

Report to: **Lead Member for Education and Inclusion, Special Educational Needs and Disability**

Date: **22 February 2016**

By: **Director of Children's Services**

Title of report: **Education, Health and Care Plans (EHCPs) for 16-25 year olds**

Purpose of report: **To set out the key issues which the Council faces arising from the extension of statutory Education Health and Care Plans up to age 25, including new guidance setting out when an EHCP may be appropriate for young people aged 16-25.**

RECOMMENDATION:

The Lead Member is invited to approve the Guidance for Education Health and Care Plans for 16-25 year olds with Special Educational Needs and Disability (SEND) and endorse the overall approach.

1. Background

1.1 The report sets out the key issues which East Sussex County Council (ESCC) faces arising from the extension of statutory Education Health and Care Plans ('EHCPs') up to age 25 following the special educational needs and disability (SEND) reforms and outlines the work being undertaken to address demand for education provision.

2. Supporting Information

2.1 The Children and Families Act 2014 places new duties on the Council to support statutory EHCPs (which have replaced Statements of SEN) for young people potentially up to the age of 25. Previously many Statements ceased at the age of 16 and some young people were supported through Learning Difficulties Assessments (LDAs) to continue their education to 19 and exceptionally, beyond 19. The government does not envisage all young people will continue with an EHCP up to age 25, with the SEND Code of Practice linking the need for a continued EHCP, beyond the age of 19, to the need to secure educational outcomes and educational progress.

2.2 The new legislation places much emphasis on developing a more integrated approach in Preparing for Adulthood in respect of education, independent living, community inclusion and health, with the expectation of an integrated approach across care services, health and education for the most complex young people.

2.3 No additional funding has been identified by the government to support this extended age range for EHCPs.

3. Potential Impact

3.1 In August 2015 in East Sussex there were 559 young people identified in the 16-19 cohort with LDAs; a further 232 aged 19 plus known to the Special Educational Needs Personal Advisor (SEN PA) service in the Further Education (FE) system; and 245 not in education employment or training (NEET). There are 270 young people with Statements of SEN in Year 11. If all young people with statements were to have their statement converted to an EHCP this could lead to 710 EHCPs in the system for young people aged 16 to 19 by 2018/19 - an increase of 50%. Clear pathways and criteria for remaining in education are required to ensure the Council fairly and consistently carries out its duties.

3.2 For those young people with complex needs there might be pressure to continue with an EHCP given the current thresholds for receiving a service in Adult Social Care.

3.3 An Equalities Impact Assessment has been compiled and is attached as Appendix 2.

4. Proposed approach

4.1 Three work streams have been set up:

- (a) To develop guidance to support consistent decision making about the provision of services through an EHCP for young people aged over 16. The presumption for all young people is that they are capable of paid employment with the right preparation and support. Ensuring young people are employable is a central objective of any continuing education and training beyond 19. The Council expect to usually only maintain an EHCP post 19 where it is needed to support the young person to make progress towards education and training outcomes which are linked to employability or if more time is required to reach educational outcomes that have previously been agreed. Draft guidance was produced in September 2015 following a key stakeholders event and work with young people. The guidance has been circulated to Schools and Colleges for comment and has been the subject of public consultation on the Council's website. Three responses were received, one from a school; one from a parent and one from a member of staff working in ISEND. They were in broad agreement with the proposed guidance, but raised the following points:
- The need to develop a wider range of courses for young people with special educational needs and disability, which would be available locally.
 - The need to take account of the challenges presented for some young people with mental health issues.
 - Disappointment that the consultation had been restricted to a few questions.

Lead Member is asked to approve the guidance which is attached in Appendix 1. It is proposed to implement the guidance from February 2016, following member approval.

- (b) To deliver the Preparing for Adulthood requirements through a pathway planning approach, with the Transition team and Assessment and Planning team working together with individual young people and their families. Consideration is being given to the most appropriate assessment tools in relation to EHCPs as young people move towards adulthood. This work is being led by ISEND.
- (c) To ensure a range of services for 16-25 is developed through the SEN strategy focussed on local provision.

5. Timescales

Activity	By when
Research and development of draft guidance for EHCPs for 16-25 year olds	Mid-September
Stakeholder event and young people engagement to inform draft guidance	23 September
Consultation on draft guidance , including with schools	1-21 October
Finalise guidance and submission to SMT	Early December
CMT meeting	January 2016
Lead Member sign off	22 February 2016
Implementation of guidance	March 2016
Development and implementation of new assessment tools and approaches for 16-25 years olds with EHCPs	January 2016
Provision/services developed through the SEN strategy	On-going

6. Conclusion and reasons for recommendations

6.1 This work impacts on both the provision of education for young people with SEND aged 16-25 and the transition services and support provided to young people, with the most complex needs, as they move into adulthood.

6.2 The Lead Member is recommended to approve the guidance and endorse the overall approach.

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Appendices

Appendix 1 – Guidance for Education, Health and Care Plans for 16-25 year olds with SEND.

Appendix 2 – Equality Impact Assessment