

## **West of England Local First Framework and Guidance 2016-2017 (Year 11 and above Transitions to High Needs Post-16/Further Education Provision)**

### **Principles**

- See addendum to this framework for definition of 'local' provision and relation of this Framework to the Children and Families Act 2014 and associated Code of Practice.
- The 'Local First' Framework is in place across four Local Authorities (LAs) in the West of England. This needs to be embedded in the Education Health and Care Plan (EHCP) meeting process and/or transfer review process at Year 11, and requires all local possibilities of provision to be explored before out-of-county provision is considered
- This also needs to be embedded in local SEND (Special Educational Needs and Disability) Panel/decision-making processes, and taken forward by all professionals involved in the EHCP process including school Information Advice and Guidance IAG and Social Work Transitions Teams
- Schools have a statutory duty to secure independent career guidance for all Year 8-13 pupils; staff advising young people from Year 8, at key stage transfer points and transfer (conversion) reviews need to make young people and their parents fully aware of ALL options available for their ongoing education, and careers advice strategy should be in line with this Framework (see DfE Careers guidance and inspiration in schools Statutory Guidance at paragraphs 9 and 10). This is also in line with the Raising the Participation Age duties and responsibilities on Local Authorities
- School staff and those providing careers advice need to be fully aware of this framework, as well as all local and other options for education. Appropriate links need to be made with local Colleges/providers to provide accurate advice and awareness of all local course availability, in line with their Local Authority
- Local educational provision is considered to be beneficial for many young people preparing for adulthood, to help them build independence and achieve their outcomes with a network of support in their local communities and lead valuable and happy lives
- Parental and young people's expectations need to be managed that it is not a foregone conclusion that residential provision will be agreed
- Specialist and individualised programmes should be developed by local providers, supported by LAs, to enable access to local provision, including 5-day 'wrap-around' packages
- SEND Personal Budgets to be offered as a framework for Person-Centred Planning approaches to address outcomes and develop capacity, quality and choice in local provision the context of local packages of provision

- Local Further Education (FE) provision options to include academic courses, Apprenticeships, Supported Internships, Traineeships, and Foundation Learning Provision to access appropriate vocational pathways across the West of England area to help young people prepare for adulthood and access the world of work and Higher Education
- New provision options to be fully explored in line with demand
- Tie in to SEND Strategy/14-19 Strategy in each LA as appropriate, around principles of building inclusion capacity in mainstream FE provision and developing parental/young people's confidence around local provision choices and staying within the local community
- Integrated commissioning for outcomes by SEND, Social Care and Health teams within the Local First framework, developing a full range of educational, social and health care opportunities to be included in Local Offers, with appropriate onward transitions into supported living, employment, Higher Education
- Close working between schools and colleges so early information is provided on packages of provision required
- Communication and support from LAs to schools on how the Framework should be taken forward
- Appropriate ways of working and referral processes to be clarified with Youth Connect Service (BANES)
- Local First Framework to be taken forward in the West of England High Needs Strategy Group community of practice context and possible opportunities for bids to EFA around joint provision gaps related to local provision to be fully explored
- Effective exploration and development of available West of England and local datasets to support planning and possible bids

This Guidance is compliant with current legislation, the Children and Families Bill 2014, the associated SEND Code of Practice and DfE Statutory SEND Transitions Guidance, as well as to required Year 11 transfer review procedures (referenced at end of document).

This Guidance encourages learners living in the West of England sub-region who are assessed as needing support in learning, and as being suitable for local provision options, to be:

- adequately supported in transitions by SEND Teams, other key workers under the EHCP, school IAG teams and colleges
- supported by schools notifying colleges at an early stage of possible college placements
- offered an informed choice of suitable local placements, in line with a holistic view of the young person's needs and outcomes on the EHCP, taking into account the efficient use of resources/compatibility of other learners
- offered enhanced five-day packages in local FE as appropriate to ensure that young people and families are best supported in line with their informed choices and needs
- Such local options to be promoted and enhanced to be offered in line with demand of parents and young people

- Enabled to fully participate and engage in the process of choice, alongside their parents, to fully develop co-production (including in the production of this Framework).

## **Funding**

- Funding decisions are made in a timely, fair and transparent way, within the context of available resources, including the offer of an indicative SEND Personal Budget where this is appropriate
- Whether High Needs funding is linked to EHCP thresholds is a local LA decision, and the need for HN funding should not drive assessment requests in any way
- YP aged 19+ in general FE who do not meet local needs assessment/transfer criteria may be able to stay at college with different funding options, to be discussed with SEND Teams, college and Social Care
- FE HN costs and place number management to be overseen by the West of England HN Strategy Group, in line with EFA funding guidance, with local discretion case by case or via banding structures
- All FE needs assessment requests must fully bear in mind place numbers agreed at the college. All needs assessments will be reviewed under the relevant LA's assessment criteria
- Indicative SEND Personal Budgets to be offered as part of the EHCP planning process for addressing outcomes locally

## **Detailed requirement from West of England Group of Local Authorities**

### **Year 11 Transfer Review Guidance – from September 2015 (Bath North East Somerset Council/South Gloucestershire Council process only.**

- Schools have a duty to invite potential FE college staff or training providers to transfer reviews
- For those existing College learners on Year 2 and above with Learning Difficulty Assessments and expected to remain in FE after 1<sup>st</sup> September 2016, Local Authorities will not automatically be transferring LDAs to EHCPs. A transfer, or needs assessment can be requested by the young person if they feel it is required, and this will be assessed via the usual LA process and criteria (compliant with Code of Practice at page 15 xi)
- Colleges and training providers to ensure young people are aware of their right to request a transfer, and are clear on individual LA assessment
- Eligibility for needs assessments/transfers are dependent on individual LA assessment, but broadly to continue in general. In order to continue in FE after 2-3 years clear outcomes must be demonstrated in line with their aspirations, including academic progression to another accredited course, or progress to employment/supported internship/ apprenticeship
- Deadline for receipt of transfer review requests was March 31<sup>st</sup> 2016

- For those already in FE with LDAs, these need to be considered for conversion to an EHCP to be in place by September 2016 for those continuing in education
- Advocacy Service to be available to support young people in the above processes on request

### **For Applications for Funding for Out-of-County FE Placements:**

- Two year course is the standard. Course extensions will only be provided in exceptional circumstances, as defined at individual Local Authority level in line with assessed needs of young person
- All applications to Specialist Post-16 Providers to be accompanied by evidence that the process of consultation of local providers has been completed, and that a Support Needs Assessment has demonstrated that needs cannot be met via enhanced specialist packages of local provision (local discretion on process) \*
- Social Care/Health teams to be approached for contribution to placement amount before application is submitted to SEND Panel \*
- Costs of such provision to be overseen as a whole by the West of England Group of LAs to ensure consistency
- Appeals against LA placement decisions (all placements) are in the first instance via the Regional Mediation Service, however parents/young people are urged to contact the LA to talk through issues in the first instance

### **Travel**

- The Post-16 Travel framework makes a travel training assessment a requirement for taxi travel application for all FE learners. Currently the Wiltshire Independent Travel Training service available for use across the group as required
- Criteria for taxi eligibility is a local LA decision. This requirement in no way be linked to needs assessment requests

### **References**

SEND Code of Practice 2015:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/398815/SEND Code of Practice January 2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf)

DfE Statutory guidance for Schools March 2015:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/440795/Careers Guidance Schools Guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/440795/Careers_Guidance_Schools_Guidance.pdf)

Raising the Participation Age Statutory Guidance:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/349300/Participation of Young People Statutory Guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/349300/Participation_of_Young_People_Statutory_Guidance.pdf)

West of England Post-16 Travel Framework 2015-16:

<http://www.bathnes.gov.uk/services/schools-colleges-and-learning/home-school-transport/post-16>

Transitional statutory DfE guidance September 2015:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/463320/Transition\\_Dept\\_advice\\_sept15.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/463320/Transition_Dept_advice_sept15.pdf)

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### Addendum to Framework

This Local First Framework adheres to the principles within Section 19 of the Children and Families Act 2014 which makes clear that: 'Local Authorities, in carrying out their functions under the Act in relation to disabled children and young people and those with special educational needs (SEN), **must** have regard to:

- the views, wishes and feelings of the child or young person, and the child's parents.
- the importance of the child or young person, and the child's parents, participating as fully as possible in decisions, and being provided with the information and support necessary to enable participation in those decisions.
- the need to support the child or young person, and the child's parents, in order to facilitate the development of the child or young person and to help them achieve the best possible educational and other outcomes, preparing them effectively for adulthood.'

The West of England group of authorities promotes the belief that (1.34 SEN Code of Practice 2014) in practical situations in everyday settings, the best early years settings, schools and colleges do what is necessary to enable children and young people to develop, learn, participate and achieve the best possible outcomes irrespective of whether that is through reasonable adjustments for a disabled child or young person or special educational provision for a child or young person with SEN. **The authorities do promote good quality provision at a local level in the first instance.**

It is however, recognised that Special schools (in the maintained, academy, non-maintained and independent sectors), special post-16 institutions and specialist colleges all have an important role in providing for children and young people with SEN and in working collaboratively with mainstream and special settings to develop and share expertise and approaches.

Children and young people with SEN have different needs and can be educated effectively in a range of mainstream or special settings. Alongside the general presumption of mainstream education, parents of children with an EHC plan and young people with such a plan have the right to seek a place at a special school, special post-16 institution or specialist college.

The Code of practice is clear that 'if parents make a preference for any of the above provisions, 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'

### Local Provision - Definition

The Local First Framework has been written to recognise that where possible and appropriate to assessment needs for the young person, all students' needs should be met at a local level, keeping students in their community. The authorities do promote good quality provision at a local level in the first instance.

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