



# **A PARENT'S GUIDE TO YOUNG PEOPLE'S RIGHTS AND ADVOCACY**

## **Preparing for adulthood and the Special Educational Needs and Disabilities (SEND) Code of Practice 2015**

Whilst good preparation for adulthood should start in the early years, the SEND Code of Practice states that schools and service providers must start talking about, and formally planning for, your child's future from Year 9 (the academic year during which a child/young person becomes 14 years old). Those supporting young people should have clear planning discussions, covering ordinary life outcomes such as paid employment, independent living, community participation and health and well-being. Parents, of course, need to be included in those discussions. This should include consideration of the transition into post-16 education, and the transition from post-16 education into adult life.

## **The Children and Families Act 2014**

At the end of the academic year in which a young person turns 16, the way decisions are made about their education, health and care begins to shift. The right to make requests and decisions under the Children and Families Act 2014 applies to them directly, rather than to their parents. Here's what you need to know:

### **Your Child Gains New Rights**

From age 16, your child is legally allowed to make their own decisions about their SEND support. These decisions include:

- the right to request an assessment for an Education, Health and Care Plan
- the right to make representation about the content of their plan
- the right to request a particular institution is named in their plan
- the right to request a Personal Budget for elements of an EHC plan
- the right to appeal to the First-tier Tribunal (SEN and Disability).

### **Your Role as a Parent**

- The local authority, schools, colleges, health services and other agencies should continue to involve parents, particularly when the young person is not yet 18 years old.
- Your insights, support, and knowledge of your child help shape the decisions. You should be involved in reviews, planning meetings, and discussions about the future.

### **What You Can Do**

- Encourage your child to express their views and understand their rights.
- Help them prepare for meetings by talking through options and goals.



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### What Local Authorities Must Do for Young People (Age 16+)

As your child becomes more independent, the local authority has legal duties to support them directly. Here's what that means:

- Young people can get advice and help **without needing parents involved**, if that's what they want.
- From age 14, EHCPs must include a focus on preparing for adulthood
- If your child wants or needs it, they can get help from a trained supporter who isn't a parent or teacher.
- If your child is **approaching 18**, the local authority must assess their needs for adult care **if it could help them**. For more details, see the section below on The Care Act.
- Services like housing and adult social care are able to support young people in preparing for adulthood.

### The Care Act 2014

Under the Care Act the local authority has a duty to carry out a transition assessment for a young person or carer, in order to help them plan, if they are likely to have needs once they (or the child they care for) turn 18. If a young person or young carer is likely to have needs when they turn 18, the local authority must assess them when it considers there is a significant benefit to the individual in doing so.

### The Mental Capacity Act (MCA) 2005 and The Mental Capacity Act Code of Practice

In cases where a young person may lack capacity to make decisions, the Local Authority will follow the MCA and the MCA Code of Practice. The underlying principle of the MCA is to ensure those who lack capacity are empowered to make as many decisions for themselves as possible and that any decision made or action taken on their behalf is done so in their best interests.

If your child (age 16+) cannot make certain decisions due to a learning disability, brain injury, or other condition, you may apply to the Court of Protection to become their deputy. A deputy is someone legally appointed to make decisions on behalf of a person who lacks capacity.

You can apply to manage:

- Personal welfare (e.g. medical care, daily support)
- Property and financial affairs (e.g. bills, savings, benefits)

More information about Court of Protection is available at [www.gov.uk/courts-tribunals/court-of-protection](http://www.gov.uk/courts-tribunals/court-of-protection).

Information about becoming a deputy is available at [www.gov.uk/become-deputy](http://www.gov.uk/become-deputy)

### The NHS: your child's rights

For more information on the legal rights of children and young people, '[Get your Rights](#)' is a new interactive website which helps children and young people to know their rights when using the NHS. It also has useful info about the role of parents and carers as young people get older.