

Preparing For Your Child's Transition to Adulthood

Q&A Sheet

The document will answer questions asked during the webinar.

What might a capacity needs assessment look like?

You can find more information on understanding capacity on the NHS website.
<https://safeguarding-guide.nhs.uk/types-of-abuse-exploitation-and-neglect/s3-12/>

How is it decided if someone has the capacity to make a decision about where they live, for example? Especially where they may have the ability to express a perfectly valid preference even if they may not be able to understand the practical implications.

By using the test from the Mental Capacity Act, the test measures whether the person can:

1. **Understand** the information relevant to the decision, including its consequences.
2. **Retain** that information long enough to make the decision.
3. **Use or weigh** the information (pros/cons, risks/benefits) as part of the decision-making process.
4. **Communicate** their decision in any way (speech, sign, gesture).

You can also refer to the five principles of the Mental Capacity Act as follows:

1. A presumption of capacity
2. Individuals are supported to make their own decision
3. Unwise decisions

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4. Best interests
5. Less restrictive option

These are also covered in the website link in the question above.

Why (for what benefit) and from whom should I request a mental capacity assessment for my young person?

You should request an assessment if you suspect that the person may not have the capacity to make the decision they need to make now. For instance – if they are eligible for Direct Payments, are they able to decide how to spend the money? If you suspect not, then a social worker would make the assessment. If they needed to decide whether to have a proposed medical operation, but it is suspected that they may not have capacity to decide, a medical clinician would conduct the assessment. Each assessment should be documented.

I've been asking for a personal budget/direct payment for years and at every review. But I get ignored every time. What can I do?

Could you find out who enacts the personal budgets? Schools often don't know how that system works. You can find useful information in the Care Act 2014 here: <https://www.legislation.gov.uk/ukpga/2014/23/notes/division/5/1/6>

When you talk about updating EHCPs, I find they are often very confusing, as nothing is removed, so there is outdated content about support needs, which are often less than the current situation. Should this no longer relevant information be removed?

Yes, it should be removed, and you can ask for it to be removed/rewritten at the annual review.

We have also faced LA just saying they would not find a residential

educational placement for a student with no consideration of needs. I would be grateful for your advice.

Demonstrating how no local services can meet the young person's needs can help. Give details of what is needed and what each provision can and can't provide.

What can we do if students are not getting assigned a transition social worker until 18?

Ask your local authority for a needs assessment and a carers assessment.

My son is 11 years old, turning 12 in February. Should I start the process now? I am really nervous about the whole process.

Yes, it is never too early to start. Our transitions guide gives some good advice on what you can be doing in the years between now and then, like opening a bank account, being able to describe what they need, supporting them to know and explain what they need too and learning to become as independent as possible.

Additional Resources

Dimensions UK

Good To Know

<https://www.dimensions-uk.org/good-to-know/>

Pointers to a Good Transitions

<https://www.dimensions-uk.org/news-item/pointers-to-a-good-transition/>

Organisations

Care Quality Commission

<https://www.cqc.org.uk/>

Care Inspectorate Wales

<https://www.careinspectorate.wales/>

Legislation

The Children and Families Act 2014

<https://www.legislation.gov.uk/ukpga/2014/6/contents>

The Care Act 2014

<https://www.legislation.gov.uk/ukpga/2014/23/contents>

The Mental Capacity Act 2005

<https://www.legislation.gov.uk/ukpga/2005/9/contents>