

Disability Law Service

Fighting injustice for disabled people

TRANSITIONING FROM CHILDREN SOCIAL CARE TO ADULT SOCIAL CARE

FACTSHEET

Introduction

This factsheet aims to provide information on the duties of a local authority when it is time for a disabled child (and their adult carers) or young carer to transition from children social care to adult social care.

This is because if a child or young carer are **likely** to have needs for support when they reach the age of 18, their local authority **must assess** them if it considers that there is a **significant benefit** to them in doing so.

It is an important principle that the young person is transitioned to adult life in a way that promotes their independence and reduces their long-term needs for care and support.

Purpose of the Transition Assessment

The purpose of the transition assessment is to ensure that there are no gaps in services when the child (and their adult carers) or young carer becomes an adult and responsibility of providing care services shifts from children social care to adult social care.

It is vital that where needed, support is not disrupted and is tailored to the young person's needs as an adult.

The transition assessment should support the young person and their family to plan for the future by providing them with information about what help they can expect going forward.

All transition assessments must include an assessment of:

1. the individual's current needs for care and support and how it impacts on their wellbeing;
2. whether the child or carer is likely to have needs for care and support after the child in question becomes 18;
3. if so, what those needs are likely to be, and which are likely to be eligible needs; *and*
4. the outcomes the young person or carer wishes to achieve in day-to-day life and how care and support (and other matters) can contribute to achieving them.

The Assessment Duty

A local authority must conduct a transition assessment where it appears to them that the disabled child is **likely** to have needs for care and support after becoming 18, and it is satisfied that it would be of **significant benefit** to the child to do so and consent is met.

If so, a local authority must assess:

- a. whether the child has needs for care and support and, if so, what those needs are, *and*
- b. whether the child is likely to have needs for care and support after becoming 18 and, if so, what those needs are likely to be.

NOTE: This duty also applies to **young carers and to an adult carer** of a disabled child.

Refusal to Assess

Should a local authority refuse to provide a transition assessment then it must give the concerned individual(s):

- a. written reasons for its decision, *and*
- b. information and advice about prevention or delay of needs in the future.

Where the child refuses the transition assessment, the local authority must still conduct it if the child is experiencing, or is at risk of, abuse or neglect.

Outcome of the Transition Assessment

Having carried out the transition assessment, the local authority must provide:

1. an indication of **which care and support needs will meet the [Care Act 2014] eligibility criteria** after they reach 18, and
2. **advice and information** about—
 - i. **what can be done to meet or reduce** the needs which it thinks the child is likely to have after becoming 18;
 - ii. **what can be done to prevent or delay** the development by the child of needs for care and support in the future.

Timescales

There is no fixed period or age when the transition assessment must be conducted by, however it should be carried out within a reasonable timescale and before the child or young carer reaches the age of 18.

The local authority should provide an indicative timescale for when and how long the assessment will be conducted and keep the person informed.

For those with an Education, Health and Care Plan, the transition assessment should be undertaken as part of one of the annual statutory reviews of the plan.

When the Child or Young Carer Turns 18

Where the child or young carer has turned 18, the local authority must decide whether to treat the transition assessment as a needs assessment under the Care Act 2014.

If yes, the transition assessment will be deemed to be a needs assessment under the Care Act and services will be provided by adult social care where eligible.

If not, the local authority must perform a needs assessment (where it appears that the young adult may have needs for care and support) to determine what eligible needs the young adult and/or their carer may have for care and support services.

Legal Disclaimer

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Website: www.dls.org.uk

Legal Aid (you are eligible and require representation)

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Advice

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