

**Open Report on behalf of Debbie Barnes, Executive Director of Children's Services**

Report to:	<b>Children and Young People Scrutiny Committee</b>
Date:	<b>13 June 2014</b>
Subject:	<b>Transition arrangements for children and young people with Special Educational Needs</b>

**Summary:**

In October 2013 the Local Government Ombudsman (LGO) found Lincolnshire County Council (LCC) to be at fault for failing to ensure the effective transition arrangements for a young man (known as B) who had Special Educational Needs (SEN) (see Appendix A).

B was moving from school, at the end of Year 11, to a Further Education College placement. The LGO found that the Council did not have an effective system in place to monitor the arrangements for Annual Reviews of SEN and to ensure that the school had produced and updated a Transition Plan for B. B was entitled to a Learning Difficulty Assessment (LDA) under the Learning and Skills Act 2000, S139a(1). As there had been no effective transition planning, B did not have a LDA and therefore appropriate arrangements were not made to commission the additional support that he required in his college placement. As a result B's college placement broke down in the first term.

Transition planning is a statutory requirement of the Annual Review of Statements of SEN from Year 9 onwards under the Special Educational Needs Code of Practice 2001, paragraph 9:51. Whilst Headteachers are responsible for ensuring that a Transition Plan is drawn up, and any necessary amendments to the plan are made, it is the Council's duty to make effective arrangements for children and young people with SEN and this includes ensuring that effective systems are in place for monitoring transition arrangements and holding to account schools who do not comply with statutory responsibilities.

The LGO recommended that LCC should review its practices to ensure that children and young people with SEN have Transition Plans.

This report is an update to the Children and Young People Scrutiny Committee on the arrangements that are now in place to ensure that all young people with SEN have an annual Transitional Review from Year 9 onwards and that an appropriate Transition Plan is drawn up.

**Actions Required:**

To note the contents of the report and address any questions to the Head of Service for Special Educational Needs and Disability.

**1. Background**

The Education (Special Educational Needs) (England) (Consolidation) Regulations 2001 require:

- a. The local authority to serve a notice on the Headteacher requiring him to convene a meeting and invite a number of people, including the local authority, to review a child's statement (20(6)) and to submit a written report (20(2));
- b. The meeting to consider the transition plan (20(8)(a)) and make recommendations for its contents (20(9)(c)) which the Headteacher will include in his report (20(11));
- c. The local authority to review the Statement and make written recommendations on matters including the transition plan (20(13)); and
- d. The local authority to send a copy of the transition plan to the parents, Headteacher and any other appropriate person (20(14)).

In the case of B there was no transition planning. B was not remaining in his school's sixth form as his predicted GCSE exam results meant that he would not meet the entry requirements. This was known in November 2011 but the Council named the school as one which it considered could provide suitable education for B when it revised his Statement in May 2012. It is likely that B would have met the criteria for a LDA in this final year at school.

The Additional Needs service appears to have been unaware that B was leaving school to go to college and therefore arrangements were not made to undertake the LDA until the college contacted the service to request his LDA in September 2012. As a result the LGO found that the Council failed to identify the additional support B required in his college placement and no appropriate support was commissioned. His placement broke down in the first term.

Since the finding of fault made by the LGO the Additional Needs service has reviewed its practice around transition planning. The Protocol at Appendix B outlines the arrangements now in place to ensure that all children and young people from Year 9 onwards have an appropriate Transition Plan.

In addition those children and young people with the most profound and complex disabilities, and open to the Children with Disabilities (CWD) team, are 'tracked' through transition. The CWD Social Workers are responsible for ensuring that all young people from the age of 14 have an annual Transitional Review and a Transition Plan. They are also discussed in regular meetings with Adult Social

Care so that early planning can take place for transition into adult services. By 17.5 years these young people will be assessed by Adult Social Care to ensure that appropriate care packages are in place at the point the young people move from children's to adult services. Parents/carers and young people are fully engaged in planning this period of transition. Quarterly performance information is reported to the Transitions Governance Board. This practice has been in place for a number of years and performance is very good.

The Additional Needs service and the Children with Disabilities service have been brought together to form one Special Educational Needs and Disability (SEND) service with a single Children's Services Manager. This provides consistency in approach for all children and young people with additional needs and means that process and procedure is uniform.

A more extensive piece of work is underway that considers all young people from Year 9 onwards with a current statement of SEN or a LDA; identifies their primary presenting need and rates them against agreed adult services criteria to enable the Council to predict future needs and plan services accordingly. There is further work to be undertaken but this will also support transition planning for young people with SEN and will give far richer information about the types of provision required to meet the needs of young people with additional needs preparing for adulthood.

The Children and Families Act 2014 is implemented from the 1<sup>st</sup> September 2014. This legislation removes both Statements of SEN and LDAs and introduces a single Education, Health and Care (EHC) Plan for young people who require additional support above that which can be provided through the 'Local Offer'. The 'Local Offer' incorporates the provision made by schools, health trusts, social care and a wide range of partners including those in the voluntary and community sector. There is a strong focus on preparation for adulthood with this beginning at Year 9 at the latest. All EHC Plans are required to be based on outcomes for young people. This will naturally introduce a far greater emphasis on forward planning and setting targets that will assist young people in fulfilling their aspirations. All EHC Plans will be person-centred and written with young people and their parents/carers. The SEND service is currently being re-structured to ensure that it will meet the requirements of the legislative reforms. As a result officers will be much more closely linked to the individual plans for children and young people and will have a far greater involvement in transition planning than they do under the existing SEN arrangements.

The new process for managing EHC Plans will incorporate a Quality Assurance element to ensure that Plans are SMART; have clearly identified targets that support clearly defined outcomes for young people and have an overarching focus on preparation for adulthood. EHC Plans are expected to be 'live' documents that are reviewed regularly to reflect any changing needs and/or identified support requirements. Once an EHC Plan is reviewed there is an expectation that the outcomes of the review are reported to the SEND service within one week. The Local Authority will then be required to revise the EHC Plan within eight weeks. This new arrangement places a far greater emphasis on the content and quality of plans and will ensure that young people like B are not 'overlooked' at key transition points in their lives.

## **2. Conclusion**

The SEND service now has a Protocol for Transition Planning and Learning Difficulty Assessments.

Schools and academies are notified each term of all young people that require an Annual Review and Transition Plan during the following term. Schools and academies are required to ensure that the Annual Review report is submitted to the SEND service within two weeks of the review taking place. If the report is not received there is now a system in place to 'chase' it. Where the young person is in Year 9 or above the school is expected to submit the Transition Plan. In order to assist schools and academies in producing Transition Plans that are compliant with statutory requirements the service has developed a template which they can choose to use. There is also an Aide Memoire of issues that should be considered during the Transition Review.

Where schools and academies submit Transition Plans that are not legally compliant, SMART or have the young person at the centre of the plan they will be returned to the school. The service will make best endeavours to ensure that appropriate and legally compliant plans are received. The service will advise and support schools to ensure that the Transition Plan is fit for purpose.

Where there is reason to believe that a young person will be leaving the school at the end of Year 11 (or in a subsequent academic year) the Learners with Learning Difficulties or Disabilities (LLDD) Advisers will undertake the LDA to identify any additional support that will be required in the student's new placement. The LLDD Advisers now have a system to track all Year 9 and above students to monitor those requiring LDAs. Where Transition Reviews in Year 11 indicate that a young person is yet to make their mind up about their next educational destination they are 'tracked' until a decision is made and it is determined whether or not an LDA is required.

It is important to note that nationally it is acknowledged that the quality of Transition Plans is relatively poor. The changes being brought about through the implementation of the Children and Families Act 2014, and the new SEN Code of Practice, are recognition that the current system is not best suited to identifying and meeting the real needs of young people with SEN and particularly those preparing for adulthood. The requirements of the new Code of Practice ensure much greater specificity and quantification of support; this is the opposite of the current processes which have avoided such specification.

The new arrangements will provide much greater clarification to transition planning and will supersede the Protocol and arrangements outlined within this report. The new roles within the SEND service will also play a more active part in the EHC Plans, including preparation for adulthood and will avoid young people slipping through the net as in the case of B.

### 3. Consultation

#### a) Policy Proofing Actions Required

n/a

### 4. Appendices

These are listed below and attached at the back of the report	
Appendix A	Report on an investigation into complaint no 11 019 601 against Lincolnshire County Council
Appendix B	Protocol for Transition Planning and Learning Difficulty Assessments (S139a)

### 5. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
The Education (Special Educational Needs) (England) (Consolidation) Regulations 2001	<a href="http://www.education.gov.uk">www.education.gov.uk</a>
Special Educational Needs Code of Practice 2001	<a href="http://www.education.gov.uk">www.education.gov.uk</a>
Learning and Skills Act 2000	<a href="http://www.education.gov.uk">www.education.gov.uk</a>
The Children and Families Act 2014	<a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a>

This report was written by Sheridan Dodsworth who can be contacted on 01522 553310 or [sheridan.dodsworth@lincolnshire.gov.uk](mailto:sheridan.dodsworth@lincolnshire.gov.uk).