



Understanding The Key Differences Between Childrens and Adult Social Care

Caring for a family member with a learning disability involves navigating two very different systems: Children's Social Care and Adult Social Care. Although both aim to support wellbeing, independence and safety, they are governed by different laws, use different assessment approaches, and operate with different expectations about family involvement. This guide explains the key differences so families can feel informed, prepared and confident when supporting a young person through to adulthood.

The Law Behind Each System

Children's Social Care - Children's services are primarily governed by:

- Children Act 1989 – establishes duties to safeguard and promote the welfare of children.
- Children and Families Act 2014 – includes SEND reforms and Education, Health and Care Plans (EHCPs).
- Working Together to Safeguard Children (statutory guidance) – sets out how agencies must work together.

Under these laws, the local authority must ensure children are safe, supported and able to achieve their potential. The system assumes children need protection, guidance and ongoing parental involvement.

Adult Social Care - Adult services are governed by:

- Care Act 2014 – the main legislation for adult social care.
- Mental Capacity Act 2005 – sets out how decisions should be made when a person may lack capacity.
- Equality Act 2010 – protects disabled adults from discrimination.

The Care Act focuses on wellbeing, independence and choice. Adults are seen as decision-makers in their own right, even if they need support to express their wishes.

Rights and Entitlements

Children's Social Care

- Support is often proactive and based on developmental needs.
- EHCPs provide legally enforceable education support.
- Short breaks, respite and family support may be offered.

Parents have clear rights to be involved and consulted.

Adult Social Care

- Adults have the right to a Care Act assessment and a support plan.
 - Carers have legal rights to their own assessment and support.
 - Personal budgets and Direct Payments give adults more control.
- Support is only provided if eligibility criteria are met.

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How Needs are Assessed

Children's Social Care

Assessments look at the child's developmental needs, family circumstances and parenting capacity.

Key features include:

- Holistic assessment of the whole family.
- Strong emphasis on safeguarding.
- EHCP assessments focus on education, health and care needs up to age 25.

Parents are expected to be central to planning and decision making.

Adult Social Care

Under the Care Act, adults receive a needs assessment based on specific eligibility criteria. Key features include:

- Focus on the adult's desired outcomes and independence.
- Carers receive their own carer's assessment.
- Eligibility is based on whether needs arise from a disability and impact wellbeing.

Adults are presumed to have capacity unless proven otherwise.

Decision Making and Mental Capacity

Children's Social Care

Parents make decisions for their child, with professionals ensuring the child's welfare is protected.

Adult Social Care

The Mental Capacity Act 2005 becomes central. It requires:

- Presumption of capacity.
- Support to make decisions.
- Best-interest decision-making, if capacity is lacking.
- Involvement of family as appropriate, but not automatic.

Transition to Adulthood (Preparing for Adulthood)

Transition planning should begin from age 14 under SEND guidance. Key elements include:

- Preparing for employment, independent living, community participation and health.
- EHCPs can continue until age 25 if needed.
- Adult social care assessments should begin early.

Moving from children's to adult social care is a major transition for families. Understanding the laws that shape each system can help you feel more confident and prepared. Your knowledge, experience and advocacy remain essential throughout your family member's life.

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At a Glance

Area:	Childrens Social are	Adult Social care
Main Law	<u>Children Act 1989;</u> <u>Children & Families Act 2014</u>	<u>Care Act 2014;</u> <u>Mental Capacity Act 2005</u>
Focus	Welfare, development, safeguarding	Wellbeing, independence, choice
Decision-making	Parents central	Adult central; MCA applies
Assessments	Holistic, family-based	Eligibility-based, person-centred
Entitlements	EHCPs, family support	Personal budgets, carer's rights
Family role	Automatic	Involved when appropriate

Undertsanding the shift from Childrens to Adult Social Care

When your young person transitions to adult social care, some principles remain constant. As families, your knowledge, insight and expertise should continue to be recognised and valued. Support should always remain **person-centred, with the wellbeing, safety and aspirations of your young person at the heart of every conversation and decision.**

There are also important differences in adult social care that families often feel in practice. The views, wishes and outcomes of the young person take precedence, and this can sometimes mean families feel less involved in decision-making than they were in children's services. **Understanding the Mental Capacity Act and how supported decision-making works can help you feel more confident about your role and rights.**

Adult social care is chargeable. When your young person turns 18, their finances and ability to contribute towards the cost of care will be assessed. This can feel like a significant shift from children's services, where support is not means-tested.

Another change is the way support is coordinated. **In adult social care, your family member may not have a named social worker** in the same way they did as a child. However adult social care still has a responsibility to understand the person, their history, and their situation, and to ensure that support is built around their needs and circumstances.

Despite these differences, your role remains vital. **Families continue to be partners in planning, advocacy and ensuring the best possible outcomes for their family member.**

This can feel like a major cultural shift for families who are used to being automatically included.



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Social Care Teams in Essex

Children with disabilities team (0-16) : through the children and families hub: 0345 6037627

Young people with disabilities team (16-25) : children known to the children with disabilities team will transfer around the age of 16. Families can refer through the children and families hub: 0345 6037627

Adult social care (18+) : 0345 603 7630, or email at socialcaredirect@essex.gov.uk

Further information

How to Get the Right Support Using the Care Act, written specifically for families. [Click here](#)

Using the Mental Capacity Act A resource for families and friends of people with learning disabilities [Click here](#)

Essex County Council - **Guide to Adult Social Care and Support** [Click here](#)

Essex Local Offer — **Children with Disabilities and Young People with Disabilities Team Information and Referral Routes.** [Click here](#)

Essex County Council — **Adult Learning Disability Information and Care Act Guidance for Local Services.** [Click here](#)

Children's Social Care **National Framework and Statutory Children's Guidance.** [Click here](#)

We (Essex Carers Network) have a lot of useful information on the Resources Pages of our website [Click here](#)

We have endeavoured to ensure that all information in this document is accurate, up-to-date and relevant. Guidance and legislation can change, and local practice may vary, so we recommend checking with social care if you need clarification about your individual situation.