

national transition support team

working together to improve transition
for disabled young people

National Transition Support Team Policy Briefing

This briefing summarises current developments in key policy areas relating to disabled young people's transition to adulthood.

Equality Legislation

The Equality Act 2010 will be implemented in stages, eventually completely replacing the disability discrimination act. **Most of the Equality Act came into force on 1st of October.** Relevant changes include:

- Clarification of protection for parents and carers against unfair treatment
- New protection against harassment and indirect discrimination
- Discrimination arising from a disability will replace disability related discrimination. This is protection against discrimination on the grounds of something that directly arises from a disability e.g. discrimination on the grounds of a behaviour or using an aid. This change is a clarification of the law in the wake of the Malcom judgement which weakened protection offered by the original DDA.

The original Disability Equality Duty (DED) will continue until April. The duty and relevant guidance will have effect until the Public Sector Equality Duty is in force. Government is currently consulting on the detail of implementation.

The extended reasonable adjustment duty on schools contained in the Equality Act is expected to be implemented at a later date.

Briefings are available from the [Government Equalities Office](#) and the [Council for Disabled Children](#).

Health

CQC special review of support for families with disabled children

CQC will be collecting information will be collected from local areas during October and November. This [review](#) will:

- look at delivery and commissioning of specialist health services for families with disabled children
- include an assessment of the quality of support in a geographical area linked to PCTs
- look at the 'building blocks' of the care pathway which are of particular importance to families

The Council for Disabled Children and partners working as the national transition support team for the AHDC Transition Support Programme



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NHS White Paper

Government has published a [white paper](#) setting out how it intends to reform the NHS over the next 3 years. This includes major structural reform, a new outcomes framework (replacing current vital signs indicators) and new arrangements for patient involvement and cooperation between health and social care locally. PCTs will continue to operate until April 2013 at the earliest and SHAs until 2012 at the earliest. A [circular](#) has been sent to heads of health agencies explaining the timetable of reforms.

Key phases of reform

Separation of SHAs' commissioning and provider oversight function	by end 2010
NHS commissioning board and Health and Wellbeing boards set up in shadow form	April 2011
GP consortia established in shadow form	2011-2012
News outcomes framework (indicators) implemented	by April 2012
Main elements of new structure start to operate	April 2012
SHAs are abolished	2012-13
GP Consortia hold contracts with providers	April 2013
PCTs Abolished	from April 2013

Schools/Special Educational Needs

SEN Current developments

As of September 2010 parents know have a right to appeal against a decision not to amend a statement of SEN. This is as a result of [section 2](#) of the Children, Schools and Families Act coming into force.

Academies

The Academies Act became law in July, setting out the framework under which many schools are expected to convert academies in the coming years.

Under the Act:

- Funding agreements must set out new key obligations regarding SEN similar to those that apply to maintained schools, which did not apply to existing academies.
- There will be some scope for local authorities to retain money for specialist services. (Local authorities are able to topslice funding for maintain schools to pay for centrally-provided specialist services but have not been able to do this with existing academies.)

Special Educational Needs and Disabilities Green Paper

- The Department for Education will be [publishing outline plans](#) for a new strategy for supporting disabled children and young people. The scope of the green paper is broad, including support for families and disabled young people's transition to adulthood and may propose reform of the SEN framework.
- A [review](#) of Special Educational Needs and Disability by Ofsted, which was published in September made recommendations for significant reform.
- The SEN Code of practice will continue to apply until the detail of any reform is decided and implemented.

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Further Education, Training and Offender Learning

Local Authorities duties on Post-16 learning

Since April 2010 Local Authorities have been responsible for planning and securing 16-19/25 education and training. The secretary of state announced in July that this will not be implemented under the originally planned framework. The YPLA will now hold contracts with colleges and Local Authorities will have flexibility around how they cooperate with one another. The National Commissioning Framework that was published by the YPLA earlier this year has been withdrawn. However, local authorities are still expected to cooperate with one another to plan the best provision for their area. The Local Government Association has a [page](#) covering these changes.

Young Offender Learning

Local Authorities have been responsible for young offender education since the beginning of this academic year (September 2010). A delay to implementation had been announced but not actioned. Under this new duty local authorities must have regard to any special education needs or learning difficulties a young person may have when securing appropriate education or training. Similarly to the arrangements for 16-19 learning, the YPLA will hold contracts with providers. More information is available from the [LGA](#).

Other Developments

- Foundation Learning was introduced as an option for all young people aged 14-19 (or 25 with a Learning Difficulty Assessment) from the start of this academic year (September 2010)
- The new Apprenticeships offer will be introduced from April 2011. Work to draw up flexibilities to the offer for Learners with Learning Difficulties and or Disabilities and Care Leavers is continuing as planned.
- The Government has announced an independent review of vocational education for 14-19 year olds, which will report in spring 2011.

Adult social care

The Government is expected to publish:

- Its vision for social care in November 2010.
- A Partnership Agreement setting out how it intends to engage others in the delivery of this vision.
- A refreshed carers strategy at about the same time
- A social care white paper (setting out intended reforms) in 2011

Reforms will start to be implemented in late 2011 at the earliest and are not expected to be in place before 2013.

Employment Support and benefits

- A trail of Work Capability Assessments for existing claims of Incapacity Benefit started in Burnley with the long term intention of rollout throughout the country.
- Work Choice, the new DWP funded programme of specialist support to help disabled people move towards employment, will be launching on October 26th. It will replace WORKSTEP, Work Preparation and the Job Introduction Scheme. Many of the providers that were delivering WORKSTEP will be delivering the new scheme.
- From 2013-14 new and existing claimants of Disability Living Allowance will be subject to a medical assessment.

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- It was announced in the Emergency budget that a housing benefit claim for a disabled person will now be permitted to include money to cover the cost of a room for a live-in carer.
- The Government has [announced its plan](#) to migrate recipients from the current benefits and tax credits systems onto a Universal Credit starting in 2013 and finishing in the next Parliament. More detail will be set out in a White Paper before the end of the year.

Children's Trusts

Government has [announced its plans](#) to reform Children's Trust arrangements, largely reversing the strengthening of duties introduced by Apprenticeships, Skills, Children and Learning Act 2009.

The Secretary of State has indicated that he proposes to:

- remove the duty on schools (including special schools and academies) to co-operate through children's trusts via the forthcoming Education Bill
- remove the requirement on local authorities to set up children's trust Boards and the requirement on those Boards to prepare and publish a joint Children and Young People's Plan, at the first available legislative opportunity
- revoke the regulations underpinning the Children and Young People's Plan and withdraw the statutory guidance on children's trusts, in the autumn. This change has effect from 31st October 2010.

The duty to cooperate under the Children Act 2004 will remain.

Information Advice and Guidance

- Services provided by connexions are provided under the Learning and Skills Act 2000 and the Education and Skills Act 2008. This includes S139A of the Learning and Skills Act requiring local authorities to carry out [Learning Difficulty Assessments](#). This legislation remains in place and at the time of writing no specific plans have been announced to change this.
- The Department for Education has stated that "The Government is considering how best to ensure all young people receive high-quality careers advice and guidance. Its vision for education, including how to support all young people to make the right choices for learning and work, will be set out in a White Paper planned for the autumn." It has been announced that this will include an all-age careers service replacing connexions and next step in 2012
- The Department has also confirmed that it is not committed to take forward the proposed directions and statutory guidance on IAG, which was consulted on earlier this year.

For further information about the Transition Support Programme visit:
www.transitionsupportprogramme.org.uk

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