A Guide to the use of Learning Difficulty Assessments in Gloucestershire

This is a reference document for learners who continue to be supported by Learning Difficulty Assessments (LDAs) in the academic year 2015/16.

From 1 September 2016, all young people who receive support as a result of an LDA in further education and training beyond that point, and who need an EHC plan will have one.

The Local Authority has a plan – which is currently being implemented for statements to be transformed to EHC plans.

This guidance has been developed in the context of changes to current government policy and therefore will be kept under regular review.
Contents

SECTION ONE: Local Authority Responsibilities

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Eligibility for a Learning Difficulty Assessment</td>
</tr>
<tr>
<td>1.2</td>
<td>New Learners: Decision Making Process for Places at an Independent Specialist Provider</td>
</tr>
</tbody>
</table>

SECTION TWO: Youth Support Team responsibilities

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td>Annual Reviews and Transition Plans</td>
</tr>
<tr>
<td>2.2</td>
<td>Extracts from the SEN Code of Practice</td>
</tr>
<tr>
<td>2.3</td>
<td>Year 9- Annual Review- Transition Plan guidance for Students with Statements</td>
</tr>
<tr>
<td>2.4</td>
<td>Year 10/onwards Annual Review and Transition Plan</td>
</tr>
<tr>
<td>2.5</td>
<td>Year 11 or School Leaving Year Annual Review and Transition Plan</td>
</tr>
<tr>
<td>2.6</td>
<td>Year 11 Transition process in special schools</td>
</tr>
<tr>
<td>2.7</td>
<td>Involvement of Adult Services</td>
</tr>
<tr>
<td>2.8</td>
<td>Statements 'lapsing'</td>
</tr>
<tr>
<td>2.9</td>
<td>Learning Difficulty Assessments (also known as s.139a assessments or Moving on Assessments in Gloucestershire)</td>
</tr>
<tr>
<td>2.10</td>
<td>Local Provision vs Out of Area Placement</td>
</tr>
<tr>
<td>2.11</td>
<td>Individualised Budgets for Individual Needs</td>
</tr>
<tr>
<td>2.12</td>
<td>Children in Care</td>
</tr>
<tr>
<td>2.13</td>
<td>Travel</td>
</tr>
</tbody>
</table>

SECTION THREE: Local Authority Review and Appeals Process

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1</td>
<td>Review and Appeals Procedure</td>
</tr>
</tbody>
</table>
SECTION ONE: Local Authority Responsibilities

1.1 Eligibility for a Learning Difficulty Assessment

All students for whom a statement of special education needs is being maintained will be eligible for a LDA even if they are being educated outside Gloucestershire. The local authority has a duty to undertake an LDA for this group.

In addition, Gloucestershire County Council has a power to undertake an LDA for:

a. Any young person with a learning difficulty but without an SEN Statement, in his/her last year of compulsory schooling, who in the opinion of the local authority is likely to need additional support as part of his/her future education or training and who would benefit from an LDA to identify his/her learning needs and the provision required to meet those needs.

b. Any young person with a learning difficulty but without a SEN Statement, who is over compulsory school age but under 25 who is receiving, or in the opinion of the authority, is likely to receive post 16 education or training if they:

   i. Are likely to leave school, during or at the end of the current school year, are likely to need additional support as part of their future education or training and who, in the view of the local authority, would benefit from a LDA to identify their education and training needs and the provision required to meet those needs;

   ii. Are currently in, or about to start, post 16 education or training, have not previously received a statement of SEN or a LDA, but whose circumstances are now considered by the local authority to indicate that an assessment of his/her learning needs and the provision required to meet them is appropriate;

   iii. Have previously received an assessment but whose circumstances have since changed to such an extent that in the opinion of the local authority a further assessment is necessary to ensure their learning needs are met; or

   iv. Previously has an SEN Statement, but did not have an assessment under the local authority’s duty, because they did not move directly from school into other education or training. This might apply where a young person undertakes employment for a period of time before returning to education or training.
c. Those who acquire a learning difficulty and/or disability through injury or disease where in the opinion of the local authority an assessment will benefit the young person.

d. Students who continue learning beyond 19 and in the view of the local authority need to be reviewed and reassessed to ensure the most appropriate provision and support is provided to meet changing needs.

A request for a LDA for any student meeting these criteria will not be unreasonably withheld.

Since 2013/14, Gloucestershire County Council has responsibility for making learner placement decisions as well as responsibility for procuring the provision required from ISPs. This includes contracting with ISPs, making high needs top up payments to ISPs and dealing with performance or other issues that may arise.

1.2 New Learners: Decision Making Process for Places at an Independent Specialist Provider

Under Section 46 of the ASCL Act 2009, local authorities have a power to secure a boarding placement at a specialist provider for those learners with learning difficulties and/or disabilities only where it is satisfied that it cannot secure the provision of education and training that meet the learner’s needs unless it funds a residential placement. In the light of recent policy initiatives and ongoing development work, local provision for learners with learning difficulties and/or disabilities will increase over time; therefore, it is likely that the learning and support needs of an increasing number of learners with learning difficulties and/or disabilities can be met within Gloucestershire.

Gloucestershire is home to three ISP’s (National Star College, Ruskin Mill College and William Morris House). Whilst these are ‘local’ colleges, they are deemed specialist colleges and not considered as mainstream post 16 provision for the purposes of securing provision. Where placements are requested at these providers because schools or general FE colleges cannot meet their needs, the first option will be to seek a day place unless there are reasons other than educational to seek a residential place (see below).

In considering requests for placements at specialist providers, the local authority expects that the agencies involved with the young person will have considered with that young person and his or her family/carers all appropriate options for his or her post-16 education and transition to adulthood – including those already in place and those that are under development. It is envisaged that these options will have been considered during transition planning and through LDAs carried out.

Evidence provided to support an application for funding a specialist placement must clearly demonstrate that ‘local’ options have been fully considered and that these do
not meet the learner’s educational or training needs even if reasonable adjustments are made. This evidence should be part of the LDA.

While the local authority endeavours to take account of the wishes of learners and their families, it does not have a legal duty to fund their preferred specialist provision if it is satisfied that it can secure adequate alternative provision locally.

- **All placements – residential or day**

To secure funding for any placement at a specialist provider it will be necessary to demonstrate, through the LDA, that specialist provision is essential to enable the learner to participate in education, and that local provision does not offer, nor can it make arrangements to put in place, the level of specialist support required to meet the learner’s needs and planned outcomes.

- **Residential placements**

In addition to the above factors, the criteria for considering residential placements will focus on establishing that residential provision is necessary in order for the learner to be provided with education and training that meet his or her assessed needs and intended outcomes. The provision of a residential placement on educational grounds will only be considered if similar provision that could meet the learning need cannot be secured within 75 minutes travelling distance of the student’s home.

In circumstances where a learner requires a residential placement because he or she has high care and/or therapy costs, the local authority would expect to secure contributions for the placement from Children or Adult Social Care and/or the relevant health authority. Where a placement is likely to extend beyond age 18 both Children and Adult Social Care teams should be consulted and joint agreement will be required. This is in line with the expectations of the Children Act 2004, which places a duty on local authorities to make arrangements for key agencies to cooperate to improve the well-being of children and young people, and to pool budgets in support of this. Where appropriate, joint funding will be required prior to any decision being taken on placement. A full list of eligible residential providers is available via the NATSPEC website; [http://www.natspec.org.uk/](http://www.natspec.org.uk/)

- **Day Placements**

Where a placement request is for a day placement at a specialist provider, the local authority will consider the request in the context of the paragraph above relating to all placements – residential or day; specialist provision must be essential in order to enable the learner to participate in education. The placement must offer specialist support and/or equipment that is not available, and cannot be put in place, at either local mainstream FE provision or in local maintained special school provision.
Decision Making

The local authority makes funding decisions for individuals to be either placed at ISPs, or will agree additional funding for exceptional personalised learner support packages, under delegated authority, with mainstream provision.

It is in the interest of the young person that decisions about funding for specialist provision are made in a timely manner with as little delay as possible and that every effort is made to ensure that the young person continues to access learning whilst their application is being considered or reviewed. In order to achieve this, the YST are required to begin the assessment process as early as possible so that, where possible, a young person secures his or her future learning place before they leave school and that colleges and other providers are able to make suitable arrangements to meet the needs of individual learners.

Learner Reviews

ISPs are contractually required to undertake learner reviews at the end of the first term of the first year of the placement, in the first half of the summer term, and the final year of the placement. The review report should clearly set out the progress made by the learner in relation to the agreed programme of study. It is expected that any areas of concern will be highlighted within these reports. Reports should be forwarded to the local authority no later than four weeks after the learner review has been completed. End-of-year review reports should be returned to the learner’s home local authority no later than the 30th of April.

In-year changes

ISPs should discuss and agree in-year (including year on year) support adjustments relating to individual learner placements with Gloucestershire County Council. Where reductions are made in assessed support needs these will be accepted automatically but in an effort to manage costs, all changes results in an increase in funding will not normally be agreed unless the ISP is able to satisfy the local authority that the change is due to one or more of the following reasons;

- A student’s medical condition has changed or deteriorated and is backed by a medical report.
- There is common agreement amongst all agencies responsible for a placement that needs have changed due to factors outside the college’s and student’s control.
- Aids to improve a student’s access to learning can demonstrate better learning progression.

Approval should not be granted retrospectively under any circumstances.

Placement extension

It is expected that requests to extend an individual learner placement beyond the duration of the programme’s original end-date will only be made under exceptional
circumstances as colleges will be expected to make adjustments to programmes in light of assessments and reviews of progress to accommodate what a student can achieve within the period of learning agreed.

Effective transition planning should be embedded within the learner placement at a college to ensure that there is a clear plan of progression at the end of the agreed placement. Where a student is placed at an ISP, it is expected that one of the outcomes of transition planning is the move to work, a maintained further education college course or services provided by Adult Social Care. It is not expected that extension requests should be sought to offer additional time at a provider where effective transition planning or delivery has not taken place.

An example of where a placement extension may be considered to be a genuine requirement is where a learner has been unable to complete his or her learning aims due to unexpected medical reasons or non attendance outside of the learner’s control which resulted in payment not being made to the college for part of the planned programme.

It is expected that any concerns or problems relating to achievement will be raised in termly reviews, documented within review and progress reports and discussed by the college with the Youth Support Team Case Responsible Officer.

In the best interests of the learner, independent specialist providers should make an extension request to the local authority no later than the end of the penultimate term of the academic year in which the existing placement ends.
SECTION TWO: Youth Support Team responsibilities

2.1 Annual Reviews and Transition Plans.

The requirements for annual reviews and transition plans are set out in the Special Educational Needs Code of Practice, issued in 2001\(^1\). This guidance was developed when the Connexions Services had a statutory role in the process alongside the local authority. Since the closure of the Connexions Service this role has been passed back to the local authority. In Gloucestershire this has been commissioned from the Youth Support Team and any reference to Connexions in the guidance should now refer to the YST.

2.2 Extracts from the SEN Code of Practice.


- **Annual Reviews**

  9:45 The aim of the annual review in year 9 and subsequent years is to:

  (a) review the young person’s statement
  (b) draw up and subsequently review the Transition Plan.

  9:46 The annual review of the statement held in year 9 should involve the agencies that may play a major role in the young person’s life during the post-school years and must involve the Connexions Service

  9:47 The annual review of the statement must consider all the same issues as at all other reviews, and the report to the LEA should be in the same format. LEAs must also complete the review process in the same way as for all other annual reviews and within the same timescale.

  9:48 The LEA must send the Connexions Service a list of all pupils in their area who will require a year 9 review no later than two weeks before the start of the school year. The list must include all pupils whether or not they are educated in a school and indicate any schools that the children specified attend.

  9:49 The head teacher together with the Connexions Service should facilitate the transfer of relevant information to ensure that young people receive any necessary specialist help or support during their continuing education and vocational or occupational training after leaving school. For young people with specific disabilities, the role of social services departments will be of particular importance and local authorities have specific duties relating to other legislation. Further detailed information can be found in the SEN Toolkit.

  9:50 The annual review procedure described above applies with the following additions:
  - the head teacher must invite the Connexions Service to provide written advice

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\(^1\) SEN Code of Practice on Identification and Assessment of Special Educational Needs, HMSO 2001.
and invite them to the review meeting, to enable all options for continuing education, careers and occupational training to be given serious consideration,

- a representative of the Connexions Service is obliged, by the conditions of grant, to attend the review
- the head teacher should ensure that other providers, such as health authorities and trusts, are aware of the particular procedures to be followed in year 9
- the head teacher must invite the social services department to attend the review so that any parallel assessments under the Disabled Persons (Services, Consultation and Representations) Act 1986; the NHS and Community Care Act 1990; and the Chronically Sick and Disabled Persons Act 1970 can contribute to and draw information from the review process
- the head teacher must ensure that a Transition Plan is drawn up. This should be done in consultation with the Connexions Service.

The Transition Plan

9:51 The annual review in year 9 and any subsequent annual reviews until the young person leaves school must include the drawing up and subsequent review of a Transition Plan. The Transition Plan should draw together information from a range of individuals within and beyond school in order to plan coherently for the young person’s transition to adult life. Transition Plans when first drawn up in year 9 are not simply about post-school arrangements, they should also plan for on-going school provision, under the statement of SEN as overseen by the LEA.

9:52 All those involved in the process should adhere to the principles that underpin the nature of transition and transition planning and the requirements of the young people and their families.

9:53 The Connexions Service is responsible for overseeing the delivery of the Transition Plan and the Connexions Personal Adviser (PA) should co-ordinate its delivery.

9:54 In order to ensure coherence for the young person, there should not be a separate Transition Plan and Connexions action plan. Where the young person has been involved with a PA previously and therefore already has an action plan, the Transition Plan should build on, update and expand this earlier plan. The action plan could, if the young person agrees, be circulated with the reports prior to the annual review meeting in year 9.

The role of the Connexions Service

9:56 The Connexions Service will have a particular role to play in ensuring the participation and progression of young people with SEN aged 13 – 19. PAs should ensure that they are aware of all young people with SEN in year 8. A representative of the Connexions Service, in most cases this is likely to be a PA, must be invited to the year 9 annual review meeting and, as a condition of grant, must attend, whether or not the young person is in school. The attendance of the PA is critical to the process. PAs should be invited to all subsequent annual reviews, and are expected to attend where appropriate.

9:57 Year 9 review meetings are the start of a process for longer-term decision-making. Vocational guidance provided by the school or the PA should include information on key stage 4 and post-16 options and take fully into account the wishes and feelings of the
young person concerned. The Connexions Service should assist the young person and their parents to identify the most appropriate post-16 provision, provide counselling and support, and have continuing oversight of, and information on, the young person’s choice of provision. These processes will need to be carried out in partnership with the LEA’s SEN officers and those professionals who know the young person well.

- **Involvement of Social Care**

**9:58** LEAs must seek information from social services departments under section 5 of the Disabled Persons (Services, Consultation and Representation) Act 1986, as to whether a young person with a statement under Part IV of the Education Act 1996 is disabled (and so may require services from the local authority when leaving school).

**9:59** Multi-agency input at year 9 is important for all young people with SEN. Under the Children Act 1989 social services departments may arrange multi-disciplinary assessments and must establish Children’s Service Plans which may include the provision of further education for children in need (likely to include those with significant special needs). Social services departments should ensure that a social worker attends the year 9 annual review meeting and contributes to the formation of the Transition Plan where a young person is subject to a care order, accommodated by the local authority or is a ‘child in need’.

- **Involvement of health services**

**9:60** Health professionals involved in the management and care of the young person should provide advice towards transition plans in writing and, wherever possible, should attend the annual review meeting in year 9. They should advise on the services that are likely to be required and should discuss arrangements for transfer to adult health care services with the young person, their parents and their GP. They should facilitate any referrals and transfers of records, which may be necessary, subject to the informed consent of the young person and parents, and should liaise with the Connexions Service as appropriate.

- **Annual reviews from year 10**

**9:61** The school remains responsible for convening annual review meetings until such time as the pupil leaves school. Some pupils with statements of special educational needs will remain in school after the age of 16. LEAs remain responsible for such pupils until they are 19.

**9:62** Whatever the intended future destination of the young person, the annual review has an additional significance as the young person approaches the age of 16. The Connexions Service should be invited to and should attend the review meeting in year 11 in order to ensure that the Transition Plan is updated appropriately. In the young person’s final year of school, the Connexions Service has a separate responsibility, under section 140 of the Learning and Skills Act 2000, for ensuring that an assessment of their needs on leaving school is undertaken and the provision identified. Every effort should be made to link this final annual review of the statement and to consider the Transition Plan together with this assessment so that a holistic approach is maintained. Where post 16 provision has already been identified it is good practice for the head teacher to invite a representative from the provision to the review meeting.
Transfer of information

9:63 The Connexions Service should seek the agreement of students and parents to the transfer of information (including statements) from school to the continuing education sector or other provision, and explain the importance of such information and the desirability of the transfer.

9:64 The Connexions Service should ensure that where a young person has a statement of special educational needs, a copy of the statement together with a copy of the most recent annual review, and the Transition Plan, is passed to the social services department and any post 16 provision that the young person will be attending. Where a decision might need to be taken about the placement of a student in a specialist college, a copy of the Transition Plan should be sent to the learners home local authority.

Children subject to a care order or accommodated by a local authority

9:68 Under the provisions of the Children (Leaving Care) Act 2001 every eligible young person looked after by a local authority on their 16th birthday, including those with SEN, will have a pathway plan. This plan will build on the Care and Personal Education Plans, mapping out a pathway to independence, including education, training and employment. The local authority will also be required to appoint a personal adviser who will normally act as the Connexions PA for each of these young people. The adviser must work with the young person and others to devise the pathway plan and ensure its implementation. The pathway plan should cover all the areas that are relevant to enabling a care leaver to make a successful transition to adulthood.

9:69 It is important that the PA ensures that the young person is fully aware of the local authority’s responsibilities towards them and to agree with the social services department, other agencies and the young person the services to be delivered. Where a young person has been looked after in a foster care or residential placement or attended a residential school outside their own local authority area, the PA for the responsible authority together with the LEA should seek to ensure liaison between all relevant LEAs and social services departments. The responsible authority is the local authority that is looking after the young person or, in the case of a young person who has left care, the authority that last looked after them.

Students without Statements but with special educational needs (not part of the SEN Code of Practice)

In some instances, a student approaching the age of 16 may have special educational needs which do not call for a Statement, but which are likely to require some support if they go on to further education or training. To ensure that these students are able to make decisions, and to facilitate their successful transition, it is appropriate that they have appropriate help and guidance. This might include the provision of school/college link courses or work placements and should involve the different local agencies concerned. With the forthcoming transfer of responsibilities for impartial information, advice and guidance to schools, they will primarily be responsible for this activity.
The Youth Support Team has particular focus on supporting disadvantaged young people or those likely to underachieve, including those with SEN but without Statements. Schools should consult as appropriate with the YST and other services to ensure that detailed information is transferred to further education providers with the young person’s consent. Schools may request a LDA for students falling within the definitions provided in Section 3.2, above.

2.3 Year 9 – Annual Review – Transition Plan guidance for Students with Statements.

Schools must invite the YST Case Responsible Officer (CRO) to the Year 9 Annual Review of the Statement and Transition Plan meeting and the YST CRO must attend. It is the responsibility of the school to facilitate this. [Where this is not possible, a written report must be provided.]

The Transition Plan should be completed with the young person at the Annual Review/Transition Plan meeting in conjunction with the “Year 9 Transition Place Information”. It is important that the views of the young person concerned are recorded.

At the Year 9 Annual Review, the creation of the Transition Plan is intended to be the start of a process which will become more detailed over the coming years. The ‘short-form’ version of the Transition Plan is intended to be only the start of this process.

This is in addition to the usual Annual Review Summary Report. The head teacher has the responsibility for both the Annual Review Summary report and the Transition Plan (CoP 9:50).

If a Person Centred Plan (PCP) and/or a Common Assessment (CAF) are also applicable, these should be used in the completion of this form and attached as further information.

2.4 Year 10/onwards Annual Review and Transition Plan.

From Year 10 onwards, in addition to the Annual Review Summary report, the Transition Plan should be updated.

2.5 Year 11 or School Leaving Year Annual Review and Transition Plan.

In the last year of school, whether Year 11 or a subsequent year, the YST CRO will undertake a LDA for all those young people with a Statement of Special Educational Needs who will be leaving school provision at the end of the academic year and moving on to further education or training.

The YST may also undertake a LDA for those young people with learning difficulties or disabilities who do not have a Statement but may require additional support if they are proceeding to post-16 education, training or Higher Education (‘Power’ group).
Schools will need to contact the YST to arrange for an assessment to take place. Resources to undertake these additional assessments will be commissioned as part of the wider YST contract.

The LDA will need to be completed by 31st March of the year preceding transfer and therefore it may not be available at the time of the Annual Review meeting, in which case the Transition Plan will simply make reference to this.

2.6 Year 11 Transition process in special schools

The transition process for students who attend special schools is the same as the process for students with Statements who attend mainstream settings.

In LA special schools a modified version of the Transition Plan document is used. This is to ensure that the process is adapted to meet the needs of the particular cohort of students.

It is good practice for the Case Responsible Officer from the Youth Support Team to meet with the young person where possible, before the annual review of Statement to obtain their views to draft and update Transition plans.

2.7 Involvement of Adult Services.

Some young people are likely to need on-going support from adult health, care or learning services. Where the Multi Agency Information Sharing Group (MAIS) agrees that a young person may need on-going support, a pilot project to improve transition is being undertaken using additional resources in the YST SEN Team to link to adult services.

2.8 Statements ‘laping’.

A Statement will remain in force until such a time that a young person leaves school and commences a course with a further education college, training provider or independent specialist provider.

The local authority does not have to take any proactive action; the Statement remains in force until the LA is no longer responsible, i.e. when the young person no longer attends a school.

In a recent High Court judgement – [R (B) v Islington 2010], it was held that an LA did not have to maintain a Statement after the young person’s 19th birthday.

2.9 Learning Difficulty Assessments (also known as s.139a assessments of Moving On Assessments in Gloucestershire).

The LA has a duty to meet the reasonable needs of young people with LDAs.

Recent guidance to local authorities sets out in detail what is expected of a LDA.
(Note: there is no absolute duty for the LA to provide suitable education to meet all of an individual’s assessed needs. The duty is qualified as a duty to meet the reasonable needs of young people with LDAs.)

The following is an extract from the guidance, published in February 2012.

➤ **Principles that should underpin all LDAs**

The purpose of an LDA is to identify the young person’s needs and learning outcomes and suitable provision to meet those needs and outcomes.

Local authorities are encouraged to work with other local authorities and agencies when deciding how best to meet these aims, not least to develop consistent approach across the country.

A set of common principles should underpin all assessments. This will ensure that the process is consistently delivered and is of a high quality ensuring continuity and appropriateness of support when it is needed. These are:

**11. All LDAs should result in a clear report.**

11.1 An assessment relating to learning difficulties is an assessment of a person that results in a written report of:

a) His/her educational and training needs and
b) The learning provision required to meet those needs.

11.2 The assessment report should be viewed as a long term document, subject to any material changes in circumstance, that is used to inform decision about the type of education or training provision the young person should receive.

11.3 It should clearly identify the young person’s needs and appropriate provision that can actually and realistically be provided to meet them. This reflects the legal ruling made in the case of Alloway v London Borough of Bromley dated 17th September 2008 – reference [2008] EWHC 2499 Admin, (the Alloway Judgment). Local authorities should seek their own legal advice if they are unsure about the practical implications of this ruling.

11.4 The report should take account of the expected outcomes for the young person on the completion of their learning. There should be a clear emphasis on the student’s realistic aspirations, focusing on progression towards independence and eventual employment where appropriate.

11.5 During the assessment process all possible options which support the aspirations of the young person should be considered, including work based
learning, apprenticeships and supported internships. An LDA is not necessary if the student plans to move straight into employment without further education or training.

12. **All LDAs should be supported by an appropriately trained workforce.**

12.1 Those undertaking an LDA should have the relevant expertise and a professional responsibility to stay within the bounds of their competence. They should have the skills to communicate with the young person and their parents/carers and take account of their aspirations and wishes. We expect professionals conducting assessments to have an advice or related qualification at level 4 or above and to have received sufficient training to enable them to act with authority on their judgements. Young people and their parents should also have confidence that the person conducting the assessment will be impartial.

12.2 An LDA should always be conducted by the person(s) who is/are best placed to identify – and make judgements about – the needs a student has or is likely to have when they undertake further education or training. Assessors should be independent of any provider both locally and nationally.

12.3 Whilst many people will contribute to the LDA one person should work closely with the young person and their parent/carer and be responsible for co-ordinating the information and the process. The process should be actively supported by senior leadership teams monitoring the quality and sufficiency of the assessments produced through robust quality assurance systems.

13. **LDAs should have a person centred approach focusing on progression.**

13.1. We expect person centred planning to begin as early as possible with transition planned centred around the young person. The assessment should be a seamless transition from previous assessments and any SEN Statement, and must allow time for the commissioning of any necessary provision and support to take place. The LDA should build on existing transition plans which will have already been agreed with the young person and be integral to the young person’s career guidance.

13.2 Discussions focusing on the wider aspirations of the young person should take place at an early stage with the young person and their parents/carers. Discussion should focus on progression, wherever possible encouraging education and training that will lead to greater independence and, where appropriate, employment. Person centred planning should be at the heart of this discussion, focusing on an in depth analysis of the appropriate education and training provision for the young person, promoting
a positive culture leading, where appropriate to independence and a future career.

13.3 The LDA should be reviewed regularly to ensure it continues to meet the needs of the young person. LDA reports completed or reviews after the age of 19 should continue to reflect the individual needs of the students. LDAs for older students may include a greater emphasis on pathways to independent living and links to job seeking eg Jobcentre Plus and adult social services.

14. **LDAs must take account of the young person’s views and wishes.**

14.1 Local authorities should ensure that the student and their family/carers understand the LDA process and they must ensure that they have a copy of the completed LDA.

14.2 Those undertaking the LDA should seek agreement from the young person to share the outcomes of their assessment with the appropriate education and training providers. If the LDA is not shared with the provider, that provider may not be able to put into place provision and support that is a) identified in the LDA and b) meets their assessment needs. The local authority should, therefore, make the young person and their parents/carers aware of how important it is for the education and training provider or potential provider to be aware of the young person’s needs. The local authority should seek their own legal advice on data sharing if they are unsure about their responsibilities.

14.3 If the young person has significant communication difficulties, the assessor(s) conducting the assessment may need to establish their views and wishes through (as appropriate) their teachers, parents/carers, or other representatives such as speech and language therapists or an interpreter. Even where communication difficulties are profound, the person(s) conducting the assessment should use best efforts to involve the person being assessed to the greatest extent possible.

14.4 It is important to recognise the wider context in which decisions about education or training are being made by the young person. For example there may be person-centred planning approaches being adopted by a local authority which may provide choice and control over services being provided for the student such as in housing or care services. These are effective means to creating independence and it is important that the individual is actively involved in decisions about learning provision and the next steps.

15. **Young person’s wider needs must be considered during the LDA.**

15.1 The assessment should include a focus on progression and include the support that the young person needs to access appropriate provision. Ideally the provision should be identified at an early stage so the provider will have a
good understanding of the student’s needs and can prepare to address them well in advance. Consideration should be made of any travel/transport needs including the recommendation of travel training as an aid towards independence, where appropriate. Where transport needs are identified, these should be communicated to the authority’s transport commissioner and to those responsible to ‘travel training’ and other similar schemes.

15.2 Funding to meet activities that provide direct support for learning which is related to an assessed need that is over and above that provided in a standard programme in mainstream general further education colleges, is provided through the YPLA/EFA Additional Learning Support. Providers should use previous assessments and their own evaluations to determine what reasonable adjustments (including those required by the Equality Act 2010) are needed to ensure access and sustain learning. This should be done with the student’s active involvement and agreement and should take into account the LDA.

16. Multi agency working.

16.1 We expect local authorities to embed multi-agency approaches into the LDA process. There should be a strong focus on seeking information from other professional, as that the assessments which form part of the LDA process are not duplicated and that specialist services and resources of all relevant agencies are co-ordinated to benefit each young person.

16.2 Local authorities should ensure that the relevant links are in place across services, for example for travel, health, medical and social care needs, to enable specific commissioning from the appropriate agency. In some areas it will be beneficial to involve third sector and voluntary organisations.

16.3 All LDAs should be recorded on the Client Caseload Information System (CCIS). This will also enable local authorities to make sure that all eligible young people have received an assessment and to identify any that have been missed. Local authorities should also consider how the information held on CCIS is shared with other local authority services and partner organisations. Providers are responsible for ensuring that every student in receipt of LDA is recorded on the Individual Learner Record.

16.4 In accordance with the Alloway judgment it is important to ensure there is some provider interaction, but this should not influence the assessment decision. LDAs should be conducted independently of providers and prior to any other providers’ assessments. This does not prevent the young person from attending a provider to receive taster sessions and to explore the type of support they will need or can realistically access, before the LDA is completed. However evidence from this process, and formal acceptance from
a provider should not be a central plank of the assessment or be used to disproportionately influence the outcome of the LDA.

16.5 Subject to agreement from the young person being assessed, the local authority should share the LDA with the appropriate provider(s).

17. Local authorities should take into account value for money considerations when making Placement decisions.

17.1 The LDA must result in a written report that is clear and specific about the student’s identified education and training needs, setting out the provision required to meet those needs. The LDA should be impartial, and focused on the needs of the young person.

17.2 Once the student’s education and training needs have been clearly identified, the placement decisions should be made in the light of the overall budget available. The model for commissioning provision should take account of value for money considerations ensuring that the placement proposals that local authorities make remain within the indicative budget allocations made by the EFA (or YPLA as appropriate) while delivering positive outcomes for young people. Consideration should include the total cost implications such as the additional social and health care costs that might be needed.

What if a young person does not want a S.139a Assessment?

A young person can refuse an assessment but this will be as a result of a discussion where the full benefits of an assessment are explained. A parent/carer can also refuse on behalf of the young person where the young person is not able to provide consent.

2.10 Local Provision vs Out of Area Placement

The LA’s High Needs Budget includes funding for learners with high needs within ISPs, mainstream colleges, independent schools, non-maintained special schools and maintained special schools. The 2011/12 budget was being used as a baseline for this process and thus presents a ‘cap’ on what is available locally, such that the budget is overcommitted.

Whilst Gloucestershire County Council recognises the value of independent specialist providers, the cost of such placements can be significantly higher than local packages of provision and with increasing pressure on budgets it will not be possible to maintain the level of placements agreed in the past if the funding methodology remains the same.

The local authority will of course continue to fund learners at an ISP where appropriate.
A placement at an out of area ISP will normally be approved only where it is confirmed that there is no suitable local provision which can satisfactorily meet the needs of the learner. Local provision will include post 16 provision delivered by Special Schools, FE provision and Training providers.

2.11 Individual Budgets for Individual Needs

Gloucestershire took part in the Aiming Higher for Disabled Children project which has piloted the use of individualised budgets for some aspects for social care, including short breaks. Our intention is to apply the benefits of individualised budgets to learning and a recent change in legislation allows for this in Gloucestershire. The Special Educational Needs (Direct Payments) (Pilot Scheme) Order 2012 came into force on 30th January 2012. This establishes a pilot scheme to allow local authorities in the SEN and Disability Green Paper pathfinder programme and the Individual Budgets (IB) for Families with Disabled Children pilot to test the use of direct payments for special educational provision for children and young people. A copy of the order can be found online at www.legislation.gov.uk.

2.12 Children in Care

To ensure that the specific needs of Children in Care are met, consideration should be given to;

- When it is deemed appropriate for a Child in Care to be placed in another local authority area
- Appropriateness for specialist FE placement
- Maintaining statements to age 19
- Joint funding process – alignment or pooling of SEN, Social Care and Health Budget
- Transition planning – needs of complex learners who cannot attend FE Colleges (e.g. learners with sexual harmful behaviours)
- Possible liaison between YST and Social Workers in order to consider social care needs of the learner

2.13 Travel

Young people with a Statement of SEN or LDA may be eligible for transport. Students and their parents should be encouraged to check with the Post SEN transport team: Tel: 01452 426770

Post 16 transport is discretionary and parents should be made aware that an annual contribution will be levied for all special needs transport.

Annual applications are required and the application form will need to be downloaded from the website and returned to the SEN Transport Team. There is a deadline for returning applications (usually mid June) and this should be borne in mind when completing applications for places or for extending places.
For local provision the policy allows transport to the nearest suitable provision. This may mean a school or college. The key word is ‘suitable’ and this may not be the closest provision. It is recommended that a s139a assessment should address why a particular provider is the most suitable if it is not the closest provision.

Where possible, a student should be encouraged to use a LIFT programme to develop independence in travel training. CROs are advised to consider whether this should be raised in Annual Reviews from Yr 9 onwards for possible inclusion in a transition programme or included in a Learning Disability Assessment.

To assist the SEN Transport Team, the LDA will be shared with the team as part of the permission sought from parents and students for sharing data between services.

SECTION THREE: Local Authority Review and Appeals Process

3.1 Review and Appeals Procedure

Whilst the process of making decisions and the reasoning behind decisions should be as transparent as possible, young people and parents may remain dissatisfied with the proposed offer of education and training and may wish to ask for the LA’s decision to be reviewed.

a) The Post 16 Casework Officer offers to meet with the young person (and his/her parent or carer) to provide further information about the reasons for the decision. Alternatively more detailed information can be provided in writing.

b) If any new additional information is submitted, the council’s Post-16 assessment panel will consider the new information and review its original decision.

c) Young People and parents can appeal the decision. The Appeal fact sheet can be found in Document 5.

If the young person remains dissatisfied then they can raise a formal complaint with the local government ombudsman. Information about this can be found at www.lgo.org.uk/