



National Network of Parent Carer Forums

'Our Strength Is Our Shared Experience'

## The Children and Families Act

### The Role of Parent Carers when your Child reaches 16

As parent/carers we know that moving from children's to adults' services can be very difficult. One of the key parts of the Children & Families Act 2014 is how the new SEND system will improve life outcomes for young people from 14-25 years who have Special Education Needs (SEN) and to ensure this transition is seamless.

*"Our vision for children and young people with special needs is the same as for all children and young people – that they achieve well in early years, at school and in college; lead happy and fulfilled lives; and have choice and control."*

#### Department for Education

The Key Principles set out in the Children & Families Act are that:

- Young people should be at the centre of planning for and making decisions about their future. Discussions should focus on what they want to achieve, and the support they will need to get there.
- There is now a single system of support for children and young people with SEN from birth to 25. This means that no one should lose the right to extra support for their educational needs simply because they have reached 16 or left school. Further education colleges and settings now have similar duties to schools to support students with SEN. Young people who need more support may have an Education, Health and Care (EHC) plan until they are 25. Young people with existing statements and Learning Difficulty Assessments must be prioritised for transfer to the new system during 2014/15.
- The law gives new rights to young people who are over 16 alongside an on-going role for parent carers. Young people can make decisions in their own right about the support they receive. This includes taking control of their own Education Health and Care (EHC) plan if they are able to.

The new Special Educational Needs & Disability Code of Practice: 0-25 years supports these principles. The code sets out what a local authority must do to enable young people to prepare for adult life. This includes:

- Higher education and/or employment
- Independent living
- Friendships & Contributing to the local communities
- Healthy Lives



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The Act defines a young person as someone who has reached the end of compulsory school in the academic year they turn 16. This will be year 11 for most students. However, legally young people must remain in some kind of education or training until they are 18.

A young person who has a Learning Difficulties Assessment (LDA) will need to request an assessment for an EHC Plan during the transition period. Young people in further education with an LDA must transfer by 1 September 2016 according to the **Transition to the new 0 to 25 special educational needs and disability guidance** issued by the Department for Education.

A young person who has an EHC plan at school can continue to keep it if their needs have not changed. A young person or parent/carer will have the right to express a preference for a particular post 16 setting (School or FE College) to be named on the EHC plan.

Some young people aged 19-25 years with SEN, may need more time to complete their education or training and should continue to receive the support they need. EHC plans can continue to age 25 but this is not an automatic right.

Local authorities must set out in their Local Offer information on the support available for young people aged 19-25 years.

### **Young people's rights at 16**

All young people have the right to have their views taken into consideration about decisions that affect them. However, an important change is that when they reach 16 certain rights transfer from you, their parent/carer to the young person themselves.

A young person can:

- Ask for an EHC needs assessment
- Make decisions about the support in their EHC plan
- Ask for a personal budget
- Appeal directly to tribunal about a decision relating to an EHC assessment or an EHC Plan.

It is assumed that young people have this right unless they lack the mental capacity to make specific decisions about their lives. Young people with disabilities and special educational needs should be treated as having the capacity to make their own decisions, even if they need support to do so.

Local authorities have to ensure that there is an independent source of information advice and support available for young people. This should be separate from the advice available for parents/carers.



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### **What is the role of parent carers when their son or daughter reaches 16?**

Many parents/carers are concerned about what this change will mean in practice and how the change in legal status affects parent/carers' rights to be involved in decisions affecting their son or daughter. The changes to the law do not mean that parent/carers have no say. In practice many young people will want and need their parents'/carers' support to make decisions, and many people will still need to make decisions on their behalf. It is about placing the views and aspirations of the young person at the centre of the process.

Section 19 of the Children and Families Act 2014 states that Local Authorities must pay particular attention to:

- the views, wishes and feelings of children and their parents/carers, and young people;
- the importance of them participating as fully as possible in decision-making and providing the information and support to enable them to do so; and
- Supporting children and young people's development and helping them to achieve the best possible educational and other outcomes.

The NNPCF welcomes young people being heard and their views being given higher significance. It is important for Local authorities and other agencies to recognise the need to work with the young person and their family to establish what support is needed.

### **What role can parent carer forums play?**

The NNPCF believe that Forums have a key role in working with their Local Authority and Health partners to ensure that there is a vision for young people with Special Educational Needs and Disabilities to ensure that they have opportunities and outcomes that result in them leading a fulfilling adult life. This vision should inform local strategy and joint commissioning arrangements. The NNPCF is concerned that the current financial restraints on Local Authorities and Health partners is placing this vision at risk and that all those involved must not lose sight of the need to achieve good life long outcomes for children and young people with SEND.

The Local Offer plays a key role in delivering this vision and Forums offer the opportunity to ensure that it is co-produced with families and kept under review. It is essential that parent carers and young people have access to good quality information about what opportunities are available to them so that they can make positive choices and decisions about their future.

Forums are a key route for feedback to Local Authorities and Health Partners about any particular challenges faced by young people when preparing for adulthood. The NNPCF is currently aware of concerns around;



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- how difficult it is to secure quality information to inform the EHC process for those young people who are not in education, employment or training (Neet)
- the requirement for young people with SEND to name a post 16 college so early in the year is disadvantaging them since other groups do not have this requirement

The NNPCF promote parent carers as key advocates for their son and daughter. Forums reaffirm this role and offer the opportunity for Local Authorities and Health partners to work in partnership with families to ensure that together we support young people with SEND to have fulfilling and positive lives.

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### *NNPCF Steering Group*

## 1. Information

Irwin Mitchell and their partners as part of the Independent Supporters programme have developed a series of factsheets about the reforms. There is a paper on Preparing for Adulthood. The factsheets can be found here:

[www.irwinmitchell.com/personal/protecting-your-rights/social-healthcare-law/the-children-and-families-act-2014/factsheets-and-template-letters](http://www.irwinmitchell.com/personal/protecting-your-rights/social-healthcare-law/the-children-and-families-act-2014/factsheets-and-template-letters)

The national [Preparing for Adulthood](http://www.preparingforadulthood.gov.uk) website is also an excellent source of information including a [factsheet on the Mental Capacity Act](#).

## 2. References



### 1. Special educational needs and disability – A guide for Young People

[www.gov.uk/government/publications/sen-and-disability-support-changes-information-for-young-people](http://www.gov.uk/government/publications/sen-and-disability-support-changes-information-for-young-people)



### 2. Transition to the new 0 – 25 Special Education Needs and Disability System

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/348591/Transition to the new 0 to 25 special educational needs and disability system statutory guidance for local authorities.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/348591/Transition_to_the_new_0_to_25_special_educational_needs_and_disability_system_statutory_guidance_for_local_authorities.pdf)



### 3. Special Educational Needs and Disability Code of Practice: 0 to 25 years

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/342440/SEND Code of Practice approved by Parliament 29.07.14.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/342440/SEND_Code_of_Practice_approved_by_Parliament_29.07.14.pdf)



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The National Network of Parent Carer Forums (NNPCF) was launched in 2011, and is funded by central government.

We became a formally constituted Group in November 2013. The NNPCF membership is made up of Parent Carer Forums of which there is one in almost every local authority area in England. Each parent carer forum in receipt of the Department of Education participation grant is a member of the NNPCF.

The function of the NNPCF is to develop cohesive good practice and effective participation and a solution focused approach at all levels, locally, regionally and nationally.

The aims of the NNPCF are to:

- Ensure that good practice, knowledge and shared expertise about parent participation continues to grow and strengthen.
- Develop a cohesive and coherent structure to sustain and develop the effectiveness of parent carer forums across England.
- Strengthen the pan disability, parent/carer led model of local forums and boost our collective voice.

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