Dear Abby and Lisa

We hope you found our meeting on 18th November helpful in providing some topics that we both consider should be put into the pending Green Paper (GP) for the SEND Review.

Below are our current thoughts much of which we articulated to you during our meeting.

At present, Eileen and I are joint-chairs of the Regional SE19 SEND PfA LA and Provider Forum. As it happens, Eileen, who has considerable experience in the general Further Education sector, and works within SEND in the Chichester College Group (an Ofsted Outstanding provision) and me, who has worked in special education for West Sussex County Council since 2002, have also worked together on both individual cases and policy areas over many years. We have both worked through the era of the Learning and Skills Council, prior to the major funding reform in 2012, which saw local authorities taking control of High Needs budget spend. This system preceded and fed into the Children and Families of 2014 which brought in a unified system 0-25 of both SEN Support at Post-16, and the Education, Health and Care Plans (EHCPs), for those young people with more complex needs. Interfacing with this is the Care Act of 2015 and the Mental Capacity Act of 2005, to name just a few areas of legislation and regulation, that we work within.

Eileen began by talking about an ideal ‘Inclusion’ picture, where every young person has access to high quality local provision in their local FE college, so that they are educated and trained within the framework for PfA – education – leading to employment/supported employment/self-employment, and for some – meaningful daily activity; life and living skills – being fully prepared with the skill to live as independent a life, as is possible; friends, relationships and local community engagement (encouraging more joint work with Children’s and Adults Social Care – so that, eg, High Needs education spending and Personal Budgets more closely align); and that young people are able to stay healthy and make healthy lifestyle choices.

*Eileen will send you some details of initiatives currently being undertaken by the Chichester College Group.*

Two years ago, we reformed the work of the regional PfA group (when we also started reporting to the Regional Directors of Children’s Services). We expanded our termly meeting to include general Further Education colleges, and before this had, anyway, instituted joint chairing between the 19 local authorities and Special Post-16 Institutions (the independent college sector), now to include the general FE sector. Following the publication by the Association of Colleges (AoC)/Local Government Association (LGA)/National (Natspec) in November 2020 – “Arrangements for Planning, Commissioning, Funding, and Supporting Provision for Post-16 High Needs Learners”, a priority work of the regional forum has been to set-up the following task and finish groups:

* Group A – “Defining Continuing Progress” – Maintaining or Ceasing Plan for Young People Aged 19 or Over
* Group B – “Transition Out from Education to Future Life”
* Group C – “Using PfA Outcomes to Identify and Commission Future Study Programmes”.

We attach the latest reports from the T&F groups that were presented to our Regional Meeting on 3rd November. In addition, we set-up one longer-term project group around a sub-regional model for strategic planning and commissioning. This is building on work currently underway between Brighton & Hove Council, East Sussex County Council and West Sussex County Council. Eventually, we would like to replicate this project with three similar sized LAs in the north of the region. *A Significance in the report and for sub-regional planning is for a collaborative approach with both SPIs and GFE jointly sharing and being commissioning to provide for young people with the most complex needs. This is still be investigated, but we would like to see prominence being given to collaborative approaches in the GP.* We note that you asked us some questions about LAs working more closely together for commissioning purposes, (and spoke about, eg, Mayoralty areas in the Newcastle region). As a region we have produced a guidance for our local authorities members about what collectively we will pay our FE college (attached). The above T&F groups have produced well because of the expert help from the NDTi/PfA organisations: there is a vital interface and interaction at regional level.

What We Would like to see in the Green Paper:

Eileen will send you details about enhanced transition planning that we would like to see in the Green Paper. It would be in the following areas: transitions from pre-16/secondary education into GFE, with, the many and diverse transitions from, eg, APCs and bespoke curriculums at 14-16, including those yp with significant mental health problems, that require more individualistic transition planning.

We also felt that there should be a requirement for statutory qualifications to be undertaken for all staff, working in the area of transition planning, whether in schools/colleges/LAs/Social Care or Health.

A confusing area at Post-16 is the relationship between the Education and Skills Funding Agency (ESFA) and the administration of EHCPs. In general, the delegation of High Needs Funding (HNF) to LAs works well, and enables greater person-centred planning and integration of services. For all students the principle of free tuition and support applies to the chronological ages of 16-18/19, and does allow for an unsuccessful start, and, therefore, a potential to change courses. The ability of students with EHCPs to continue with free education and support, potentially up to the age of 25, as long as they can show progression, has been enormously successfully with supporting these students to achieve at their own pace, for example, Levels 2 and 3 qualifications, which definitely better prepares them for adult life and the workplace. However, there is sometimes a problem with a number of young people who simply wish to remain in FE, and not progress into employment/supported employment. There needs to be better co-ordination between FE colleges, LAs and the ESFA to determine what constitutes ‘progression’, and for the DfE to clarify when an EHCP should be ‘ceased’, in these circumstances.

One of the successes since 2014 has been the embedding of PfA, from earliest years and certainly from Year 9 when it has to be formally written into EHCPs. There is a need to upskill the teaching workforce and give greater priority to embedding PfA from the very earliest years. I would like to make two suggestions:

* From Year 9, as well as a requirement to write PfA into plans, this should include drafting a study programme (every student has a legal right to a study programme at Post-16) so that LAs know what they should be commissioning for individual students at Post-16;
* From Year 12, for those students with complex needs, who will require a service from Adult Social Care or the Department for Work and Pensions, there should be a section on the ‘capable environment’ they will be living in, (in Section A of their EHCP), to ensure that the right packages of education and training are being commissioned to build up their skills and prepare them for adult life.

While we understand that the DfE has never laid down a prescribed national EHCP template, but delegates this task to every individual LA, there is some sense in asking every LA to have a specific PfA template (Newcastle model is a good one) for use at the appropriate time, following a discussion at an annual review.

We were told in DfE workshops prior to, and after September 2014 that the scope of the reforms in the C&F Act was so huge that it was envisaged that it would take 10 years to embed them. Huge strides have taken place since then, but it would be truthful to say that there is a need for more co-ordinated approach particularly with Health services. We were told in 2014 that the way to achieve this strategic level of co-ordination was from every LA’s Chief Executive office. In general, this has not happened, and should be written into the GP. Most LAs now have designated medical and Social Care officers, and this should be a statutory requirement.

We would like to see in the GP, in particular, detailed clarification about the interface between the C&F Act, The Care Act, and, in particular, the Mental Capacity Act (together with the other statutory elements which affect children and young people with SEND).

Please do not hesitate in coming back to us with any questions or requesting clarification to any of the above.

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