



Cumbria County Council

Further Education (Post 16) Placement Process

September 2020

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 After compulsory school age (the end of the academic year in which they turn 16) the right to make requests and decisions under the Children and Families Act 2014 applies to young people directly, rather than to their parents/carers. Therefore, Cumbria LA must have involvement and consent of the young person in any planning related to identifying and agreeing educational placements.

1.3 Funding

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

1.3.2 Some young people require additional resources over and above the £6,000 provided by the ESFA. Cumbria LA will provide top up funding over and above the first £6,000 of support needs for individual learners in line with the agreed funding bandings and where it is satisfied that the additional top up funding is required. Funding will only be provided outside the standard funding bandings in exceptional circumstances.

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

1.4 Learning Support Definitions

1.4.1 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.

1.4.2 There are different types of in-learning support which may be secured with Cumbria top up funding as identified in the individual learner EHCP;

- 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
- Specialist teachers
- Pastoral support
- Multi agency liaison

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

1.5 Further Education

1.5.1 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.

1.5.2 Fundable Hours:

As per published Education Funding Agency guidance for 2020/21 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.

The guidance relating to GLH applies to all Post 16 learners including those who hold an Education, Health and Care Plan and Cumbria LA will not routinely fund learning hours/packages which are additional to the usual GLH on a young person's learning programme.

1.5.3 Some young people may need further support in addition to their education programme and they should be advised to explore this with either Children's or Adult Social Care dependent on their age.

<https://www.cumbria.gov.uk/childrensservices/childrenandfamilies/earlyhelp/earlyhelp.asp>

<https://www.cumbria.gov.uk/healthsocialcare/ccc/default.asp>

- 1.5.3 For some young people with significant health needs consideration for referral for Continuing Healthcare Assessment should be explored with the appropriate professionals.
- 1.5.4 As per paragraph 1.5.2, funding over and above the usual GLH is not the norm. However, paragraph 8.39 of the Code of Practice ('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.
- 1.5.5 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. Paragraph 8.40 of the COP clarifies that 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. 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. It can also include health and care related activities such as physiotherapy. These activities may be funded through the use of a personal budget.

1.6 Identifying and agreeing Education Placements for Young People Post 16

- 1.6.1 After compulsory school age (the end of the academic year in which they turn 16) the right to make requests and decisions under the Children and Families Act 2014 applies to young people directly, rather than to their parents/carers. Therefore, Cumbria LA must have involvement and consent of the young person in any planning related to identifying and agreeing educational placements.
- 1.6.2 A young person will be assumed to have the capacity to make decisions about their own education placements unless Cumbria LA has a capacity assessment that evidences otherwise.
- 1.6.3 Cumbria LA recognises the many benefits that young people receive from being alongside their community peers and will 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.

- 1.6.4 Before a decision can be made about a placement for a young person, provider consultations will take place to ensure that the provision suggested is able to meet the young person's required education needs and to confirm that a place is available.
- 1.6.5 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 visit an independent specialist college with a view to attending the college to notify Cumbria LA in advance.

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

- 1.6.6 Where a young person or their family want to pursue a residential college placement the Education and Skills team will work with the Adult Social Care team to determine whether a residential placement is required on educational and/or social care grounds (or neither). This will require an adult social services assessment. Most young people who may require an 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

- 1.6.7 Where there is found to be no **educational** need for a residential placement and the preferred provider is within reasonable daily travelling distance of the young person's home address, the education department will only consider funding a day placement.

Residential provision will only be considered for funding by the education department where a young person's **required educational** needs cannot be met by provision within reasonable daily travelling distance.

- 1.6.8 Offers from specialist providers made more than 12 months in advance of a young person leaving their current provision will not be considered as evidence and therefore an updated offer **must** be provided. **Note: For any places offered prior to the publication of this guidance please refer to para(s). 1.6.1 – 1.6.7.**
- 1.6.9 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 except in exceptional circumstances.

- 1.6.10 Any requests made will be submitted to County Decision Making Panel for consideration. Evidence must clearly show why a transfer to specialist provision would be appropriate in relation to meeting their **required educational needs**.
- 1.6.11 Where a placement at residential specialist provision is being considered, Cumbria must be satisfied that the young person understands that such a placement will result in a change of accommodation and consents to the placement. Where there is any doubt then a capacity assessment of the young person will be required.
- 1.6.12 The capacity assessment will be undertaken by Adult Social Care and where it is deemed that a young person lacks capacity a 'Best decision will need to be taken, considering all appropriate available options.
- 1.6.13 Where a Best Interest decision concludes that a residential placement is the most appropriate setting, Liberty Protections Safeguarding must be in place.
- 1.6.14 Where there is a failure to follow this published process, 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 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 post16 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 young person's EHC plan, and will send the school or college a copy of the draft plan.

- 2.1.5 To ensure consistency across the county and to enable funding to be appropriately allocated, decisions relating to the following transitions will be referred to the County Decision Making Panel.

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.

2.1.8 Application Process (young people attending Special Schools)

Year	Task	Person Responsible
9 - 11	<ul style="list-style-type: none"> • Identification of outcomes and potential post 16/19 options in light of Local Offer and pupil progress 	School /Young Person / Family/EHCP Co-ordinator
12	<ul style="list-style-type: none"> • Annual review and EHC Plan shared with local providers for assessment and decision • Develop action plan to address barriers to attending local provision 	EHCP Co-ordinator/FE college /school/ Young Person / Family EHCP Co-ordinator/Transition Social Worker/School / Young Person / Family
13	<ul style="list-style-type: none"> • Review action plan to address barriers to attending local provision • Assessment by ISP 	EHCP Co-ordinator/Transition Social

	<p>(summer term onwards)</p> <ul style="list-style-type: none"> • Mental Capacity / Best Interest meeting to be convened if necessary • Review of evidence of need for ISP. Application for funding and recommend further actions/evidence required and by whom 	<p>Worker/ School / Young Person / Family</p> <p>Young Person /Family/Transition Social Worker</p> <p>Education Team Manager</p>
14	<p>Full application reviewed and prepare for consideration for funding by County Transition Panel.</p> <ul style="list-style-type: none"> • Confirmation of placement / funding decision 	<p>Education Team Manager</p> <p>County Decision Making Panel</p>

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 they would not be eligible for transport from Cumbria LA.

3.2 Please refer to the Cumbria LA's Post 16 Transport Policy Statement for 2020/2021 for further detail:

www.cumbria.gov.uk/elibrary/Content/Internet/537/6381/6394/4361612113.pdf

3.3 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'.

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

4. Education Health and Care Decision Making Panel

4.1 Responsibilities

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

4.1.2 The panel will meet weekly.

4.2 Education Health and Care Decision Making Panel

4.2.1 The Decision Making panel will consider 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 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

4.2.3 The Decision Making panel will consider the views of all relevant agencies and how the resources of these agencies can be co-ordinated to jointly commission support for those young people who require a multi-agency approach.

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

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

4.3 Education Health and Care Decision Making Panel Membership

4.3.1 Chair – Senior Manager Inclusion

Lead Education Officer/Post 16 LDD Officer Representative.

Specialist Advisory Teacher Representative.

Designated Clinical Officer representing Health.

Service Manager Inclusion – Social Care.

Principal/Senior Educational Psychologist.

Early Years Team Manager.

Administrative Support (non-decision making role).
Observer Role.

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. The learner's most recent Education Health Care Plan and recent review documentation.
- iii. Information from education provider's consultations.
- iv. A relevant and up-to-date Adult Social care report, (if appropriate).
- v. A relevant and up-to-date medical report (if appropriate).
- vi. A relevant and up-to-date psychological report or reports.
- vii. An up-to date speech and language therapy /occupational therapy /physiotherapy report if appropriate.
- viii. The most recent school report information detailing educational progress at school for the last three years including 'P level' reports.
- ix. 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 decision making panel 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 programme of study offered by the educational provider requested 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 LA has decided to cease the EHC plan.
- 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.
- v. Cumbria LA will inform the young person and the provider of panel decisions in writing.

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.
- 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 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 achieving the outcomes within an agreed programme of study. Any issues should be identified via the annual review process and reported to the LA.
- 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 planning for transition post education e.g. a transition to day services/supported living should be embedded within a student's programme to ensure that there is a clear plan for the next steps at the end of a student's agreed programme. The education team will not agree to the extension of an educational placement, when educational outcomes have been achieved, simply to act as a stop gap until post education provision is ready. All agencies

should ensure that actions agreed at the final review are in place by the end of the academic year in which the agreed programme of study is completed.

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, the young person has achieved the outcomes set within the agreed educational programme of study as evidenced by the educational provider, 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 9.1.1 applies.
- 9.1.4 For young people with EHC plans aged 19 to 25: There is no automatic 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.

Cumbria LA may cease a plan for a 19-25 year old if it decides that it is no longer necessary for the EHCP to be maintained.

Such circumstances include where the young person no longer requires the special educational provision specified in the EHCP. In making this decision the LA must have regard to whether the educational outcomes specified in the plan have been achieved.

Cumbria LA may also consider whether remaining in education or training would enable the young person to progress and achieve these outcomes and whether the young person wants to remain in education or training so they can complete or consolidate their learning.

- 9.1.5 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.
- 9.1.6 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.

9.1.7 Where a young person 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.

9.1.8 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.

9.1.9 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.

9.1.10 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.

9.1.11 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. Resolving disagreements

10.1.1 LAs must make disagreement resolution services available to parents and young people. Use of the disagreement resolution services is voluntary and has to be with the agreement of all parties. The service must be independent of the LA, for Cumbria this is provided by:

Website: www.collismediationltd.com

Telephone: 07715 958 290

Email address: info@collismediationltd.com

11. Mediation

11.1.1 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.

11.1.2 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 Collis Mediation:

Website: www.collismediationltd.com

Telephone: 07715 958 290

Email address: info@collismediationltd.com

11.1.3 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)

11.1.5 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.

11.1.7 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.

12. Special Educational Needs and Disability Tribunal (SENDIST)

12.1.1 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>

12.1.2 There are now two different appeal forms – one for children up to 16 years old and one for over 16 years old.

12.1.3 For an appeal about a young person aged 16 or over and under 25 years old it should always be presumed that the young person has the mental capacity to make an appeal to the tribunal. An appeal made by a young person will often be with the support of an advocate.

12.1.4 An advocate can be a parent, family member or other individual, including someone who is paid to do so.

12.1.5 A young person can also appoint a representative to act on their behalf during the appeal process, including at the hearing.

12.1.6 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

13. Cumbria SEND Information, Advice and Support Service (SENDIAS)

13.1 SENDIAS offer impartial information, advice and support to children and young people (0-25 years) with special educational needs and/or disabilities (SEND) and their parents and carers to help navigate the SEND system.

13.2 Contacts

Area	Co-ordinator	Telephone	Email
Carlisle & North Cumbria	Polly Shields	07788360336	Pollyanna.shields@cumbria.gov.uk
Allerdale	Susan Eastwood	07824408922	Susan.eastwood@cumbria.gov.uk
Kendal & East Cumbria	Laura Hopkins	07557191817	Laura.hopkins@cumbria.gov.uk
Copeland, Coniston & Ambleside	Sally Godfrey	07795110940	Sally.godfrey@cumbria.gov.uk
Barrow, Ulverston & Grange	Celia Jones	01229 407439	Celia.jones@cumbria.gov.uk

Appendix 1: Application for funding of Specialist College Placement Evidence Checklist

Application for funding of Specialist College Placement Evidence Checklist		
Young person's name		
Date of birth		
School year		
School		
Proposed placement		
Day/residential		
Document	Service responsible for obtaining it	Date obtained
1 st Local educational provider	EHCP Coordinator	
2 nd Local educational provider	EHCP Coordinator	
Confirmation letter of offer from potential ISP provider	EHCP Coordinator	
Assessment report from potential ISP provider including: costings and outcomes	EHCP Coordinator	
Current Social Care Assessment & Support Plan	EHCP Coordinator	
Mental Capacity Assessment if Required	EHCP Coordinator via Adult Social Care	
Best Interest evidence if required	EHCP Coordinator /via Transition Social Worker	
Most recent educational reports	EHCP Coordinator	
Current EHC Plan	EHCP Coordinator	
Current Transition Plan	EHCP Coordinator	
Relevant and up to date medical report (if relevant)	EHCP Coordinator	

Relevant and up to date psychological report	EHCP Coordinator	
Completed submission sheet for panel	EHCP Coordinator	

Appendix 2 Provider Assessment

Name of young person:

Date of Birth:

Provider:

Person completing assessment:

EHCP Outcome	Provider Assessment	Outcome can be met Y/N
EHCP Area: Communication and Interaction		
EHCP Area: Cognition and Learning		
EHCP Area: Sensory and Physical		

EHCP Area: Social and Emotional		
--	--	--

Signature of Person preparing report	Date
Signature of Head of Post 16 Provider or Representative	Date

