

Briefing for the Citizen Participation and Public Petitions Committee on petition [PE2237](#): Create a “stage not age” health and social care and benefit system for people with exceptional complex medical needs, lodged by Allan Petrie

Brief overview of issues raised by the petition

The petitioner wishes to see a change in approach in policy and services as children age into adults. They argue that children with profound and complex health and care needs, who will never be able to assume adult responsibilities and independence, are still subject to the same transition journey as other children who are not living with the same ongoing needs, because services for children and adults are radically different.

Further, they argue that for young people in foster care, the situation can be even more stark. The petitioner brings together overlapping areas of policy – healthcare, ‘corporate parenting’ and social work and social care services.

The stage not age approach would presumably mean that someone’s physical age would not be the marker for how services are assessed for or organised, but instead consider the situation and developmental stage of the young person on a case by case basis.

A complicating factor for any people navigating the period of transition, who are reliant on some support, is that the age at which someone is considered an adult varies according to different legislation and policy.

The [Scottish Government issued advice and guidance to support disabled children, young people and their families](#), which was last updated in November 2023. This has dedicated sections on transitions, transitions in health and social care, in education, and in employment.

Ongoing health needs

The Scottish Government acknowledges that because health and care services are organised differently for children and adults, the move from one to the other can be difficult to negotiate:

“If a young person has ongoing healthcare needs this this should be highlighted in a Transition Plan so that the right adult service is in place once children's services stop. The school team helps coordinate planning and making sure that the right healthcare services are involved...”In some circumstances there may be no equivalent adult service and support services like respite might be more difficult to access...”Young people with serious long term conditions or chronic health problems can benefit from having an [Anticipatory Care Plan](#).”

If a child is receiving treatment from Child and adolescent mental health services (CAMHS) then a [transition care plan](#) can be drawn up, although this assumes capacity (see below) on the part of the young person.

Healthcare “passports”

According to the Scottish Government information:

“Healthcare “Passports” can help address communication challenges of children with complex needs summarising important aspects of a young person’s healthcare and can assist communication during transition, e.g. the [Promoting a More Inclusive Society Digital Passport](#) and the [My Communication Passport](#)

See the [Inclusive Communication](#) section of this site for more”.

How social services are organised as children transition to adulthood

Children with disabilities and additional needs will inevitably transition into adulthood but their needs – physical, health, emotional and mental - might not change significantly. However, most services are set up such that they are either for children or adults, and different legislation and policy applies. Social workers also tend to either work in children’s or adult services. Transition planning should ideally begin from age 14, with the social work and extended team. Some local authority areas have dedicated transition teams in place.

There are differences in how children’s and adult services are designed and delivered because some of the legislation governing the two are distinct. As a result, there is no automatic seamless transition for most people, although the challenge of transitions in this context has long been highlighted and acknowledged.

[All the relevant social work legislation](#) is listed by the National Social Work Agency in chronological order from 1948 to the present with links to the legislation itself.

Local authorities are responsible for providing local social work and social care services. Much of the work is overseen by integration joint boards, who commission social care services. However, in some areas children’s social work remains the sole responsibility of the local authority, and in others it is delegated to the integration joint board. Adult social work and social care is delegated to all local authorities. This means that, while overall policy and legislation are the same across the country, there will be some local variation because of the different approaches and local policy decisions made on how services are organised and delivered.

Capacity to make decisions

Unless Legal Guardianship or Power of Attorney is in place, parents don’t have the right to be involved in decisions around health and welfare needs because of confidentiality issues. Power of Attorney can be granted by a young person, as *long as they have capacity*, to someone else to act on their behalf and to carry out their wishes. By law, if a young person isn’t able to make key decisions or take actions to

look after their own welfare, a court can appoint a 'welfare guardian' to do this for them. Welfare guardians can make decisions about where a person lives, their personal and medical care. The [welfare guardian](#) might be a relative, friend or a carer. In the case of someone in foster care, then the state is the 'corporate parent'.

National Transitions Strategy

There is a [National Transitions to Adulthood Strategy](#) for young disabled people which aims to ensure that every young person 'is empowered and supported to control their own path to success.' This aim implies that everyone will continue to develop and learn and become more independent, which, as the petitioner argues, is not always the case.

[The Strategy](#) presents a detailed timeline of work since 2009 undertaken by the Scottish Government ([GIRFEC – Getting it right for every child](#)), and stakeholder partners such as [ARC \(Achieving Real Change for a more inclusive Scotland\)](#) and [CELCIS](#) (Centre for Excellence for Children's Care and Protection Scotland).

ARC developed a set of [Principles of Good Transitions](#) in 2017, which is now in its third iteration. It provides a framework to inform, structure and encourage the continual improvement of support for young people with additional needs between the ages of 14 and 25 who are making the transition to young adult life. [ARC has also developed online tools – Compass](#) - to help families navigate policy and legislation

ARC defines 'transitions':

“Transition is the period when young people develop from children to young adults. This is not a single event, such as leaving school, but a growing-up process that unfolds over several years and involves significant emotional, physical, intellectual and physiological changes. During this period young people progressively assume greater autonomy in many different areas of their lives and are required to adjust to different experiences, expectations, processes, places and routines. Transitions also impact on the family or on those who care for the child or young person.”

This definition again assumes that as a young person ages, they will become more autonomous.

ARC also highlights ongoing challenges for parents, carers and people with additional support needs as they become adults being exacerbated by:

- “Organisational processes taking priority over individual needs
- Lack of support for carers and families
- Insufficient planning
- Unclear transitions pathways

- Limited options
- Lack of clarity about accountability”

The [Principles document](#) goes on to summarise the main legislative drivers relating to transitions.

Corporate parenting and looked after children

[The Children and Young People \(Scotland\) Act 2014](#) defines [corporate parenting](#) as “the formal and local partnerships between all services responsible for working together to meet the needs of looked after children, young people and care leavers”. This includes those in, or leaving, foster care.

Social security benefits

In terms of social security benefits, disabled children are entitled to Child Disability Payment (CDP) which, if claimed before the age of 16, they can continue to receive until 18. There is no automatic transfer to adult disability payment (ADP) – the young person or their parent/carer [needs to make a new application](#). A [2024 evaluation](#) of how people managed the transition from CDP to ADP found that overall, the process worked well, but did note that: “Some clients and formal representatives felt that the need to re-apply for ADP was unfair, particularly for those with lifelong or long term conditions that are unlikely to change.”

Key Organisations and relevant links

- [ARC](#)
- [CELCIS](#)
- [National Social Work Agency](#)
- [The Fostering Network](#) – a membership organisation and charity supporting foster carers
- [Talking about Tomorrow](#) – preparing for adult life in Scotland (for families of children with disabilities and learning difficulties. Provides detailed information on all aspects of transition.

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 5 August 2026

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

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