

7 Further education

What this chapter covers

This chapter explains and provides guidance on the statutory duties on further education colleges, sixth form colleges, 16-19 academies and some independent specialist colleges approved under Section 41 of the Children and Families Act 2014 to identify, assess and provide support for young people with special educational needs (SEN).

Relevant legislation

Primary

The following sections of the Children and Families Act 2014:

- Co-operating generally: local authority functions: Section 28
- Co-operating generally: governing body function: Section 29
- Children and young people with SEN but no plan: Section 34
- Independent specialist schools and special post-16 institutions – approval: Section 41
- Schools and other institutions named in EHC plan: duty to admit: Section 43
- Using best endeavours to secure special educational provision: Section 66
- Code of Practice: Section 77

The Equality Act 2010

Regulations

The Special Educational Needs and Disability Regulations 2014

Introduction

- 7.1 The post-16 education and training landscape is very diverse. It encompasses school sixth forms (both mainstream and special schools), sixth form colleges, general further education (FE) colleges, 16-19 academies, special post-16 institutions, and vocational learning and training providers in the private or voluntary sector. The range of available study programmes is broad and includes AS/A-levels, vocational qualifications at all levels, apprenticeships, traineeships, supported internships and bespoke packages of learning. School provision is covered in Chapter 6.

- 7.2 Mainstream providers include school sixth forms, general FE colleges, sixth form colleges, specialist art and design and land-based colleges and 16-19 academies. Colleges are usually very much larger than schools, and offer an extensive breadth of courses to young people and adults of all ages. Special school sixth forms, independent specialist colleges and many general FE colleges specialise in provision for students with SEN. Post-16 provision is also offered by not-for-profit and voluntary sector, independent and private training and employment services. Unless stated otherwise, the use of 'college' throughout this chapter encompasses general FE colleges, specialist art and design and land-based colleges, sixth form colleges, 16-19 academies and special post-16 institutions approved under section 41 of the Children and Families Act 2014.

Statutory duties on post-16 institutions

- 7.3 FE colleges, sixth form colleges, 16-19 academies and independent specialist colleges approved under Section 41 of the Children and Families Act 2014 (the Act) have the following specific statutory duties:
- **The duty to co-operate with the local authority on arrangements for children and young people with SEN.** This is a reciprocal duty. It means that, in carrying out their functions under this part of the Act, a local authority **must** co-operate with the named bodies who, in turn, **must** co-operate with the local authority.
 - **The duty to admit a young person if the institution is named in an Education Health and Care (EHC) plan.** Young people have the right to request that an institution is named in their EHC plan, and local authorities have a duty to name that institution in the EHC plan unless, following consultation with the institution, the local authority determines that it is unsuitable for the young person's age, ability, aptitude or SEN, or that to place the young person there would be incompatible with the efficient use of resources or the efficient education of others.
 - **The duty to have regard to this Code of Practice**
 - **The duty to use their best endeavours to secure the special educational provision that the young person needs.** This duty applies to further education colleges, sixth form colleges and 16-19 academies. Its purpose is to ensure that providers give the right support to their students with SEN. It does not apply to independent specialist colleges or special schools, as their principal purpose is to provide for young people with SEN. They **must** fulfil this duty for students with SEN whether or not the students have EHC plans. This duty applies in respect of students with SEN up to age 25 in further education, including those aged between 14 and 16

recruited directly by colleges. The duty encompasses students on a wide variety of study programmes (including some on short programmes) and at every level from entry level upwards. It does not apply to any students on higher education courses, who can access the Disabled Students Allowance (DSA). Much of this section will also be relevant for independent specialist colleges.

- 7.4 A young person has SEN if he or she has a learning difficulty or disability which calls for special educational provision to be made for them. Special educational provision is support which is additional or different to support usually available to young people of the same age in mainstream colleges. For more detailed information on the definition of SEN, see the Introduction. Colleges should offer an inclusive approach to learning and teaching, with high quality teaching which is differentiated for individuals. This approach should be embedded in their provision in all subject areas and at all levels, and support the teaching of all students, including those with SEN.
- 7.5 Colleges should be ambitious for young people with SEN, whatever their needs and whatever their level of study. They should focus on supporting young people so they can progress and reach positive destinations in adult life. These destinations include higher education or further training or employment, independent living (which means having choice and control over the support received), good health and participating in the community. Further information on support for young people in preparing for adult life is set out in Chapter 8, Preparing for adulthood from the earliest years.
- 7.6 All students aged 16-19 (and students up to the age of 25 where they have an EHC plan) should follow a coherent study programme which provides stretch and progression and enables them to achieve the best possible outcomes in adult life. Further detail on study programmes and pathways to employment is given in Chapter 8, Preparing for adulthood from the earliest years, paragraphs 8.32 to 8.40. More detailed information on what constitutes good outcome setting is given in Chapter 9, Education, Health and Care needs assessments and plans, paragraphs 9.64 to 9.69). These principles should be applied to planning for all young people.

Equality Act 2010

- 7.7 FE colleges, sixth form colleges, 16-19 academies and independent special schools approved under Section 41 of the Children and Families Act 2014 have duties under the Equality Act 2010. In particular, they **must not** discriminate against, harass or victimise disabled children or young people and they **must** make reasonable adjustments to prevent them being placed at a substantial disadvantage. This duty is anticipatory – it requires thought to be given in advance to what disabled young people might require and what adjustments might need to be made to prevent that disadvantage.
- 7.8 Providers have wider duties to prevent discrimination, to promote equality of opportunity and to foster good relations. Chapter 1, Principles, provides further

details on the disability discrimination duties in the Equality Act 2010. The guidance in this chapter should be read in the light of the principles in Chapter 1 which focus on inclusive practice and removing barriers to learning.

Careers guidance for young people

- 7.9 FE colleges and sixth form colleges are required through their funding agreements to secure access to independent careers guidance for all students up to and including age 18 and for 19- to 25-year-olds with EHC plans. Chapter 8 provides more information about careers guidance for children and young people.

Identifying SEN

- 7.10 Colleges should be involved in transition planning between school and college so that they can prepare to meet the student's needs and ensure a successful transition into college life. Chapter 8, paragraphs 8.22 to 8.28, gives guidance to schools and colleges on how they should work together to smooth that transition. Colleges should give all applicants an opportunity before or at entry and at subsequent points, to declare whether they have a learning need, a disability or a medical condition which will affect their learning. If a student makes a declaration the college should discuss with the student how they will provide support. Any screenings and assessments should be differentiated and proportionate to the likely level of SEN.
- 7.11 Some needs may emerge after a student has begun a programme. Teaching staff should work with specialist support to identify where a student may be having difficulty which may be because of SEN.
- 7.12 Students who fell behind at school, or who are studying below level 2, should have their needs identified and appropriate support should be provided. It should not be assumed that they have SEN just because they have lower attainment levels than the majority of their peers. They may do, but this should be identified specifically and supported. Equally it should not be assumed that students working on higher level courses do not have any learning difficulty or disability that may need special educational provision.

SEN support in college

- 7.13 Where a student has a learning difficulty or disability that calls for special educational provision, the college **must** use its best endeavours to put appropriate support in place. Young people should be supported to participate in discussions about their aspirations, their needs, and the support that they think will help them best. Support should be aimed at promoting student independence and enabling the young person to make good progress towards employment and/or higher education, independent living, good health and participating in the community. Chapter 8 provides guidance on preparing young people for adult life.

- 7.14 Support should be evidence based. This means that colleges should be aware of effective practice in the sector and elsewhere, and personalise it for the individual. They should keep the needs of students with SEN or disabilities under regular review. Colleges should take a cyclical approach to assessing need, planning and providing support, and reviewing and evaluating that support so that it can be adjusted where necessary. They should involve the student and, particularly for those aged 16 to 18, their parents, closely at all stages of the cycle, planning around the individual, and they should ensure that staff have the skills to do this effectively.

Assessing what support is needed

- 7.15 Where a student is identified as having SEN and needing SEN support, colleges should bring together all the relevant information from the school, from the student, from those working with the student and from any screening test or assessment the college has carried out. This information should be discussed with the student. The student should be offered support at this meeting and might be accompanied by a parent, advocate or other supporter. This discussion may identify the need for a more specialist assessment from within the college or beyond.

Planning the right support

- 7.16 Where the college decides a student needs SEN support, the college should discuss with the student their ambitions, the nature of the support to be put in place, the expected impact on progress and a date for reviewing the support. Plans should be developed with the student. The support and intervention provided should be selected to meet the student's aspirations, and should be based on reliable evidence of effectiveness and provided by practitioners with the relevant skills and knowledge.

- 7.17 Special educational support might include, for example:

- assistive technology
- personal care (or access to it)
- specialist tuition
- note takers
- interpreters
- one-to-one and small group learning support
- habilitation/independent living training
- accessible information such as symbol based materials
- access to therapies (for example, speech and language therapy)

Putting the provision in place

- 7.18 Colleges should ensure that the agreed support is put in place, and that appropriately qualified staff provide the support needed. The college should, in discussion with the student, assess the impact and success of the intervention.

Keeping support under review

- 7.19 The effectiveness of the support and its impact on the student's progress should be reviewed regularly, taking into account the student's progress and any changes to the student's own ambitions and aspirations, which may lead to changes in the type and level of their support. The college and the student together should plan any changes in support. Colleges should revisit this cycle of action, refining and revising their decisions about support as they gain a richer understanding of the student, and what is most effective in helping them secure good outcomes. Support for all students with SEN should be kept under review, whether or not a student has an EHC plan.
- 7.20 Where a student has an EHC plan, the local authority **must** review that plan as a minimum every twelve months, including a review of the student's support. The college **must** co-operate with the local authority in the review process. As part of the review, the local authority can ask the college to convene and hold the annual review meeting on its behalf. Further information about EHC plan reviews and the role of colleges is given in Chapter 9, Education, Health and Care needs assessments and plans. From the age of thirteen onwards, annual reviews focus on preparing for adulthood. Further information on pathways to employment and on support for young people in preparing for adult life is set out in Chapter 8, Preparing for adulthood from the earliest years.
- 7.21 Colleges should also keep under review the reasonable adjustments they make under the Equality Act 2010 to ensure they have removed all the barriers to learning that they reasonably can. Colleges should also ensure that students with SEN or disabilities know who to go to for support.

Expertise within and beyond the college

- 7.22 The governing bodies of colleges should ensure that all staff interact appropriately and inclusively with students who have SEN or a disability and should ensure that they have appropriate expertise within their workforce. They should also ensure that curriculum staff are able to develop their skills, are aware of effective practice and keep their knowledge up to date. Colleges should make sure they have access to specialist skills and expertise to support the learning of students with SEN. This can be through partnerships with other agencies such as adult social care or health services, or specialist organisations, and/or by employing practitioners directly. They should ensure that there is a named person in the college with oversight of SEN provision to ensure co-ordination of support, similar to the role of the SEN Co-

ordinator (SENCO) in schools. This person should contribute to the strategic and operational management of the college. Curriculum and support staff in a college should know who to go to if they need help in identifying a student's SEN, are concerned about their progress or need further advice. In reviewing and managing support for students with SEN, colleges and 16-19 academies may find the broad areas of need and support outlined in Chapter 6 helpful (paragraph 6.28 onwards).

- 7.23 Colleges should ensure they have access to external specialist services and expertise. These can include, for example, educational psychologists, Child and Adolescent Mental Health Services (CAMHS), specialist teachers and support services, supported employment services and therapists. They can be involved at any point for help or advice on the best way to support a student with SEN or a disability. Specialist help should be involved where the student's needs are not being met by the strong, evidence-based support provided by the college. Where, despite the college having taken relevant and purposeful action to identify, assess and meet the needs of the student, the student is still not making the expected progress, the college or young person should consider requesting an EHC needs assessment (see Chapter 9).
- 7.24 More guidance on the advice and support colleges should give students with SEN or disabilities to enable them to prepare for adult life, including the transition out of college, is in Chapter 8, Preparing for adulthood from the earliest years.

Record keeping

- 7.25 Colleges should keep a student's profile and record of support up to date to inform discussions with the student about their progress and support. This should include accurate information to evidence the SEN support that has been provided over a student's time in college and its effectiveness. They should record details of what additional or different provision they make to meet a student's SEN and their progress towards specified outcomes. This should include information about the student's SEN, interventions and the support of specialists. The information should be used as part of regular discussions with the student and, where appropriate, the family, about the student's progress, the expected outcomes and planned next steps. For young people detained in custody, a Youth Offending Team will seek information from the college to support their initial assessments. The college should respond to such requests as soon as possible (see Chapter 10).
- 7.26 As with schools, colleges will determine their own approach to record keeping but should ensure that Individualised Learner Record (ILR) data is recorded accurately and in a timely manner in line with funding rules. Where students have EHC plans, colleges should provide the local authority with regular information about the progress that student is making towards the agreed outcomes set out in their EHC plan. Where a student has support from the local authority's high needs funding but does not have an EHC plan, colleges should also provide information on the student's progress to the local authority to inform its commissioning.

- 7.27 Further information on support to help children and young people prepare for adulthood, including pathways to employment and the transition to adult services, is in Chapter 8. Information about seeking needs assessments and about EHC plans is in Chapter 9.

Funding for SEN support

- 7.28 All school and academy sixth forms, sixth form colleges, further education colleges and 16-19 academies are provided with resources to support students with additional needs, including young people with SEN and disabilities.
- 7.29 These institutions receive an allocation based on a national funding formula for their core provision. They also have additional funding for students with additional needs, including those with SEN. This funding is not ring-fenced and is included in their main allocation in a 'single line' budget. Like mainstream schools, colleges are expected to provide appropriate, high quality SEN support using all available resources.
- 7.30 It is for colleges, as part of their normal budget planning, to determine their approach to using their resources to support the progress of young people with SEN. The principal or a senior leader should establish a clear picture of the resources available to the college and consider their strategic approach to meeting SEN in the context of the total resources available.
- 7.31 This will enable colleges to provide a clear description of the types of special educational provision they normally provide. This will help parents and others understand what they can normally expect the college to provide for young people with SEN.
- 7.32 Colleges are not expected to meet the full costs of more expensive support from their core and additional funding in their main allocation. They are expected to provide additional support which costs up to a nationally prescribed threshold per student per year. The responsible local authority, usually the authority where the young person lives, should provide additional top-up funding where the cost of the special educational provision required to meet the needs of an individual young person exceeds the nationally prescribed threshold. This should reflect the cost of providing the additional support that is in excess of the nationally prescribed threshold. There is no requirement for an EHC plan for a young person for whom a college receives additional top-up funding except in the case of a young person who is over 19. But where the local authority considers it is necessary for special educational provision to be made through an EHC plan it should carry out an EHC needs assessment. Local authorities should be transparent about how they will make decisions about high needs funding and education placements. They should share the principles and criteria which underpin those decisions with schools and colleges and with parents and young people.

- 7.33 It should be noted that colleges are funded by the Education Funding Agency (EFA) for all 16-18 year olds and for those aged 19-25 who have EHC plans, with support from the home local authority for students with high needs. Colleges **must not** charge tuition fees for these young people. Further information on funding can be found on the GOV.UK website – see the References section under Chapter 7 for a link.
- 7.34 Colleges are funded by the Skills Funding Agency (SFA) for all students aged 19 and over who do not have an EHC plan (including those who declare a learning difficulty or disability). Colleges are able to charge fees for these students. However, students who meet residency and eligibility criteria will have access to Government funding. Further information on funding eligibility is available on the SFA's website – see the References section under Chapter 7 for a link. Colleges also receive funding from HEFCE for their higher education (HE) students, but this Code does not apply to HE students.
- 7.35 Further information on funding places for 19-25 year olds is given in Chapter 8, Preparing for adulthood from the earliest years.

8 Preparing for adulthood from the earliest years

What this chapter covers

This chapter is relevant for everyone working with children and young people with SEN or disabilities and is particularly relevant for those working with children and young people aged 14 and over. It sets out how professionals across education (including early years, schools, colleges and 16-19 academies), health and social care should support children and young people with special educational needs (SEN) or disabilities to prepare for adult life, and help them go on to achieve the best outcomes in employment, independent living, health and community participation. The principles set out in this chapter apply to all young people with SEN or disabilities, except where it states they are for those with Education, Health and Care (EHC) plans only. The term 'colleges' in this chapter includes all post-16 institutions with duties under the Children and Families Act 2014 (further education (FE) colleges, sixth form colleges, 16-19 academies and independent specialist colleges approved under Section 41 of the Act).

High aspirations are crucial to success – discussions about longer term goals should start early and ideally well before Year 9 (age 13-14) at school. They should focus on the child or young person's strengths and capabilities and the outcomes they want to achieve. This chapter includes both the transition into post-16 education, and the transition from post-16 education into adult life. It covers:

- how local authorities and health services should plan strategically for the support children and young people will need to prepare for adult life
- how early years providers, schools and colleges should enable children and young people to have the information and skills they need to help them gain independence and prepare for adult life
- support from Year 9, including the content of preparing for adulthood reviews for children and young people with EHC plans
- planning the transition into post-16 education
- how post-16 institutions can design study programmes and create pathways to employment
- how young people should be supported to make decisions for themselves
- Packages of provision for children and young people with EHC plans across five days a week

- transition to higher education
- young people aged 19-25
- transition to adult health services
- transition to adult social care
- leaving education and training and progressing into employment

Relevant legislation

Primary

This chapter cross-references a wide range of duties under the Children and Families Act 2014 and regulations. Some, but not all, of the main duties are as follows:

- Local authority functions: supporting and involving children and young people, Section 19
- Joint commissioning arrangements: Section 26
- Duty to keep education and care provision under review: Section 27
- Co-operating generally: local authority functions: Section 28
- Co-operating generally: governing body functions: Section 29
- Local offer: Section 30
- Advice and information: Section 32
- Assessment of education, health and care needs: Section 36
- Preparation of EHC plans: draft plan: Section 38
- Personal Budgets and direct payments: Section 49
- Continuation of services under Section 17 of the Children Act 1989: Section 50
- Appeals: Section 51

Regulations

The Special Educational Needs and Disability Regulations 2014

Introduction

- 7.37 Being supported towards greater independence and employability can be life-transforming for children and young people with SEN. This support needs to start early, and should centre around the child or young person's own aspirations, interests and needs. All professionals working with them should share high aspirations and have a good understanding of what support is effective in enabling children and young people to achieve their ambitions.
- 7.38 Preparing for adulthood means preparing for:
- higher education and/or employment – this includes exploring different employment options, such as support for becoming self-employed and help from supported employment agencies
 - independent living – this means young people having choice, control and freedom over their lives and the support they have, their accommodation and living arrangements, including supported living
 - participating in society, including having friends and supportive relationships, and participating in, and contributing to, the local community
 - being as healthy as possible in adult life

Strategic planning for the best outcomes in adult life

- 8.1 Local authorities **must** place children, young people and families at the centre of their planning, and work with them to develop co-ordinated approaches to securing better outcomes, as should clinical commissioning groups (CCGs). They should develop a shared vision and strategy which focuses on aspirations and outcomes, using information from EHC plans and other planning to anticipate the needs of children and young people with SEN and ensure there are pathways into employment, independent living, participation in society and good health. Where pathways need further development, local authorities and CCGs should set out clear responsibilities, timescales and funding arrangements for that work. This strategic planning will contribute to their
- joint commissioning
 - Local Offer, which **must** include support in preparing for adulthood (see paragraphs 4.52 to 4.56 in Chapter 4, The Local Offer)
 - preparation of EHC plans and support for children and young people to achieve the outcomes in their plan

- 8.2 This planning and support will bring enormous benefits to individuals. The National Audit Office report '*Oversight of special education for young people aged 16-25*' published in November 2011, estimates that supporting one person with a learning disability into employment could, in addition to improving their independence and self-esteem, increase that person's income by between 55 and 95 per cent. The National Audit Office also estimates that equipping a young person with the skills to live in semi-independent rather than fully supported housing could, in addition to quality of life improvements, reduce lifetime support costs to the public purse by around £1 million.

Duties on local authorities

- 8.3 Local authorities have a range of duties which are particularly relevant to this chapter. They are:
- when carrying out their functions, to support and involve the child and his or her parent, or the young person, and to have regard to their views, wishes and feelings (see Chapter 1, Principles). This includes their aspirations for adult life
 - to offer advice and information directly to children and young people (see Chapter 2, Impartial information, advice and support). This includes information and advice which supports children and young people to prepare for adult life
 - together with health services, to make joint commissioning arrangements about the education, health and care provision of children and young people to secure positive adult outcomes for young people with SEN (see Chapter 3, Working together across Education, Health and Care for joint outcomes)
 - to keep education and care provision under review including the duty to consult young people directly, and to consult schools, colleges and other post-16 providers (see Chapter 3, Working together across Education, Health and Care for joint outcomes)
 - to co-operate with FE colleges, sixth-form colleges, 16-19 academies and independent specialist colleges approved under Section 41 of the Children and Families Act 2014
 - to include in the Local Offer provision which will help children and young people prepare for adulthood and independent living, to consult children and young people directly about the Local Offer and to publish those comments including details of any actions to be taken (Chapter 4, The Local Offer)

- to consider the need for EHC needs assessments, prepare EHC plans where needed, and maintain and review them, including the duty to ensure that all reviews of EHC plans from Year 9 (age 13-14) onwards include a focus on preparing for adulthood and, for 19-25 year olds, to have regard to whether educational or training outcomes specified in the EHC plan have been achieved
- to make young people aware through their Local Offer of the kind of support available to them in higher education and, where a higher education place has been confirmed for a young person with an EHC plan, to pass a copy of the EHC plan to the relevant institution and to the assessor for Disabled Students Allowance with the young person's permission

8.4 This is not a comprehensive list of local authority duties under the Children and Families Act 2014 or of regulations made under it. It is included to provide an overview, not detailed guidance on local authority duties.

Starting early

- 8.5 When a child is very young, or SEN is first identified, families need to know that the great majority of children and young people with SEN or disabilities, with the right support, can find work, be supported to live independently, and participate in their community. Health workers, social workers, early years providers and schools should encourage these ambitions right from the start. They should seek to understand the interests, strengths and motivations of children and young people and use this as a basis for planning support around them.
- 8.6 Early years providers and schools should support children and young people so that they are included in social groups and develop friendships. This is particularly important when children and young people are transferring from one phase of education to another (for example, from nursery to primary school). Maintained nurseries and schools **must** ensure that, subject to certain conditions, pupils with SEN engage in the activities of the nursery or school together with those who do not have SEN, and are encouraged to participate fully in the life of the nursery or school and in any wider community activity.

Support from Year 9 onwards (age 13-14)

- 8.7 High aspirations about employment, independent living and community participation should be developed through the curriculum and extra-curricular provision. Schools should seek partnerships with employment services, businesses, housing agencies, disability organisations and arts and sports groups, to help children understand what is available to them as they get older, and what it is possible for them to achieve. It can be particularly powerful to meet disabled adults who are successful in their work

or who have made a significant contribution to their community. For children with EHC plans, Personal Budgets can be used to help children and young people with SEN to access activities that promote greater independence and learn important life skills. Local authorities **must** ensure that the relevant services they provide co-operate in helping children and young people to prepare for adulthood. This may include, for example, housing services, adult social care and economic regeneration.

- 8.8 For teenagers, preparation for adult life needs to be a more explicit element of their planning and support. Discussions about their future should focus on what they want to achieve and the best way to support them to achieve. Considering the right post-16 option is part of this planning. Chapter 9 includes more detail about the process of developing an EHC plan. Children and young people's aspirations and needs will not only vary according to individual circumstances, but will change over time as they get older and approach adult life.

Children and young people with EHC plans: preparing for adulthood reviews

- 8.9 Local authorities **must** ensure that the EHC plan review at Year 9, and every review thereafter, includes a focus on preparing for adulthood. It can be helpful for EHC plan reviews before Year 9 to have this focus too. Planning **must** be centred around the individual and explore the child or young person's aspirations and abilities, what they want to be able to do when they leave post-16 education or training and the support they need to achieve their ambition. Local authorities should ensure that children and young people have the support they need (for example, advocates) to participate fully in this planning and make decisions. Transition planning **must** be built into the revised EHC plan and should result in clear outcomes being agreed that are ambitious and stretching and which will prepare young people for adulthood.
- 8.10 Preparing for adulthood planning in the review of the EHC plan should include:
- support to prepare for higher education and/or employment. This should include identifying appropriate post-16 pathways that will lead to these outcomes. Training options such as supported internships, apprenticeships and traineeships should be discussed, or support for setting up your own business. The review should also cover support in finding a job, and learning how to do a job (for example, through work experience opportunities or the use of job coaches) and help in understanding any welfare benefits that might be available when in work
 - support to prepare for independent living, including exploring what decisions young people want to take for themselves and planning their role in decision making as they become older. This should also include discussing where the child or young person wants to live in the future, who

they want to live with and what support they will need. Local housing options, support in finding accommodation, housing benefits and social care support should be explained

- support in maintaining good health in adult life, including effective planning with health services of the transition from specialist paediatric services to adult health care. Helping children and young people understand which health professionals will work with them as adults, ensuring those professionals understand the young person's learning difficulties or disabilities and planning well-supported transitions is vital to ensure young people are as healthy as possible in adult life
- support in participating in society, including understanding mobility and transport support, and how to find out about social and community activities, and opportunities for engagement in local decision-making. This also includes support in developing and maintaining friendships and relationships

8.11 The review should identify the support the child or young person needs to achieve these aspirations and should also identify the components that should be included in their study programme to best prepare them for adult life. It should identify how the child or young person wants that support to be available and what action should be taken by whom to provide it. It should also identify the support a child or young person may need as they prepare to make more decisions for themselves.

8.12 Further guidance on preparing for the transition to post-16 education is given in paragraphs 8.22 to 8.28. Further guidance on transition to higher education is provided in paragraphs 8.45 to 8.50, and on leaving education and training in paragraphs 8.77 to 8.80.

Young people preparing to make their own decisions

8.13 As young people develop, and increasingly form their own views, they should be involved more and more closely in decisions about their own future. 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 them directly, rather than to their parents. Parents, or other family members, can continue to support young people in making decisions, or act on their behalf, provided that the young person is happy for them to do so, and it is likely that parents will remain closely involved in the great majority of cases.

8.14 The specific decision-making rights about EHC plans (see Chapter 9) which apply to young people directly from the end of compulsory school age are:

- the right to request an assessment for an EHC plan (which they can do at any time up to their 25th birthday)
- the right to make representations about the content of their EHC plan
- the right to request that a particular institution is named in their EHC plan
- the right to request a Personal Budget for elements of an EHC plan
- the right to appeal to the First-tier Tribunal (SEN and Disability) about decisions concerning their EHC plan

8.15 Local authorities, schools, colleges, health services and other agencies should continue to involve parents in discussions about the young person's future. In focusing discussions around the individual young person, they should support that young person to communicate their needs and aspirations and to make decisions which are most likely to lead to good outcomes for them, involving the family in most cases. A decision by a young person in respect of an EHC plan will typically involve discussion with their family and others, but the final decision rests with the young person.

8.16 A young person can ask a family member or friend to support them in any way they wish, including, for example, receiving correspondence on their behalf, filling in forms, attending meetings, making telephone calls and helping them to make decisions. Local authorities and other agencies working with young people should work flexibly to accommodate these arrangements. They should also be flexible about accommodating any changes in those arrangements over time, since the nature of the family's involvement may alter as the young person becomes older and more independent.

16- to 17-year-olds

8.17 Where a young person is under 18, the involvement of parents is particularly important and local authorities should continue to involve them in the vast majority of decisions. Schools and colleges normally involve the parents or family members of students under 18 where they have concerns about a young person's attendance, behaviour or welfare and they should continue to do so. They should also continue to involve parents or family members in discussions about the young person's studies where that is their usual policy. Child safeguarding law applies to children and young people up to the age of 18. The fact that the Children and Families Act 2014 gives rights directly to young people from the end of compulsory school age does not necessitate any change to a local authority's, school's or college's safeguarding or welfare policy.

Support for young people

- 8.18 Some young people will need support from an independent skilled supporter to ensure that their views are acknowledged and valued. They may need support in expressing views about their education, the future they want in adult life, and how they prepare for it, including their health, where they live, their relationships, control of their finances, how they will participate in the community and how they will achieve greater autonomy and independence. Local authorities should ensure young people who need it have access to this support.

The Mental Capacity Act

- 8.19 The right of young people to make a decision is subject to their capacity to do so as set out in the Mental Capacity Act 2005. The underlying principle of the Act is to ensure that those who lack capacity are empowered to make as many decisions for themselves as possible and that any decision made or action taken on their behalf is done so in their best interests. Decisions about mental capacity are made on an individual basis, and may vary according to the nature of the decision. Someone who may lack capacity to make a decision in one area of their life may be able to do so in another. There is further guidance on the Mental Capacity Act and how it applies both to parents and to young people in relation to the Act in Annex 1, Mental Capacity.

Planning the transition into post-16 education and training

- 8.20 Young people entering post-16 education and training should be accessing provision which supports them to build on their achievements at school and which helps them progress towards adulthood. Young people with EHC plans are likely to need more tailored post-16 pathways.
- 8.21 As children approach the transition point, schools and colleges should help children and their families with more detailed planning. For example, in Year 9, they should aim to help children explore their aspirations and how different post-16 education options can help them meet them. FE colleges and sixth form colleges can now recruit students directly from age 14, and so this will be an option in some cases. In Year 10 they should aim to support the child and their family to explore more specific courses or places to study (for example, through taster days and visits) so they can draw up provisional plans. In Year 11 they should aim to support the child and their family to firm up their plans for their post-16 options and familiarise themselves with the expected new setting. This should include contingency planning and the child and their family should know what to do if plans change (because of exam results for example).

- 8.22 It is important that information about previous SEN provision is shared with the further education or training provider. Schools should share information before the young person takes up their place, preferably in the spring term prior to the new course, so that the provider can develop a suitable study programme and prepare appropriate support. Where a change in education setting is planned, in the period leading up to that transition schools should work with children and young people and their families, and the new college or school, to ensure that their new setting has a good understanding of what the young person's aspirations are and how they would like to be supported. This will enable the new setting to plan support around the individual. Some children and young people will want a fresh start when leaving school to attend college and any sharing of information about their SEN should be sensitive to their concerns and done with their agreement.
- 8.23 Schools and colleges should work in partnership to provide opportunities such as taster courses, link programmes and mentoring which enable young people with SEN to familiarise themselves with the college environment and gain some experience of college life and study. This can include, for example, visits and taster days so that young people can become familiar with the size of the college, and how their studies will be structured, including how many days a week their programme covers. These will enable them to make more informed choices, and help them make a good transition into college life. Schools and colleges should agree a 'tell us once' approach so that families and young people do not have to repeat the same information unnecessarily.
- 8.24 For children and young people with EHC plans, discussions about post-16 options will be part of the preparing for adulthood focus of ECH plan reviews, which **must** be included as part of the review from Year 9 (age 13-14). The local authority **must** ensure these reviews take place, and schools and colleges **must** co-operate with the local authority in these reviews. If it is clear that a young person wants to attend a different school (sixth form) or a college, then that school or college **must** co-operate, so that it can help to shape the EHC plan, help to define the outcomes for that young person and start developing a post-16 study programme tailored to their needs.
- 8.25 Where SEN has been identified at school, colleges should use any information they have from the school about the young person. In some cases, SEN may have been identified at school, and information passed to the college in advance, and colleges should use this information, and seek clarification and further advice when needed from the school (or other agencies where relevant), to ensure they are ready to meet the needs of the student and that the student is ready for the move to college.
- 8.26 Under statutory guidance accompanying the Autism Strategy, SEN Co-ordinators (SENCOs) should inform young people with autism of their right to a community care

assessment and their parents of the right to a carer's assessment. This should be built into preparing for adulthood review meetings for those with EHC plans. (See 8.61 to 8.66, Transition assessments for young people with EHC plans.)

Careers advice for children and young people

- 8.27 Maintained schools and pupil referral units (PRUs) have a statutory duty under section 42A of the Education Act 1997 to ensure pupils from Year 8 until Year 13 are provided with independent careers guidance. Academies, including 16-19 academies, and free schools are subject to this duty through their Funding Agreements. FE colleges also have equivalent requirements in their Funding Agreements – their duty applies for all students up to and including age 18 and will apply to 19- to 25-year-olds with EHC plans.
- 8.28 Schools and colleges should raise the career aspirations of their SEN students and broaden their employment horizons. They should use a wide range of imaginative approaches, such as taster opportunities, work experience, mentoring, exploring entrepreneurial options, role models and inspiring speakers.
- 8.29 Local authorities have a strategic leadership role in fulfilling their duties concerning the participation of young people in education and training. They should work with schools, colleges and other post-16 providers, as well as other agencies, to support young people to participate in education or training and to identify those in need of targeted support to help them make positive and well-informed choices. Statutory guidance for local authorities on the participation of young people in education, employment and training is available from the GOV.UK website – a link is given in the Reference section under Chapter 8.

High quality study programmes for students with SEN

- 8.30 All students aged 16 to 19 (and, where they will have an EHC plan, up to the age of 25) should follow a coherent study programme which provides stretch and progression and enables them to achieve the best possible outcomes in adult life. Schools and colleges are expected to design study programmes which enable students to progress to a higher level of study than their prior attainment, take rigorous, substantial qualifications, study English and maths, participate in meaningful work experience and non-qualification activity. They should not be repeating learning they have already completed successfully. For students who are not taking qualifications, their study programme should focus on high quality work experience, and on non-qualification activity which prepares them well for employment, independent living, being healthy adults and participating in society. Full guidance about study programmes is available on the GOV.UK website – a link is given in the Reference section under Chapter 8.

Pathways to employment

- 8.31 All young people should be helped to develop the skills and experience, and achieve the qualifications they need, to succeed in their careers. The vast majority of young people with SEN are capable of sustainable paid employment with the right preparation and support. All professionals working with them should share that presumption. Colleges that offer courses which are designed to provide pathways to employment should have a clear focus on preparing students with SEN for work. This includes identifying the skills that employers value, and helping young people to develop them.
- 8.32 One of the most effective ways to prepare young people with SEN for employment is to arrange work-based learning that enables them to have first-hand experience of work, such as:
- **Apprenticeships:** These are paid jobs that incorporate training, leading to nationally recognised qualifications. Apprentices earn as they learn and gain practical skills in the workplace. Many lead to highly skilled careers. Young people with EHC plans can retain their plan when on an apprenticeship.
 - **Traineeships:** These are education and training programmes with work experience, focused on giving young people the skills and experience they need to help them compete for an apprenticeship or other jobs. Traineeships last a maximum of six months and include core components of work preparation training, English and maths (unless GCSE A*-C standard has already been achieved) and a high quality work experience placement. They are currently open to young people aged 16 to 24, including those with EHC plans. Young people with EHC plans can retain their plan when undertaking a traineeship.
 - **Supported internships:** These are structured study programmes for young people with an EHC plan, based primarily at an employer. Internships normally last for a year and include extended unpaid work placements of at least six months. Wherever possible, they support the young person to move into paid employment at the end of the programme. Students complete a personalised study programme which includes the chance to study for relevant substantial qualifications, if suitable, and English and maths to an appropriate level. Young people with EHC plans will retain their plan when undertaking a supported internship.
- 8.33 When considering a work placement as part of a study programme, such as a supported internship, schools or colleges should match students carefully with the available placements. A thorough understanding of the student's potential, abilities,

interests and areas they want to develop should inform honest conversations with potential employers. This is more likely to result in a positive experience for the student and the employer.

- 8.34 Schools and colleges should consider funding from Access to Work, available from the Department for Work and Pensions, as a potential source of practical support for people with disabilities or health (including mental health) conditions on entering work and apprenticeships, as well as the in-work elements of traineeships or supported internships. More information is available from the GOV.UK website and the Preparing for Adulthood website – links to both are given in the Reference section under Chapter 8.
- 8.35 In preparing young people for employment, local authorities, schools and colleges should be aware of the different employment options for disabled adults. This should include ‘job-carving’ – tailoring a job so it is suitable for a particular worker and their skills. This approach not only generates employment opportunities for young people with SEN, but can lead to improved productivity in the employer organisation.
- 8.36 Help to support young people with SEN into work is available from supported employment services. These can provide expert, individualised support to secure sustainable, paid work. This includes support in matching students to suitable work placements, searching for a suitable job and providing training (for example, from job coaches) in the workplace when a job has been secured. Local authorities should include supported employment services in their Local Offer (see Chapter 4, The Local Offer).
- 8.37 Education and training should include help for students who need it to develop skills which will prepare them for work, such as communication and social skills, using assistive technology, and independent travel training. It can also include support for students who may want to be self-employed, such as setting up a micro-enterprise.
- 8.38 It helps young people to know what support they may receive from adult services, when considering employment options. Where a young person may need support from adult services, local authorities should consider undertaking a transition assessment to aid discussions around pathways to employment (see paragraph 8.59 below under ‘Transition to adult social care’).

Packages of support across five days a week

- 8.39 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 a week, where that is appropriate to meet the young person’s needs.

8.40 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 education institutions with appropriate support, including time and support for independent study. 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 to access facilities in the local community.

It can also include health and care related activities such as physiotherapy. 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.

8.41 When commissioning provision, local authorities should have regard to how young people learn and the additional time and support they may need to undertake coursework and homework as well as time to socialise with their college peers within the college environment. In some cases, courses normally offered over three days may need to be spread over four or five days where that is likely to lead to better outcomes. Local authorities will need to work with providers and young people to ensure there is a range of opportunities that can be tailored to individual needs, including the use of Personal Budgets.

8.42 In making decisions about packages of support, local authorities should take into account the impact on the family and the effect this impact is likely to have on the young person's progress.

Transition to higher education

8.43 Securing a place in higher education is a positive outcome for many young people with SEN. Where a young person has this ambition, the right level of provision and support should be provided to help them to achieve that goal, wherever possible.

8.44 The local authority **must** make young people aware through their local offer of the support available to them in higher education and how to claim it, including the Disabled Students Allowance (DSA). DSAs are available to help students in higher education with the extra costs they may incur on their course because of a disability. This can include an ongoing health condition, mental health condition or specific

learning difficulty such as dyslexia. Students need to make an application to Student Finance England (for students domiciled in England), providing accompanying medical evidence. A link to further information on DSAs is given in the Reference section under Chapter 7.

- 8.45 Applications for DSA can be made as soon as the student finance application service opens. This varies from year to year, but is generally at least six months before the start of the academic year in which a young person is expecting to take up a place in higher education. Local authorities should encourage young people to make an early claim for DSA so that support is in place when their course begins. Where a young person with an EHC plan makes a claim for DSA, the local authority **must** pass a copy of their plan to the relevant DSA assessor, to support and inform the application as soon as possible, where they are asked to do so by the young person. This should include relevant supporting diagnostic and medical information and assessments where the young person agrees.
- 8.46 Local authorities should plan a smooth transition to the higher education (and, where applicable, to the new local authority area) before ceasing to maintain a young person's EHC plan. Once the young person's place has been confirmed at a higher education institution, the local authority **must** pass a copy of their EHC plan to the relevant person in that institution at the earliest opportunity, where they are asked to do so by the young person.
- 8.47 The local authority should also plan how social care support will be maintained, where the young person continues to require it, and whether this will continue to be provided by the home local authority or by the authority in the area they are moving to. This should include consideration of how the student will be supported if they have a dual location, for example, if they live close to the higher education institution during term time and at home during vacations.
- 8.48 For most young people, their home local authority will continue to provide their care and support but this will depend on the circumstances of their case. The Ordinary Residence guidance published by the Department of Health provides a number of examples to help local authorities in making these decisions. The guidance is available on the GOV.UK website and a link is given in the Reference section under Chapter 8. Under the Care Act 2014, young people have the right to request transition assessments for adult care that will enable them to see whether they are likely to have eligible needs that will be met by adult services once they turn 18. Local authorities should use these assessments to help plan for support that will be provided by the local authority while a young person is in higher education.

Young people aged 19 to 25

- 8.49 Local authorities should be ambitious for children and young people with SEN, raising their aspirations and promoting high expectations about what they can achieve in school, college and beyond. Local authorities should ensure children and young people have access to the right support and opportunities that will prepare them successfully for adulthood by helping them achieve the agreed outcomes in their EHC plan. This will enable many more young people with SEN to complete their formal education.
- 8.50 Local authorities **must** set out in their Local Offer the support and provision that 19- to 25-year-olds with SEN can access regardless of whether they have an EHC plan (see Chapter 4, The Local Offer). Further education colleges **must** continue to use their best endeavours to secure the special educational provision needed by all young people aged 19 to 25 with SEN attending their institution. For guidance on EHC plans for young people aged 19 to 25, see Chapter 9.

Funding places for 19- to 25-year-olds

- 8.51 19- to 25-year-olds with EHC plans should have free access to further education in the same way as 16- to 18-year-olds. Colleges or training providers **must not** charge young people tuition fees for such places as the funding will be provided by the local authority and the Education Funding Agency (EFA). Further information on funding is available from the EFA pages on GOV.UK – a link is provided in the References section under Chapter 7.
- 8.52 Apprentices aged 19 to 25 with EHC plans are fully funded on the same terms and funding rates as 16- to 18-year-old apprentices. The Local Offer should include apprenticeships for this age group and full details of apprenticeship funding are available from the Skills Funding Agency (SFA) website – a link is given in the References section under Chapter 7.
- 8.53 19- to 25-year-olds with SEN but without EHC plans can choose to remain in further education. Colleges are funded by the SFA for all students aged 19 and over who do not have an EHC plan (including those who declare a learning difficulty or disability). Colleges are able to charge fees for these students, but **must** use their best endeavours to secure the necessary special educational provision that they need. However, students who meet residency and eligibility criteria will have access to Government funding. Information on funding eligibility is available on the SFA's website – see the References section under Chapter 7 for a link. Local authorities are not responsible for securing or funding education and training opportunities for young people aged 19 to 25 who do not have EHC plans.

Transition to adult health services

- 8.54 Support to prepare young people for good health in adulthood should include supporting them to make the transition to adult health services. A child with significant health needs is usually under the care of a paediatrician. As an adult, they might be under the care of different consultants and teams. Health service and other professionals should work with the young person and, where appropriate, their family. They should gain a good understanding of the young person's individual needs, including their learning difficulties or disabilities, to co-ordinate health care around those needs and to ensure continuity and the best outcomes for the young person. This means working with the young person to develop a transition plan, which identifies who will take the lead in co-ordinating care and referrals to other services. The young person should know who is taking the lead and how to contact them.
- 8.55 For young people with EHC plans, the plan should be the basis for co-ordinating the integration of health with other services. Where young people are moving to adult health services, the local authority and health services **must** co-operate, working in partnership with each other and the young person to ensure that the EHC plan and the care plan for the treatment and management of the young person's health are aligned. The clinical commissioning group (CCG) **must** co-operate with the local authority in supporting the transition to adult services and **must** jointly commission services that will help meet the outcomes in the EHC plan.
- 8.56 In supporting the transition from Child and Adolescent Mental Health Services (CAMHS) to adult mental health services, clinical commissioning groups (CCGs) and local authorities should refer to *The Mental Health Action Plan, Closing the Gap: Priorities for essential change in mental health* (see References section under Chapter 8 for a link). This action plan identifies transition from CAMHS to adult services as a priority for action. CCGs and local authorities should have regard to any published service specification for transition from CAMHS. They should use the specification to build person-centred services that take into account the developmental needs of the young person as well as the need for age- appropriate services.

Transition to adult social care

- 8.57 Young people with SEN turning 18, or their carers, may become eligible for adult care services, regardless of whether they have an EHC plan or whether they have been receiving care services under section 17 of the Children Act 1989. Under the Care Act 2014, the local authority **must** carry out an adult care transition assessment where there is significant benefit to a young person or their carer in doing so and they are likely to have needs for care or support after turning 18. Transition assessments for adult care **must** take place at the right time for the

individual. There is no set age when young people reach this point and as such transition assessments should take place when it is of 'significant benefit' to them.

- 8.58 The statutory guidance 'Transition Guidance for the Care Act 2014' explains 'likely need' and 'significant benefit' in more detail (see References section under Chapter 8 for a link). It also provides further information on local authorities' roles and responsibilities for carrying out transition assessments for those turning 18 and, where relevant, carers who may be eligible for adult assessments.

Transition assessments for young people with EHC plans

- 8.59 For a young person with an EHC plan, the local authority should ensure that the transition to adult care and support is well planned, is integrated with the annual reviews of the EHC plans and reflects existing special educational and health provision that is in place to help the young person prepare for adulthood.
- 8.60 As with EHC plan development in general, transition assessments for adult care and support **must** involve the young person and anyone else they want to involve in the assessment. They **must** also include the outcomes, views and wishes that matter to the young person – much of which will already be set out in their EHC plan.
- 8.61 Assessments for adult care or support **must** consider:
- current needs for care and support
 - whether the young person is likely to have needs for care and support after they turn 18, and
 - if so, what those needs are likely to be and which are likely to be eligible needs
- 8.62 Local authorities can meet their statutory duties around transition assessment through an annual review of a young person's EHC plan that includes the above elements. Indeed, EHC plans **must** include provision to assist in preparing for adulthood from Year 9 (age 13 to 14).
- 8.63 Having carried out a transition assessment, the local authority **must** give an indication of which needs are likely to be regarded as eligible needs so the young person understands the care and support they are likely to receive once children's services cease. Where a young person's needs are not eligible for adult services, local authorities **must** provide information and advice about how those needs may be met and the provision and support that young people can access in their local area. Local authorities should ensure this information is incorporated into their Local Offer.

- 8.64 Statutory guidance accompanying the Autism Strategy places a duty on SENCOs in schools and a named person within a college with SEN oversight to inform young people with autism of their right to a community care assessment and their parents of a right to a carer's assessment. Where a young person has an EHC plan, this should be built into their preparing for adulthood reviews.

Continuity of provision

- 8.65 Under no circumstances should young people find themselves suddenly without support and care as they make the transition to adult services. Very few moves from children's to adult services will or should take place on the day of someone's 18th birthday. For the most part, transition to adult services for those with EHC plans should begin at an appropriate annual review and in many cases should be a staged process over several months or years.
- 8.66 Under the Care Act 2014 local authorities **must** continue to provide a young person with children's services until they reach a conclusion about their situation as an adult, so that there is no gap in provision. Reaching a conclusion means that, following a transition assessment, the local authority concludes that the young person:
- does not have needs for adult care and support, or
 - does have such needs and begins to meet some or all of them, or
 - does have such needs but decides it is not going to meet them (either because they are not eligible needs or because they are already being met)
- 8.67 The local authority can also decide to continue to provide care and support from children's services after the young person has turned 18. This can continue until the EHC plan is no longer maintained but when the EHC plan ceases or a decision is made that children's services are no longer appropriate, the local authority **must** continue the children's services until they have reached a conclusion about their need for support from adult services.

EHC plans and statutory care and support plans

- 8.68 Local authorities **must** put in place a statutory care and support plan for young people with eligible needs for adult care and support. Local authorities **must** meet the needs of the young person set out in their care and support plan.
- 8.69 Where young people aged 18 or over continue to have EHC plans, and are receiving care and support, this will be provided under the Care Act 2014. The statutory adult care and support plan should form the 'care' element of the young person's EHC plan. While the care part of the EHC plan **must** meet the requirements of the Care Act 2014 and a copy should be kept by adult services, it is the EHC plan that should

be the overarching plan that is used with these young people to ensure they receive the support they need to enable them to achieve agreed outcomes.

- 8.70 Local authorities **must** set out in section H2 of the EHC plan any adult care and support that is reasonably required by the young person's learning difficulties or disabilities. For those over 18, this will be those elements of their statutory care and support plan that are directly related to their learning difficulties or disabilities. EHC plans may also specify other adult care and support in the young person's care and support plan where appropriate, but the elements directly related to learning difficulties and disabilities should always be included as they will be of particular relevance to the rest of the EHC plan.
- 8.71 Local authorities should ensure that local systems and processes for assessment and review of EHC plans and care and support plans are fully joined up for young people who will have both. Every effort should be made to ensure that young people with both EHC plans and care and support plans do not have to attend multiple reviews held by different services, provide duplicate information, or receive support that is not joined up and co-ordinated.
- 8.72 When a young person's EHC plan is due to come to an end, local authorities should put in place effective plans for the support the young person will be receiving across adult services. Where a care and support plan is in place, this will remain as the young person's statutory plan for care and support. Local authorities should review the provision of adult care and support at this point as the young person's circumstances will be changing significantly as they leave the formal education and training system.
- 8.73 Where a safeguarding issue arises for someone over 18 with an EHC plan, the matter should be dealt with as a matter of course by the adult safeguarding team. They should involve the local authority's child safeguarding colleagues where appropriate as well as any relevant partners (for example, the police or NHS) or other persons relevant to the case. The same approach should apply for complaints or appeals.

Personal Budgets

- 8.74 Where a transition assessment identifies needs that are likely to be eligible, local authorities should consider providing an indicative Personal Budget so that young people have an idea of how much their care and support will cost when they enter the adult system. This is particularly important if young people with EHC plans are already exercising their statutory right to a Personal Budget as any adult with eligible needs will have a care and support plan which **must** include a Personal Budget. Young people with EHC plans may also consider the transition to adult services a good opportunity to start exercising their right to start receiving their Personal Budget

as a direct payment. Local authorities **must** follow the guidance on Personal Budgets set out in Chapter 9 of this Code of Practice and the Personal Budget Guidance for the Care Act 2014 (see References section under Chapter 8 for a link).

Leaving education or training

- 8.75 All young people with SEN should be supported to make the transition to life beyond school or college, whether or not they have an EHC plan. As well as preparing them for adulthood generally, schools and colleges should ensure that young people with SEN have the information they need to make the final steps in this transition. This includes information about local employers, further training, and where to go for further advice or support.
- 8.76 For young people with EHC plans, where it is known that a young person will soon be completing their time in education and training, the local authority should use the annual review prior to ceasing the EHC plan to agree the support and specific steps needed to help the young person to engage with the services and provision they will be accessing once they have left education.
- 8.77 Some young people will be moving into employment or going on to higher education. Others will primarily require ongoing health and/or care support and/or access to adult learning opportunities. They may be best supported by universal health services and adult social care and support, alongside learning opportunities in the adult skills sector. For those who have just completed an apprenticeship, traineeship or supported internship the best option may be for them to leave formal education or training and either begin some sort of paid employment resulting from their work placement, or to access further support and training available to help them secure a job through Jobcentre Plus.
- 8.78 This transition should be planned with timescales and clear responsibilities and the young person should know what will happen when their EHC plan ceases. During this planning process, the local authority **must** continue to maintain the young person's EHC plan as long as the young person needs it and remains in education or training.