

Appendix 1

Guidance for assessing young people aged 19 and above for continuing in education with an Education Health and Care Plan

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1. Context

Local Authority responsibilities in respect of Education Health and Care (EHC) Plans for those aged 19 and above (potentially up to 25) are set out in the following:

- s36-50 Children and Families Act 2014 (“the Act”)
- The Special Educational Needs and Disability Regulations 2014 (“the Regulations”)
- The SEN Code of Practice 0-25 years issued January 2015 (“the Code”)

The Code is statutory guidance and as such local authorities must have regard to it in considering their duties regarding EHC Plans.

s37 of the Act sets out as follows:

s37(1) Where, in the light of an EHC needs assessment, it is necessary for special educational provision to be made for a child or young person in accordance with an EHC plan –

- a) the local authority must secure that an EHC plan is prepared for the child or young person, and
- b) once an EHC plan has been prepared, it must maintain the plan.

So where an EHC needs assessment has been carried out in accordance with s36 then the local authority has to decide whether it is necessary for special educational provision to be provided under an EHC plan. Where the local authority decides it is necessary then the requirements for the plan are set out in Regulation 12, and Paragraphs 9.64-69 of the Code apply to the outcomes element of the plan. The local authority’s duties include the need to support the child and his or her parent, or the young person, in order to facilitate the development of the child or young person and to help him or her to achieve the best possible educational and other outcomes (s19(d) of the Act).

Paragraphs 9.150 – 9.156 of the SEN Code apply specifically to young people aged 19 to 25. It is clear (para 9.151) that there is not an automatic entitlement to continued support under an EHC plan at age 19. Nor is there an

expectation that those with an EHC plan should remain in education until aged 25.

A local authority may cease a plan for a 19 to 25 year old if it decides that it is no longer necessary for the EHC Plan to be maintained.

Paragraphs 9.64-69 of the Code regarding the Outcomes section of the plan must be carefully considered when determining whether an existing EHC Plan remains necessary or not.

The relevant Regulations are Regulations 30 and 31.

Regulation 30 requires that “When a young person aged 18 or over ceases to attend the educational institution specified in his or her EHC plan, so is no longer receiving education or training, then a local authority may not cease to maintain the EHC plan unless it has reviewed the EHC plan in accordance with regulations 18 and 19 and ascertained that the young person does not wish to return to education or training...or determined that returning to education or training would not be appropriate for the young person.

Regulation 31 requires local authorities to inform and consult the child’s parent or the young person in advance of any decision to cease to maintain an EHC plan, to consult the head teacher or equivalent for the institution named in the plan, to notify the parent or young person, institution and CCG of any decision to cease to maintain the plan, and to notify the parent or young person of appeal rights and related issues.

Careful consideration should also be given to Paragraphs 9.150-156 which include that “in deciding that the special educational provision is no longer required, the local authority **must** have regard to whether the educational or training outcomes specified in the plan have been achieved” . .

The strategic vision for this local authority is to ensure that there are high aspirations for children and young people with SEN. The aim is that young people are supported in achieving their aspirations and outcomes of independence and employment in or near their local community whenever possible. .

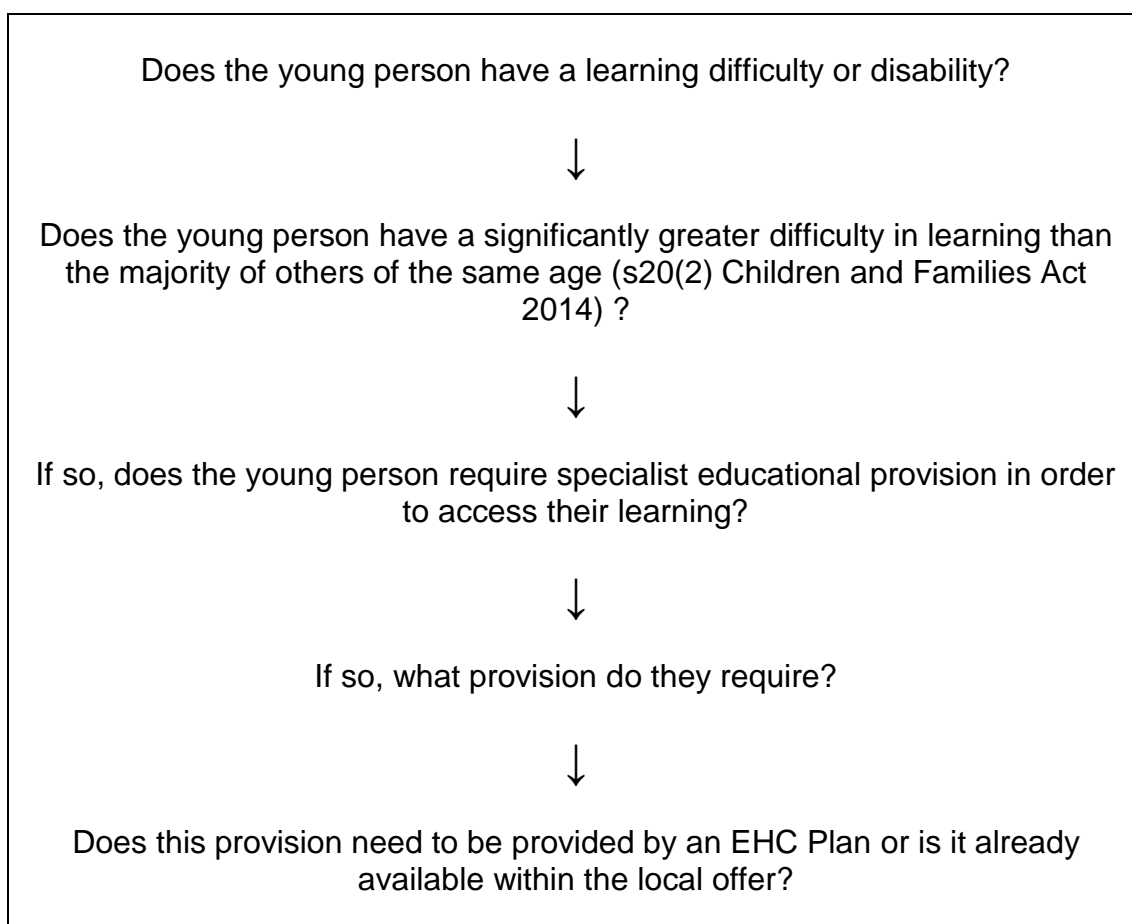
The LA’s strategy is to support young people through a good or outstanding local offer of education, health, care and third sector provision. With young people, parents and practitioners working together to ensure planning is personalised to meet young people’s needs. The aim is to have a Local Offer **across the area which is** responsive to the changing needs and the choices young people make..

2. Guidelines for assessment in relation to continued education

2a. Assessing a young person aged 19-25 who does not currently have an Education, Health and Care Plan and has never had a Statement of SEN.

There may be young people aged between 19 and 25 who are new to the SEN System and who may require an Education Health and Care Plan.

In order to make a decision on this, the following principles apply in the same way that they do for those young people aged 18 and under:



2b. Assessing a young person who currently has a Statement of SEN, LDA or Education Health and Care Plan for whom the LA may have a need to maintain an EHC Plan post 19

For young people who have a Statement of SEN, Learning Difficulties Assessment (LDA) or an Education Health and Care Plan, the Local Authority must carry out a transfer review or an annual review and decide whether an EHC Plan is needed or the EHC plan ought to continue to be maintained. In considering whether to continue to maintain an Education Health and Care Plan, or for a young person to transition from an LDA or statement of SEN, the local authority will seek evidence that:

1. The education / training outcomes as set out in the young person's Education Health and Care Plan (or previous statement/ LDA) have not yet been achieved

and there is evidence that only with continued input from trained educationalists will it be possible to achieve these outcomes.

2. The young person must want to remain in education/ training so that they can complete their course. All possible attempts must be used to seek the views of the young person.
3. The special educational needs must still be definable and present. It must be clear how the needs are impacting on access to learning and how the special educational provision can enable the young person to overcome these barriers.

3. How does the Local Authority support young people in preparing for their transition into adulthood?

Effective transition starts at the age of 14 or earlier and helps a young person prepare for adulthood. In terms of preparing for adulthood, this means that there needs to be a clear focus on developing the necessary skills for independent living and for employment, particularly as the Young Person moves into Post 16 provision and is essential for any further education (FE) placement.

It is important that young people are supported in learning the skills for independence and employment in or near their local community giving opportunities to build the networks they will need for their support once they are an adult. Young people with learning disabilities often have challenges in applying skills they may have learnt in one context to a different context, so community based independence is best taught in the community they will access as an adult. In view of the issues for preparing for adulthood, the LA would expect that any FE programme would be focussed on enabling a young person to make choices that support the achievement of independence and employment outcomes from the very beginning of any course.

This will enable the young person, their family and tutors, to plan for the time the student moves on and leaves the college. In many cases, the involvement of other agencies will be a necessary part of this process (for example the Learning Disabilities team). This is the purpose of the Local Offer in practice, whereby bespoke packages of support enable transition to adulthood.

The diagram below shows how the Local Offer can be focussed over time to support that pathway into adulthood.

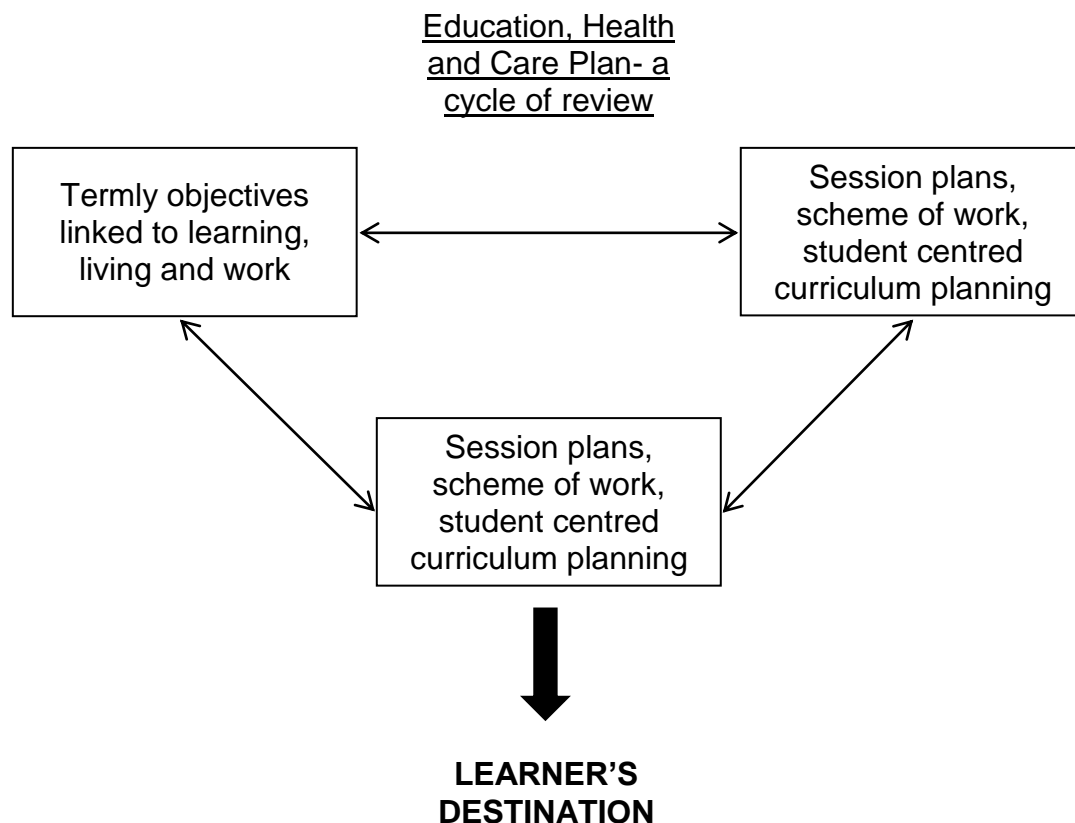
Year of focussed support	Purpose of support from Local Offer in preparation for adulthood
Year 1	Transition into college, focusing on becoming independent, travel training, making choices, participating in vocational sessions (ideally integrated within the college setting)
Year 2	Developing independence and personal and social skills, together with a supportive work placement of vocational choice

Year 3 and exit from the organisation	Primary focus on external work experience placement with support from job coach, together with a college support programme to develop skills required to sustain voluntary or paid employment.
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Adapted from The Routledge Companion to Severe, Profound and Multiple Learning Difficulties (Allen et al, 2015)

In order to deliver this as a three year programme, the assessment and planning process for an Education, Health and Care Plan will place specific emphasis on developing an effective strategy for leaving education.

Evaluation and planning for the next steps is destination led – so that the key outcomes on the pathway to adulthood are the foci. This will ensure that formal reviews ‘concentrate on movement towards the next stage of transition into adulthood and allow for the development of potential pathways necessary to support the young person in future environments.’ (Welsh Government Social Research 2013: 167). This is demonstrated in the diagram below:



To be effective, pathways to employment for Young People with SEND must be personalised. By having an individualised approach, the educational programme will build on existing strengths, and support the young person to learn the skills they need for their next step.

The local offer of FE and third sector provision is intended to provide a continuum of employment opportunities. This continuum can include ‘job carving’ where a learner may carry out a specific element of a job, voluntary

opportunities, paid work, part time work, involvement in a social enterprise or supported employment.

This table below shows some of the considerations within this approach to employment.

Local Authority Preparing for Adulthood Employability Programme			
Voluntary	Social Enterprise	Supported paid / unpaid employment	Independent paid / unpaid employment
Voluntary employment (including work experience)	Individual enterprise	Supported internships	Part time / full time (including apprenticeships and internships)
Voluntary advocacy work	Group enterprise	Supported part time / full time (including job carving)	Group employment
Group voluntary advocacy		Supported advocacy employment	Job coach
		Group supported employment	

(adapted from Orchard Hill College Curriculum, 2012)

A job coach can be funded via the Department for Work and Pensions and can support the young person in their workplace for as long as it is needed.

Social enterprises reinvest any profits and can provide creative work opportunities for people with disabilities – such as that in offered via Kennet West who run a weekly market stall with their students.

Timing

Young people progress at different rates and the preparation for adulthood may take longer for some.

The LA's expectation is that most young people with SEN will follow a 2 to 3 year programme Post 16 and will not need to remain in education longer than their 19th birthday. However, for some young people, their journey will take longer and this 3 year destination led transition to adulthood may begin at

their Post 19 transition. The mechanism for determining this will be through the EHC Plan review.