Cumbria County Council

Further Education (Post 16) Placement Process

September 2018

V4 (September 2018)
1 Introduction

1.1 The purpose of this guidance is to ensure clarity and transparency about the process for agreeing placements and identifying resources required over £6,000 to provide support in Further Education, for young people aged 16-25, with an Education Health and Care plan (EHCP).

1.2 Funding

1.2.1 The Education and Skills Funding Agency (ESFA) funds the first £6,000 of additional support costs per student aged 16-18 with identified additional support needs and those aged 19-25 who are subject to an EHCP.

1.2.2 Some young people require additional resources over and above the £6,000 provided by the ESFA. Cumbria County Council will provide top up funding over and above the first £6,000 of support needs for individual learners in line with the published funding bandings (which all Further Education providers hold copies of), where it is satisfied that the additional top up funding is required.

1.2.3 The process for agreeing additional resources over £6,000, to engage in further education is set out below. It applies to young people aged 16-18 and those aged 19-25 subject to an EHCP, who are assessed as requiring additional resources over the £6,000 provided by the ESFA, to provide adequate learning support.

1.3 Learning Support Definitions

1.3.1 Additional resources provide learning support to ensure that:
- a learning difficulty, disability or impairment does not prevent any learner from having an equal chance, compared to their peers, to be successful on their chosen course.
- learners achieve the maximum possible level of independence and activity in their communities and in employment.
- learners maximise independent learning skills
- learners prepare for adulthood and the next step; leaving college, higher level course, higher education, or employment.
- interaction and friendships with peers is promoted.

1.3.2 There are different types of in-learning support which may be secured with Cumbria top up funding;
- Individual tutorials
- In-class support
- 1-1 Support
- Mobility support
- Note takers
- Communication Support Workers
- Specialist resources and equipment
- Adaptation of learning materials
- Personal care
- Exam support
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- Specialist teachers
- Welfare support
- Multi agency liaison

This is not an exhaustive list and other types of support may be provided.

1.4 Further Education

1.4.1 Further education is delivered within a range of organisations approved by the Secretary of State to deliver post 16 education. This may include:

- general further education colleges (GFE)
- 6th form colleges
- school 6th forms
- special school 6th forms
- non-maintained special school 6th forms
- academy 6th forms
- independent specialist colleges
- charitable and commercial organisations providing traineeships.

1.4.2 Fundable Hours:

As per published Education Funding Agency guidance for 2018/19, full time students in Further Education Colleges are those following study programmes of at least 540 Guided Learning Hours (GLH) per academic year at age 16 or 17 and at least 450 GLH if age 18. This equates to at least 14 hours education per week at 16 or 17 and at least 12 hours education per week at 18.

This guidance applies to all Post 16 learners including those who hold an Education, Health and Care Plan and Cumbria Local Authority will not fund additions to the agreed education programme.

1.4.3 However, paragraph 8.39 of the COP states: where young people have EHC plans, local authorities should consider the need to provide a full package of provision and support across education, health and care that covers five days per week, where that is appropriate to meet the young person’s needs.

1.4.4 Paragraph 8.40; five-day packages of provision and support do not have to be at one provider and could involve amounts of time at different providers and in different settings. It may include periods outside an education provider with appropriate support, including time and support for independent study. A package of provision can include non-educational activities such as: volunteering or community participation; work experience; opportunities that will equip young people with the skills they need to make a successful transition to adulthood, such as independent travel training, and/or skills for living in semi-supported or independent accommodation and; training to enable a young person to develop and maintain friendships and/or support them access facilities in the local community. These activities may be funded through the use of a personal budget.
1.4.5 It can also include health and care related activities such as physiotherapy. Full time packages of provision and support set out in the EHC plan should include any time young people need to access support for their health and social care needs.

1.5 Identifying and agreeing Education Placements for Post 16 Learners

1.5.1 The Local Authority accepts the many benefits that young people receive from being alongside their community peers and will always consider local educational options first in all instances. Wherever possible, appropriate provision will be agreed which allows young people to be educated and develop skills within their own local community.

1.5.2 Before a decision can be made about the provision that a young person requires, an assessment will have taken place to ensure that the provision suggested is able to meet that young person's needs. Sometimes students and their families visit a number of providers in order to look at what might be available. Once a student has expressed a preference, the preferred provider would need to undertake an assessment. This assessment information must be submitted to the LA in order for an evidenced decision on educational placement to be taken.

1.5.3 The conversations and planning which take place through the transition reviews will allow all parties to discuss the range of options which might be available. In this way, families, young people, providers and the local authority are aware of plans and are able to ensure that the process is completed as smoothly as possible. For this reason it is helpful for any young person, parent(s) and/or carer(s) who want to arrange to attend an independent specialist college assessment with a view to attending the college to notify Cumbria Local Authority in advance of attending the college assessment.

It is important to be aware that the young person, parent(s) and/or carer(s) attending an assessment and receiving an offer from that college is not a guarantee that the placement will be funded by Cumbria Local Authority.

1.5.4 Where a young person or their family wants to pursue a residential college placement the LA will look with its partner Adult Social Care Department to determine whether the residential component is required on educational or social grounds. This will sometimes require an adult social services assessment. Most young people who may require a residential assessment would already be known to the relevant services through transition processes.

Please see link below to processes for Adult and Social Care assessment for support:

www.cumbria.gov.uk/healthandsocialcare/adultsocialcare/applyforsupport/applyforsupport.asp
1.5.6 Assessments at specialist providers carried out more than 12 months in advance of leaving current provision will not be considered as evidence and therefore an updated assessment must be provided. **Note:** For any places offered prior to the publication of this guidance please refer to para(s) 1.5.1 – 1.5.4.

1.5.7 Where a young person has accessed Post 16 provision in a mainstream setting, with evidence of progression and achievement, and makes the decision to leave their agreed provision early, Cumbria LA would not expect requests to be made for transfer to specialist provision.

1.5.8 Any requests made will be submitted to Countywide EHCP Panel for consideration. Evidence must clearly show why a transfer to specialist provision would be appropriate in relation to meeting their educational needs and preparing the young person for adulthood.

All cases will be reviewed and decisions taken based on the individual circumstances and the evidence provided.

1.5.9 Where a placement at residential specialist provision is being considered, a capacity assessment of the young person will be required to ensure they understand that such a placement will result in a change in accommodation.

1.5.10 The capacity assessment will be undertaken by Adult Social Care and where it is deemed that a young person lacks capacity a Best Interests decision will need to be taken.

1.5.11 Where there is a failure to follow the published process no decision will be taken and this may delay the start date of an educational placement.

2 Process for planning for and allocating additional resources in post 16 institutions.

2.1.1 Planning for transition to adulthood and post 16 further education must begin in year 9 and consider the education, health and care needs of the young person.

2.1.2 In the final year before transition to a new post 16 institution, a draft or updated Education Health Care plan will be submitted to the young person with relevant reports. The young person will be invited to give views, make representations on the contents and request that a specific post 16 institution be named in the plan, within 15 working days.

2.1.3 If a young person makes a request for a particular post-16 institution the local authority must comply with that preference and name the school or college in the EHC plan unless:
• it would be unsuitable for the age, ability, aptitude or SEN of the child or young person, or

• the attendance of the child or young person there would be incompatible with the efficient education of others, or the efficient use of resources.

2.1.4 The local authority must consult the governing body, principal or proprietor of the school or college concerned and consider their comments very carefully before deciding whether to name their institution in the child or young person’s EHC plan, and will send the school or college a copy of the draft plan.

2.1.5 EHC plans for young people at key points of transition will be referred to the EHC Countywide Panel to consider if the EHC plan meets the needs of the young person and that the named school or college is suitable.

Key points of transition will include, but are not limited to

• Learners applying to transfer from mainstream to special school 6th form.
• Learners in year 11 in Independent and non-maintained special schools applying to enter 6th form in other independent/non-maintained special school.
• Year 14 learners applying for post-19 education in an independent specialist college.
• Learners requesting an extension to a placement, beyond the agreed programme duration.
• Learners requesting transfer from mainstream provision to specialist provision.
• Learners aged 19 to 25, transferring between colleges.

2.1.7 For young people moving from secondary school to a post-16 institution or apprenticeship, the review and any amendments to the EHC plan – including specifying the post-16 provision and naming the institution – must be completed by the 31 March in the calendar year of the transfer.

3. Transport

3.1 Where the young person’s school or college is further away from their home than the nearest school or college that can meet their needs, Cumbria LA can name the nearer school or college if it is felt appropriate to meet the needs of the young person. Where the young person prefers the school or college that is further away, Cumbria LA may agree to this but can request that the young person or parent(s)/carers(s) provide some or all of the transport funding.

3.2 Transport will only be recorded in the EHC plan in exceptional cases, where the young person has exceptional transport needs.
3.3 Please refer to the Cumbria County Council’s Post 16 Transport Policy Statement for 2017/18 for further detail:

http://www.cumbria.gov.uk/eLibrary/Content/Internet/537/6381/6394/42885114527.pdf

3.4 Transport support for learners aged 18 and over may be an eligible outcome defined within the Adult and Social Care Act 2014, where an adult is assessed as requiring support in ‘accessing and engaging in work, training, education or volunteering’.

3.5 Therefore, for learners aged 18 and over transport may be found to be a social care need. Service users should contact their named social worker if they require further information.

4. **Area Education Health and Care Panels**

4.1 **Responsibilities**

4.1.1 Area EHC panels take place in the 3 districts – Allerdale & Copeland, Carlisle & Eden and Furness & South Lakes and consider new requests for EHC Plans, moderation of developed plans prior to them being finalised.

4.1.2 The panel membership will include representatives from education, health and care.

4.1.3 The panel will meet each month on agreed pre-notified dates which are available on request.

4.2 **County Education Health and Care Panel**

4.2.1 The County EHC panel will meet to consider the EHC plans where the young person is at a key point of transition specified at 2.1.5, and is requesting a post 16 specialist provider, where a request has been made to change placement e.g. mainstream to specialist and where a request is made to extend an existing placement beyond the agreed duration.

4.2.2 For young people with EHC plans aged 19 to 25: There is no entitlement to continued support or an expectation that those with an EHC plan at age 18 must be allowed to remain in education or training from age 19 to 25. For young people with an EHC plan in this age group the panel will consider maintaining an EHC plan if all of the following conditions apply:

i. The education and training outcomes set out in their plan have not yet been achieved.

   a. The young person wants to remain in education or training so they can complete or consolidate their learning, including accessing educational provision that will help them prepare for adulthood.
ii. Remaining in education or training would enable the young person to progress and achieve those outcomes.

4.2.3 Where young people aged 16-18 and young people aged 19-25 with an EHC plan make a request for a particular Post 16 provider to be named within the plan, the local authority must comply with this request unless:

i. it would be unsuitable for the age, ability, aptitude or SEN of the child or young person, and /or the attendance of the child or young person there would be incompatible with

ii. the efficient education of others,

iii. the efficient use of resources

4.2.4 The County EHC panel will also consider the views of all relevant agencies and how the resources of these agencies can be co-ordinated to jointly commission support and sustain transition to further education for those young people who require a multi-agency approach.

4.2.5 The EHC panel must ensure that the placement is appropriate in meeting educational needs and an effective and efficient use of public funds.

4.3 County EHCP Panel Membership

4.3.1 Post 16 LDD Officer’s
Assistant Director, Children’s Services
Senior Manager Inclusion
Adult Social Services, Commissioning
Adult Social Services, Service Manager

4.3.2 The panel will make decisions on the basis of documentary evidence provided – relevant evidence is detailed in para. 5.

5. Evidence to support an application for educational placement.

5.1 The evidence in support of an application for a specialist educational placement must be up-to-date, appropriate to the request being made and demonstrate the match between the placement, the assessed education and training needs and the learner’s realistic aspirations and long-term goals.

5.1.2 The documentation listed below would be the source of such evidence:

i. The views of the young person (Section A of the EHCP).

ii. Educational assessments undertaken by local providers with the participation of the learner in situ; that establish the support and programme the provider can put in place, together with the costs.
iii. If a request is made for a change in provider from a mainstream to specialist setting, an educational assessment from the provider being requested (also see para. 1.5.1).

iv. The learner’s most recent Education Health Care Plan and recent review documentation.

v. A relevant and up-to-date Adult Social care report, (if appropriate).

vi. A relevant and up-to-date medical report (if appropriate).

vii. A relevant and up-to-date psychological report or reports.

viii. An up-to-date speech and language therapy /occupational therapy /physiotherapy report if appropriate.

ix. The most recent school report information detailing educational progress at school for the last three years including ‘P level’ reports.

x. The annual or latest version of the learner’s transition plan, if appropriate.

5.1.3 The list is not exhaustive and Cumbria County Council may seek additional, relevant and up-to-date information depending on the particular circumstances of the learner.

6. Outcomes of the panel meetings to assess applications for additional resources for placement in further education.

6.1.1 There are several possible outcomes of the panel meeting.

i. It is agreed that the educational programme specified in the EHC plan is appropriate to need, compatible with the efficient education of others and efficient use of resources.

ii. Additional evidence is required before a decision can be made.

iii. The proposed post 16 institution is not agreed because the young person is aged 19-25 and the EHC plan does not meet all of the conditions set out at 4.2.2.

iv. The proposed post 16 institution is not agreed because is incompatible with one or more of the conditions set out at 4.2.3.

7. Review of progress in Further Education.

7.1.1 A Student’s EHC plan will be reviewed at least annually in an agreed further education placement to allow the Council to make decisions on continued
funding within timescales specified in the SEND Code of Practice, January 2015.

7.1.2 Funding for additional resources over £6,000 will be agreed for one year. Funding for continuing provision will be subject to satisfactory educational progress evidenced by annual student reviews of the EHC plan, against clearly defined educational outcomes.

8. Requests to extend placements funded by additional resources over £6,000.

8.1.1 It is expected that requests to extend a placement in agreed institutions, beyond the duration of the programme’s original end date, would only be made because exceptional circumstances have prevented a student from completing an agreed programme of study.

8.1.2 Study programmes are tailored to meet need and reviewed annually to ensure satisfactory progress towards objectives. It is therefore expected that an agreed placement at a specialist provider will enable the student to develop the necessary skills and knowledge to allow him or her to progress beyond the original programme. Should a request be made to extend the placement to complete the programme, each case will be looked at on its merits.

Cumbria would not expect requests to extend a placement in a specialist setting beyond the agreed duration, in order to commence a new programme of study.

8.1.3 Effective transition planning should be embedded within a student’s programme to ensure that there is a clear plan of progress at the end of a student’s agreed programme. Cumbria therefore would not expect requests to extend a placement in a specialist setting because effective transition planning has not taken place.

9. Ceasing an EHC Plan

9.1.1 Cumbria LA may cease to maintain an EHC Plan if it determines that it is no longer necessary for the plan to be maintained, or if it is no longer responsible for the young person.

9.1.2 In deciding whether to cease a plan, Cumbria LA must take account of whether the education or training outcomes specified in the plan have been achieved.

9.1.3 Cumbria LA will not cease to maintain a plan on the basis of the age of the young person unless paragraph 9.1.10 applies.

9.1.4 The circumstances where Cumbria LA is no longer responsible for a young person are as follows:
• A young person aged 16 or over leaves education to take up paid employment (including employment with training but excluding apprenticeships);
• the young person enters higher education;
• a young person aged 18 or over leaves education and no longer wishes to engage in further learning;
• a young person has moved to another LA area.

9.1.5 Where a young person of compulsory school or participation age – i.e. under the age of 18 – is excluded from their education or training setting or leaves voluntarily, Cumbria LA will not cease the EHC Plan unless it is clear that it is no longer necessary for special educational provision to be made for the young person.

9.1.6 Where a young person aged 18 or over leaves education or training before the end of their course, Cumbria LA will review the EHC Plan to establish if the young person wishes to return to education or training. Where the young person does wish to return to education or training, Cumbria LA will amend the plan as necessary and will continue to maintain.

9.1.7 When Cumbria LA is considering ceasing to maintain a plan we will:

• inform and consult the young person and/or parent(s)/carer(s)
• consult the education or training establishment named within the EHC Plan.

9.1.8 If Cumbria LA makes the decision to cease to maintain a young person’s plan we will notify the young person and/or parent(s)/carer(s) and the education or training establishment named within the plan.

9.1.9 The young person and/or their parent(s)/carer(s) will have the right to appeal the decision to a tribunal – Cumbria LA will continue to maintain an EHC Plan until the time has passed for bringing an appeal or, when an appeal has been registered, until it has been concluded.

9.1.10 Support will generally cease at the end of the academic year which will allow young people to complete their programme of study. Where a young person reaches their 25th birthday before their course has ended, the EHC plan will be maintained until the end of the academic year in which they turn 25.

10. Outcomes of the Local and County EHCP Panels

10.1.1 Cumbria LA will inform the young person and the provider of the panel decisions in writing.

11. Resolving disagreements

11.1.1 LAs must make disagreement resolution services available to parents and young people. Use of the disagreement resolution services is voluntary and

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has to be with the agreement of all parties. The service must be independent of the LA, for Cumbria this is provided by:

KIDS Mediation Services  
Email: senmediation@kids.org.uk  
Telephone: 03330 062 835

12. Mediation

12.1.1 Young people and/or their parents/carers can access mediation if they wish to, following decisions by Cumbria LA not to carry out an EHC needs assessment, not to draw up an EHC Plan, after they receive a final or amended EHC Plan, following a decision not to amend an EHC Plan, or a decision to cease an EHC Plan.

12.1.2 Mediation arrangements are specifically linked to decisions about EHC needs assessments and plans. The service must be independent of the LA, for Cumbria this is provided by:

KIDS Mediation Services  
Email: senmediation@kids.org.uk  
Telephone: 03330 062 835

12.1.3 Young people and/or parents/carers who wish to make an appeal to Tribunal may do so only after they have contacted an independent mediation adviser and discussed whether mediation might be a suitable way of resolving the disagreement.

If the disagreement relates to Section I (named provider) an application can be made to the tribunal without the need for mediation (paragraph 11.24 of the SEN Code of Practice)

12.1.4 When the local authority sends the young person and/or parent/carers notice of a decision which can be appealed to Tribunal, information will be provided detailing the right to go to mediation and that they must contact a mediation adviser before registering an appeal with the Tribunal.

12.1.5 Once information has been accessed via the mediation adviser, the young person and/or parent/carers will decide whether they want to go to mediation prior to any appeal they might make to Tribunal.

12.1.6 Young people and/or parent/carers have the right to appeal to Tribunal but are not able to register an appeal without a certificate evidencing contact with the mediation adviser.

12.1.7 Where a young person and/or parent/carers decide not to go to mediation following contact with the mediation adviser, the adviser will issue a certificate within 3 working days of the decision not to access mediation being communicated. The certificate enables the young person and/or parent/carers to lodge an appeal, either within 2 months of the original LA decision or within
1 month of receiving the certificate – whichever is the latest.

13. **Special Educational Needs and Disability Tribunal (SENDIST)**

13.1.1 A full explanation of how the SENDIST procedure works and relevant forms and information sheets can be accessed at:

[https://www.justice.gov.uk/tribunals/send/appeals](https://www.justice.gov.uk/tribunals/send/appeals)

13.1.2 There are now two different appeal forms – one for children up to 16 years old and one for over 16 years old. It is expected that any young person’s appeal form will be completed by the young person with support as necessary.

13.1.3 Contact details are:

HM Courts & Tribunals Service
Special Educational Needs and Disability Tribunal
1st Floor, Darlington Magistrates Court
Parkgate
Darlington
DL1 1RU

Tel: 01325 289350
Email: sendistqueries@hmcts.gsi.gov.uk