Wales and other services to ensure that detailed information is transferred to post-16 providers with the young person's consent and in sufficient time for the post-16 provider to put necessary support in place.

9:67 Schools, in consultation with the representative from Careers Wales, may wish to draw up Transition Plans to support this process, whether the young person remains at school post 16 or moves to alternative provision. There will need to be close collaboration with LEA staff and other professionals involved with the young person, so as to provide an appropriate Transition Plan. To aid this process it would be good practice for the head teacher, in consultation with the representative from Careers Wales, to provide health and social service professionals with a list of pupils at year 9 with SEN who do not have statements but for whom the school considers it appropriate for a transition plan to be prepared.

Children subject to a care order or accommodated by a local authority

9:68 Under the provisions of the Children (Leaving Care) Act 2001 every eligible young person looked after by a local authority on their 16th birthday, including those with SEN, will have a pathway plan. This plan will build on the care and personal education plans, mapping out a pathway to independence, including education, training and employment. The local authority will also be required to appoint a personal adviser for each of these young people. The adviser must work with the young person, Careers Wales and others to devise the pathway plan and ensure its implementation.

9:69 It is important that the personal adviser ensures that the young person is fully aware of the local authority's responsibilities towards them and to agree with the social services department, other agencies and the young person the services to be delivered. Where a young person has been looked after in a foster care or residential placement or attended a residential school outside their own local authority area, the young person's personal adviser for the responsible authority together with the LEA should seek to ensure liaison between all relevant LEAs, and social services departments. It will also be essential that the local Careers Wales company (i.e. local to the residential placement) maintains close contact with the young person's home Careers Service. Careers Wales should ensure that relevant records relating to information, advice and guidance given on learning and career opportunities are made available to the home Careers Service. The responsible authority is the local authority that is looking after the young person or, in the case of a young person who has left care, the authority that last looked after them.

The National Service Framework for Children, Young People and Maternity Services

The main transition planning guidance for authorities is contained in the National Service Framework for Children, Young People and Maternity services:

STANDARD – TRANSITIONS

Young people who require continuing services, such as those who are disabled or chronically ill, young people with persistent mental illness or disorders, vulnerable young people and their families and carers, and care leavers, are offered a range of co-ordinated multi-agency services, according to assessed need, in order to make effective transitions from childhood to adulthood.

KEY ACTIONS:

5.32 There is an inter-organisation system to identify children who will require transition into adult services in the year before their 14th birthday (in year 8). This informs the strategic planning for all organisations.

RESPONSIBLE ORGANISATIONS: LHBs/ NHS trusts/ LAs

5.33 A key transition worker is appointed to all disabled young people at age 14. It is their responsibility to ensure that the young people, their families and all relevant agencies are appropriately involved in the planning process. The key transition worker co-ordinates the planning and delivery of services before, during and after the process of transition and will continue to monitor and have contact with the young person until the age of 25 years.

RESPONSIBLE ORGANISATIONS: LHBs/ NHS trusts/LAs

5.34 Information about how to gain access to services and facilities is available to disabled young people in the local community including information about:

- Employment;
- Housing;
- Training;
- Leisure;
- Educational opportunities;
- Access to independent living;
- The process of transition to adult services within the local authority and health service;
- Support to maximise the use of Direct Payments to 16 & 17 year olds;
- Health promotion;
- Support groups and voluntary organisations.

RESPONSIBLE ORGANISATIONS: LHBs/ NHS trusts /LAs

5.35 There is one joint organisations transition plan produced for each disabled young person which forms the basis of the Unified Assessment within adult services and specifies arrangements for continuing support and services, including:

- Personal assistance;
- Housing requirements (including supported housing);
- Education, training and lifelong learning, including opportunities for work experience;

- Careers including specialist advice;
- Employment;
- Social relationships including leisure activities;
- Short breaks;
- Practical and other skills;
- Health needs including genetic counselling and sexual health;
- Continuing care;
- Appropriate transport;
- Communication needs;
- Domiciliary and day care;
- Financial support (including benefits and direct payments);
- Details of financial arrangements for specialist services required to address particular needs.

RESPONSIBLE ORGANISATIONS: LHBs/ NHS trusts /LAs

5.36 The joint organisations transition plan is reviewed at least annually or, in the case of young people who are looked after, every six months in accordance with statutory regulations Children (Leaving Care) Act 2000. During the year before their 18th birthday the plan is reviewed each term.

RESPONSIBLE ORGANISATIONS: LHBs/ NHS trusts /LAs

5.37 Aggregated information derived from joint organisations transition plans is sent to the area's Young People's Framework Partnerships to inform strategic planning.

RESPONSIBLE ORGANISATIONS: LHBs/ NHS trusts /Las/CYPFPs

Adult Services

For adults with learning disabilities this is supplemented in Section 7 guidance on Service Principles and Service Responses issued to authorities in August 2004. The 2004 guidance says that transition planning for people with learning disabilities should aim to achieve a smooth and seamless change for individuals as they move between service areas. The 2004 guidance also says that:

- all involved services e.g. education, social services, health and housing should develop effective joint working arrangements
- the transition planning arrangements should ensure that services and the individual/carer are properly prepared for the transition.

The assessment of care needs for adults is undertaken using the Unified Assessment Process (UAP). For people with learning disabilities, the 2004 guidance (which supplements the UAP guidance), promotes person centred approaches to an individual's care assessment. More detailed practice guidance on person centred assessments is contained in Annex 11 to the UAP guidance. For individual planning, the 2004 guidance says that this should provide a future-planning perspective that considers/anticipates future or changing needs, seeks to forestall crises and allows individuals, families, carers and service agencies to plan well in advance, particularly at times of transition.

On employment, further education and day activities for adults, the 2004 guidance says that authorities should provide people with learning disabilities with meaningful and rewarding activities, which reflect their interests and ambitions and develop their confidence and skills. It also says that people with learning disabilities should have equal access to government or other training schemes and other educational or life long learning opportunities, where this would help an individual's personal development, career opportunities or to secure employment. The guidance goes on to say that authorities should use their strategic planning processes to ensure that a range of options are available in local communities. Options may include: social firms, community enterprises, programmes of individual community based activity, involvement in civic works and voluntary activity. For people with learning disabilities with complex or challenging needs, the 2004 guidance says that authorities should systematically review and seek to increase the range of options available.