

Decision Maker:	Education Portfolio Holder
Date:	For Pre-Decision Scrutiny by the Education Policy Development and Scrutiny Committee on 2nd July 2013
Decision Type:	Non-Urgent Executive Non-Key
Title:	Statement of intent to support young people with Special Educational Needs and Disabilities (SEND) to prepare effectively for adult life
Contact Officer:	Debi Christie, 16-25 Commissioning Manager Tel: 020 8461 7896 E-mail: debi.christie@bromley.gov.uk
Chief Officer:	Lorna Blackwood, Assistant Director (Commissioning), Education, Care and Health Services Dr. Tessa Moore, Assistant Director (Education), Education, Care and Health Services
Ward:	Borough wide

1. Reason for report

- 1.1 This report requests the approval of the draft '**Statement of intent to support young people with Special Educational Needs and Disabilities (SEND) to prepare effectively for adult life**'. The statement of intent specifically focuses on further education placements.
- 1.2 This report also provides an update on the changes in commissioning specialist placements for learners with more complex Learning Difficulties and/or Disabilities (LDD) in Further Education (FE) establishments against a backdrop of the SEND legislative changes. The report will outline potential risks and detail the steps that Bromley is taking to respond to need and demand.

2. **RECOMMENDATION(S)**

- 2.1 The Education Portfolio Holder is asked to:
 - (i) **consider the content of the report**
 - (ii) **approve the statement of intent as policy**

Corporate Policy

1. Policy Status: New Policy:
 2. BBB Priority: Children and Young People Excellent Council Supporting Independence
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Financial

1. Cost of proposal: No specific cost directly arising from the implementation of this policy
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: SEN and Inclusion (SEN in Further Education Colleges)
 4. Total current budget for this head: £3,091,833 (2013/14 financial year)
 5. Source of funding: Existing budget (DSG)
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Staff

1. Number of staff (current and additional): 3.5 x FTE to provide assessment against the policy – no additional
 2. If from existing staff resources, number of staff hours:
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Legal

1. Legal Requirement: Statutory Requirement: **ASCL Act 2009 - Education and training for persons over compulsory school age: general duty.**
 - (1) A local education authority in England must secure that enough suitable education and training is provided to meet the reasonable needs of -
 - (a) persons in their area who are over compulsory school age but under 19, and
 - (b) persons in their area who are aged 19 or over but under 25 and are subject to learning difficulty assessment.
 - (2) A local education authority may comply with subsection (1) by securing the provision of education or training outside as well as within their area.
 - (3) In deciding for the purposes of subsection (1) whether education or training is suitable to meet persons' reasonable needs, a local education authority must (in particular) have regard to -
 - (a) the persons' ages, abilities and aptitudes;
 - (b) any learning difficulties the persons may have;
 - (c) the quality of the education or training;
 - (d) the locations and times at which the education or training is provided.
 2. Call-in: Applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 450 young people, together with their parents/carers.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 The new Education Funding Reforms (EFR) places a duty on local authorities to commission and fund education places for high needs students (HNS) up to the age of 25, the further education element of which has previously funded through central Government. For post-16, three budgets have been brought together under a single block within the Dedicated Schools Grant (DSG):
- Post-16 SEN block grant
 - High cost Additional Learning Support (ALS) in FE colleges
 - Regional LDD Specialist Placement Budget (SPB)
- 3.2 Further education placements for this cohort of learners either take place within a mainstream FE college or Independent Specialist Provider (ISP) and Bromley has a significant advantage over the majority of London boroughs as Nash College (ISP) is based within the borough.
- 3.3 Over the past three years, Bromley has had, on average, 20 new applications for ISP placements each year, resulting in c.60 young people in ISP placements at any one time, approximately 70% of which are within out of borough residential colleges.
- 3.4 The Council are concerned over the high number of young people returning to borough following their placement not having the ability to transfer learned skills, losing their community links, being at risk of isolation and essentially having to 'start again' (re-enablement). This has also been raised by a number of voluntary sector partners who are reporting an increase in the support required for young people on return from out of borough residential college placements.
- 3.5 In June 2012, the local authority held a 'visioning day' that was attended by 48 people representing:
- Schools (mainstream and special)
 - Colleges
 - Families (including young people)
 - Parent voice
 - Special Educational Needs
 - Children's Social Care
 - Adult Social Care
 - Health
 - Transition Support Workers
 - Post-16 Education Commissioners
 - Personalisation leads
 - Voluntary Sector Providers
 - Supported Employment providers
- 3.6 The session looked at what we collectively wanted to see for our young people in 5 years time, then worked back and looked at steps we all needed to take to progress this. The outcome of the consultation was a shared vision to:
- Enable young people with Learning Difficulties and/or Disabilities to live, learn and work within their local community, achieve sustained progression, resulting in better life outcomes*
- 3.7 It is important to note that remaining within the community to access further education will not be appropriate for all young people and there will always be a need for specialist provision, some of which will mean being placed out of borough for a period of time.
- 3.8 Through effective partnership work, we have been continuing to work together towards realising this shared vision, progressing a range of developments through both direct commissioning and review of services, together with facilitating the market itself to respond to demand.

- 3.9 Good education and learning opportunities are vital for young people to maximise their potential in preparing for adult life. Through good person centred planning, provision and support will be identified to meet assessed needs across education, health and care. Commissioning of formal education placements must be individualised, realistic and achievable, providing a firm foundation to enable young people to continue learning in context, through living and working across four key pathways:
- **Community inclusion** – developing friends, relationships and sustainable networks of support
 - **Employment** – opportunities to experience the world of work and get paid employment
 - **Independent living** – maximising skills to live as independently as possible
 - **Good health** – maintaining good health and a healthy
- 3.10 In response to the identified need to develop provision and facilities in borough for young people with more complex needs, Bromley submitted a bid for Demographic Growth Capital Funds (DGCF) and was awarded £2million in June 2012 to completely remodel facilities at Bromley College (full project total £2.4million), which has now been completed and ready for September 2013 intake.
- 3.11 In addition to the capital build at Bromley College, we are working in partnership across the borough (young people, families, schools, colleges and providers) to develop holistic pathways across education, health and care, enabling a greater number of young people to live, learn and work in their own community and achieve sustained progression leading to better life outcomes.
- 3.12 Through an invest to save model, Bromley Council has invested in three FTE Preparing for Adulthood Coordinators to work with young people and families from a much earlier age (14yrs). The purpose of these roles is to prepare young people more effectively for adulthood, work with the young person and their family to identify appropriate pathways, including FE placements after leaving school, manage expectations and deliver value for money.
- 3.13 We are reviewing and re-commissioning a range of children's and adult services to meet the needs of young people and their families, supporting them to be confident in our local offer i.e. good Information, Advice and Guidance (IAG) services and 7 day a week opportunities.
- 3.14 We know that the number of young people with learning difficulties and/or disabilities is increasing as is the complexity of need and given the current and future financial situation, it is critical that the Council achieve value for money and ensure that highly specialist services are made available for those with the most complex needs.
- 3.15 The emerging SEND legislation confirms that EHC Plans could run to 25yrs, with the statutory element of the plan being education, we are mindful that this could create a perverse incentive for young people and their families to seek to continue in education (where it may not be appropriate) in order to maintain the EHC Plan, resulting in an additional financial burden to the local authority. Market analysis has shown that many ISPs are reconfiguring their services to expand the offer into the 22-25yrs age range.
- 3.16 Given the changing legislative landscape, increase in demographics and complexity and the financial landscape, it is critical that we provide a clear and consistent message that can be used both internally and externally through a formal policy.
- 3.17 This statement of intent sets out the Council's vision, rationale for setting our intention and the approach we will take to manage this. The rationale has been drawn from appropriate research and expert opinion from the Bromley Educational Psychologist Service.

4. POLICY IMPLICATIONS

- 4.1 This statement of intent would support the delivery of priorities for children and young people set out in the Education and Care Services Education Portfolio Plan priorities (January – December 2013), in line with our statutory duties as set out in the ASCL Act 2009.

4.2 The policy would also contribute significantly to the implementation of new SEND legislation and aligns directly with recently published 'Principles of Emerging Practice' (April 2013), a working document outlining findings from all SEND Pathfinder sites, which is contributing to the Government's development of the new legislation. This policy supports the emerging principles around 'Transition and Post-16' and in particular:

- As far as possible, local authorities should secure the most appropriate FE place for the young person, including within an ISP. Decisions should be based on a robust assessment of need and evidence of what helps disabled young people (especially those with learning difficulties and disabilities) to achieve paid work and independent living.
- Local FE colleges and ISPs should work together to develop blended support that builds local capacity to support all young people.
- As far as possible, there should be a good range of suitable provision offered locally, so that young people do not have to go out of their local area if they choose not to.
- Local authorities should use EHC Plans to agree with ISPs how the young person will be supported to make a successful transition back to their local area after their placement has finished. This should include re-integration into the local community; travel training; support to find employment and housing etc.
- Pathways to paid employment should be developed that are based on evidence-based practice. For example, raising aspirations, vocational profiling and curriculums in school, work experience in the local community, supported employment and supported internships, and support to set up their own businesses. This should all be clearly expressed through the LO, commissioned by local authorities and developed by the FE sector and allied services.

5. FINANCIAL IMPLICATIONS

5.1 There are no additional costs to agreeing this statement of intent as policy. Conversely, we anticipate that as a result of the developments Bromley and a clear and transparent policy, more young people will remain within their local community. This will reduce the cost on out of borough residential college placements and in turn realise savings in Adult Social Care budgets as skills will be developed within context, through living and working in the local community, which will provide more sustained progress leading to better life outcomes. Additionally, through maintaining and developing local community links, friends and relationships, the circle of support for young people and their families will widen and create a more sustainable network, thus reducing the burden on statutory services and promoting greater independence.

6. LEGAL IMPLICATIONS

6.1 The statutory duty on local authorities is stated within the **ASCL Act 2009 - Education and training for persons over compulsory school age: general duty**. Please refer to Legal point 1 in this document.

Non-Applicable Sections:	Personnel
Background Documents: (Access via Contact Officer)	

Statement of intent to support young people with Special Educational Needs and Disabilities (SEND) to prepare effectively for adult life

Statement of Intent

To enable young people with Learning Difficulties and/or Disabilities to live, learn and work within their local community, achieve sustained progression, resulting in better life outcomes

Rationale

Enabling young people to live, learn and work within their own community promotes more sustainable progress, leading to better life outcomes. Placements within out of borough residential colleges can result in social segregation, dependence and inequity. There can be significant challenges for young people (and their families) to reintegrate into their home community, on returning home. Some of the factors that support this rationale are:

- **Promoting Independence and Life Long Outcomes** – learning within the local area enables young people to access local opportunities to maximise independence and provide links with local employers and voluntary sector organisations to support long term goals.
- **Support and Security** – maintenance and development of local friendships, community links and support networks. Continuity of emotional relationships is highly correlated with building resilience in young people and reducing social isolation and mental health difficulties in later life.
- **Monitoring and Safeguarding** – young people can continue to access Bromley services to ensure quality of provision, appropriate support and closer monitoring to ensure safeguarding of this very vulnerable cohort. Any emerging issues can be addressed early to stop escalation.
- **Parental Involvement** – parents can be actively involved with their young person's education and learning, providing support and guidance. Close relationships with education and care staff can help tailor support to their young person's needs and interests.
- **Sustainable Support** – being able to live, learn and work within your own community, leads to the development of more sustainable systems of support, both formal and informal.

Our approach

The duty remains on Local authorities to secure sufficient and suitable education and training provision for young people with SEND up to the age of 24 years¹. This is not an automatic entitlement to education but recognises that for some individuals, it takes longer to learn and consolidate that learning.

Good education and learning opportunities are vital for young people to maximise their potential in preparing for adult life. Through good person centred planning, provision and support will be identified to meet assessed needs across education, health and care.

¹ Statutory Guidance on the Participation of Young People in Education, Employment or Training, March 2013
(<http://media.education.gov.uk/assets/files/pdf/p/participation%20of%20young%20people%20-%20statutory%20guidancev3.pdf>)

Commissioning of formal education placements will be individualised, realistic and achievable, providing a firm foundation to enable young people to continue learning in context, through living and working across four key pathways²:

- **Community inclusion** – developing friends, relationships and sustainable networks of support
- **Employment** – opportunities to experience the world of work and get paid employment
- **Independent living** – maximising skills to live as independently as possible
- **Good health** – maintaining good health and a healthy lifestyle

Assessment of need and placement identification

Placement identification is based on each individual's need across education, health and care, which takes account of:

- Young person's aspirations and long term goals
- Views, including young person, family and professionals
- Circle of support, including friends, family and community networks

In identifying an appropriate placement, a variety of options will be considered based on the young person's assessed needs, to support them to achieve their long term goals in preparing for adult life - this could be an educational or social care placement.

Where an educational placement is identified as appropriate, the following process will be followed:

1. **Local mainstream FE provision** – should an education placement be deemed appropriate to meet a young person's needs, learning within the local FE College is the preferred option.
2. **Mixed provision in borough** – a programme across the local FE College and Specialist College may be considered, should the young person's assessed needs deem this appropriate.
3. **Specialist provision in borough** - where a young person's assessed needs cannot be met in mainstream education provision to allow their goals to be achieved, specialist provision in borough may then be considered.
4. **Specialist provision out of borough as a day student** – where a young person's assessed needs cannot be met in specialist in borough provision to allow their goals to be achieved, specialist out of borough provision as a day student may then be considered.
5. **Specialist provision out of borough as a residential student** - where a young person's assessed needs cannot be met in specialist out of borough day placement to allow their goals to be achieved, a residential placement may then be considered. A Monday to Friday placement is the preferred option, which will enable young people to maintain regular links with their local community and integrate their learning into the home environment.

² Getting a Life (<http://www.gettingalife.org.uk/>)