



**BARNSLEY**  
Metropolitan Borough Council

## **Consultation: Post-16 education and training for young people with Education, Health and Care Plans (EHCPs)**

Friday 7 October to Friday 4 November 2022

**\*In developing our proposals we are carrying out the following activities:**

**Stage 1: Review: February/May 2022**

- Review of current approach
- Outlining the focus of the work and setting the scene
- Discussions at key strategic meetings
- Outline of next steps and the action planning process

**Stage 2: Gathering views and collation of feedback: September/November 2022**

- Consultation document published and circulated (this document)
- Partners and stakeholders invited to provide feedback on the proposals
- Collation and summary of feedback

**Stage 3: Reporting: December 2022**

- Report finalised and recommendations agreed
- Report with agreed actions discussed through key strategic groups

**Stage 4: Implementation: September 2023**

- Agreed recommendations implemented \*Timings are intended as a guide only and may change

## 1. Introduction

- a) In Barnsley, we have high ambitions for all our children and young people, inclusive of those with special educational needs and disabilities (SEND) and those who are vulnerable. Our ambition is to support all to have a successful journey through childhood and into adulthood as happy and productive members of their community. We know that some children and young people, will need additional support, at times, throughout their education career.
- b) Across the local area, there is a commitment to deliver high quality education for all children and young people. Our SEND Improvement Plan clearly sets out the local area's commitment to delivering high support and provision across all our schools and educational settings, enabling the best outcomes for every child and young person.
- c) To ensure we remain on track, and to comply with the Children & Families Act, 2014 and the SEND Code of Practice, 2015, our provision and resources must be kept under review. In this case, we are specifically looking at post sixteen (p16) education. The aim of this is to ensure that we have the right information to make decisions resulting in each young person with an EHCP having the right provision to meet their needs. This consultation is part of that process and, whilst there are no savings attached to the proposed options, efficient use of resources is a consideration.
- d) Most young people with an EHCP are capable of sustained employment with the right preparation and support. All professionals working with them should share that presumption. As such, the study programme principles apply equally to learners with an EHCP.
- e) It is important that learners with EHCP's are given the support they need to access their study programme. Providers should take particular care to tailor programmes to individual aspirations and needs, in discussion with them. Where learners have an EHCP, providers should also work closely with the local authority EHC Team where appropriate.
- f) While some students with EHCP's should be on study programmes focused on helping them achieve stretching qualifications, others will gain more benefit from a traineeship, supported internship or other study programme that helps them prepare for employment and adult life.
- g) Exceptionally, for learners with severe and/or complex needs, a study programme to develop independent living skills may be appropriate. This applies to those for whom either substantial qualifications or preparation for employment are not, at this stage in their lives, a suitable option. The learners EHCP should, therefore, indicate that independent living is their primary aim.
- h) For more information, the SEND Code of Practice<sup>1</sup> sets out the general responsibilities of post-16 providers for young people with EHCP's, including 16 to 19 study programmes for 19- to 24-year-olds, with an EHCP.

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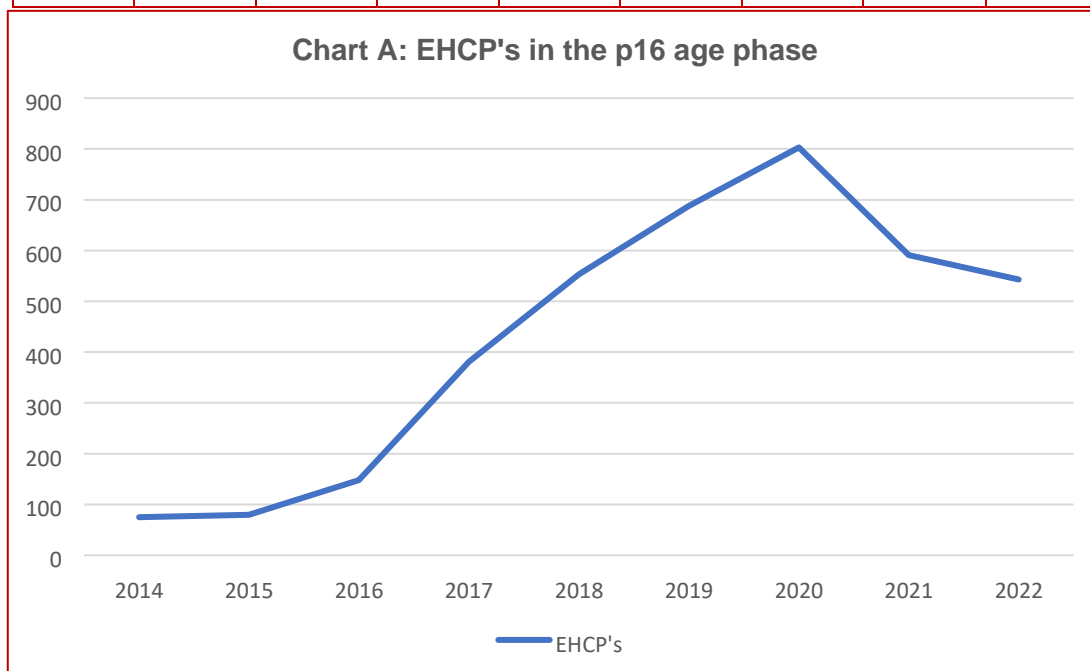
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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/398815/SEND\\_Code\\_of\\_Practice\\_January\\_2015.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf)

## 2. Context

- a) The SEND reforms in 2014 introduced changes to funding for high needs with the intention that all mainstream and specialist settings would be funded on a needs-led basis, with top up funding allocated individually to children and young people according to their needs, inclusive of those aged 0-25.
- b) From implementation of the reforms there has been an average 10%-12% increase in EHCPs year on year. This has led to a significant pressure on resources, both within local authority statutory responsibilities and in the ability to place children and young people in appropriate educational provision within the borough. In terms of p16 learners with an EHCP, this has increased in Barnsley, as shown in the table below:
- c) Since the 2014 reforms there has been a continued increase in the number of plans the local authority maintains. Table A and chart A show the increase in the number of plans maintained as of January of each year (for learners age 16 or over at 31 August the previous year).

Table A: trends in EHCPs at p16 since the 2014 reforms								
2014	2015	2016	2017	2018	2019	2020	2021	2022
75	80	148	381	553	688	803	591	543



- d) As of January 2022, the total number of p16 young people with an EHCP was 543. Of these, 529 young people were enrolled on p16 education programmes.
- e) Table B below demonstrates the local authority's latest position (January 2022) in relation to the numbers of young people supported through an EHCP, including those placed in special schools, college and in INMSS.

<b>Table B: placement of young people with an EHCP</b>	
<b>Setting type</b>	<b>Number with EHCP</b>
Maintained special school	71
Specialist p16	29
Independent Non-Maintained Special School (INMSS)	11
Mainstream school	3
General FE/HE	396
Other FE	17
Sixth Form College	2
Not known (includes NEET, EHE and awaiting provision)	14
<b>Total number of p16 young people with an EHCP</b>	<b>543</b>

- f) Considering the rise in EHCP's at p16, as shown in table B, we are at a point where we need to review the current way in which we approach p16 education for high needs learners. This is so that we can:
- i. Continue to deliver on the priorities outlined in the SEND strategy and SEND Improvement Programme.
  - ii. Ensure the way we allocate funding for p16 learners is fair, simple, consistent, transparent, and enables us to plan how we meet the needs of the increasing number of young people with EHCP's within the resources available.
  - iii. Ensure that we are meeting the needs of learners with EHCP's in the local area.

### **3. How p16 study programmes work**

- a) A young person has SEND if they have 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.
- b) Most young people with high needs attending a school, college or special post-16 provider (SPI) will have an education, health and care plan (EHCP). Local authorities must use the evidence from this to make consistent, effective and robust assessments of the support the young person will need to move towards positive outcomes.
- c) Local authorities and the schools and colleges offering places for learners with high needs should collaborate to agree a suitable study programme for a young person, which must be tailored to their individual aspirations and support needs.
- d) A full-time study programme has a minimum duration of 540 hours per year although there is no set maximum. To enable all young people to achieve positive outcomes, they should be provided with the number of hours they require to complete the programme they are accessing.

- e) Where the costs, less any other available funding, are more than £6,000, these may be eligible to be funded from local authorities' high needs budgets.
- f) A high needs student, for funding purposes, is defined as:
  - i. A young person aged 16 to 18 who requires additional support costing over £6,000.
  - ii. Any young person aged 19 to 25 subject to an education, health and care plan (EHCP) who requires additional support costing over £6,000.

#### **4. P16 packages of support**

- a) 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.
- b) Most p16 learners take part in programmes that are delivered on three days a week. Full-time packages of provision and support for learners with an EHCP should also include the time young people need to access support for their health and social care needs. In these 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.
- c) When this occurs, we 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 and future outcomes.
- d) 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. This may include periods outside education institutions with appropriate support, including time and support for independent study.
- e) A package of provision can also include non-educational activities such as:
  - i. Volunteering or community participation
  - ii. Work experience
  - iii. 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.
  - iv. Training to enable a young person to develop and maintain friendships and/or support them to access facilities in the local community.
  - v. Health and care related activities such as physiotherapy.
- f) In making decisions about packages of support, we consider the impact on the family and the effect this impact is likely to have on the young person's progress. We also 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. For all learners with an EHCP, if additional provision has been identified through multiple services, this will need specifying in the EHCP.

#### **5. What this consultation is about**

- a) This consultation is specifically about education for p16 learners who have SEND at the EHCP level.

- b) Currently, learners who access college and some INMSS provision benefit from courses that are full time, which typically equates to 16 hours of delivery per week. However, learners who are accessing special school p16 receive up to 25 hours of education per week, which is in line with the expectations of a school day for younger age groups.
- c) We want to know what you think about most p16 learners who have an EHCP moving to a fulltime education offer of 16 hours per week, regardless of their setting, unless a young person's educational needs require. This follows the p16 guidance, Aims of the consultation
- d) This document explains our options relating to p16 offer from schools and educational settings, for which we are seeking views as part of a formal consultation.
- e) Responses will help us to shape the future model for p16 learners out of the high needs block. Therefore, we are consulting with partners and stakeholders across Barnsley and are seeking views on our proposals for changes in how we deliver this. We are seeking views from:
  - a) Parents/carers.
  - b) CEO's, Headteachers, Senior Leaders, SENCo's and Governors from special schools.
  - c) Further education providers. iv. Education, health and social care colleagues from the local area.

## 6. The scope of the consultation

- a) Each type of p16 school/setting is used to the current approach to delivery of p16 education and this may support budget planning at a school/setting level. However, there are discrepancies in the offers available to young people with EHCP's, even when needs may be similar, depending on the type of establishment they attend.
- b) To bring the system to a fairer and more consistent position, we are looking for your feedback on how to change the way we approach our high needs p16 provision. Therefore, we are consulting you on the following options.

### The options under consideration

**Option A:** Do nothing and continue with the current way of allocating p16 placements, which varies from 16 hours up to 25 hours of delivery, ***depending on where learners attend*** and not necessarily their needs.

**Option B:** Move to an approach that is generally consistent based on the p16 definitions for fulltime education and this is generally applied to all providers, i.e. fulltime study totalling 600 hours of learning time per year, or around 16 hours per week for most learners whilst retaining the option to increase this should individual educational needs require this. This will be determined through the local authority decision making panel. ***This will depend on the needs of the learners*** and not on the setting type.

The local authority preference is **option B**. It is the view of the local authority that this is the best option to ensure we have a policy that is fair and equitable for all young people, is based on their individual needs and not based on the setting they attend.

## 7. Rationale for preferred options

- a) Several different models have been analysed and it is felt that the preferences we have will provide the following benefits, i.e. the preferred options will:
  - i. Remain in line with the ESFA Guidance on high needs funding for p16 learners.
  - ii. Be consistent and easier for everyone to understand.
  - iii. Ensure that young people can access p16 courses at the same level of delivery, regardless of the setting at which their education may take place.
  - iv. Make sure agreement for an extended offer (up to 25 hours) is based on evidence of need, and not standard practice, ensuring a fair allocation of resources.
  - v. Make sure p16 learning is allocated using clear and transparent principles.
  - vi. Provide a sustainable model for future allocation of high needs funding for p16 education, considering the projected growth in EHCPs in the borough within the p16 group.
- b) We would implement any agreed new models of funding from September 2023 to ensure a system-wide roll out to all p16 education settings that is applied consistently and fairly.

## 8. Gathering views

- a) To ensure our partners and stakeholders can engage fully with our consultation, we have published a survey to gather views. This will be open from Friday 7 October to Friday 4 November and can be accessed via the following link:

<https://surveys.barnsley.gov.uk/s/V5P7XV/>