



Department  
for Education

## 0-25 SPECIAL EDUCATIONAL NEEDS AND DISABILITY UNIT

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September 2016 Newsletter

Welcome to the September 2016 edition of the 0-25 SEND Newsletter. In this Newsletter we are focusing on:

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*This newsletter is intended for anyone working in special educational needs and disabilities – statutory and voluntary agencies across education, health and social care; and users of the system, such as children, young people and parents. Anyone is welcome to be on the mailing list so please feel free to forward this email to anyone you feel may have an interest. Those wishing to subscribe to future editions should contact the Department by mailing us at: [SEN.IMPLEMENTATION@education.gov.uk](mailto:SEN.IMPLEMENTATION@education.gov.uk).*

With thanks.

0-25 SEND Unit

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## **A message from the Minister: Implementation of the SEND Reforms, 2 years on**

This month, the Council for Disabled Children (CDC) published on its website an open letter from Edward Timpson, Minister of State for Vulnerable Children and Families, giving his perspective on implementation of the SEND reforms, two years on. The letter can be downloaded from CDC's website and is reproduced below.

'Two years ago this month, we made much sought after and rightly ambitious changes to the way we support children and young people with special educational needs and disabilities (SEND), and their families.

They were the most significant reforms to the support system in a generation, and as with any new programme of its scale, there have been wide-ranging challenges. I don't underestimate for a moment how much hard work has gone into overcoming them – indeed it's been both humbling and inspiring, and I feel privileged to continue to be a part of it.

Our vision, when we first set out on this path, was to make sure children, young people and their families were at the heart of everything. We needed to look at the system and truly ask 'would this be good enough for my child?'

It's fair to say that we've come a long way since then. More than 74,000 young people with SEND now have Education, Health and Care plans and we are receiving positive feedback from families who have benefited. Creative, innovative work is going on within schools and councils and crucially this is being shared around the country to benefit all children and young people with SEND – whether they have a statutory plan or just need additional support.

We're still seeing good partnerships between councils and parents, and increasingly we're also seeing it improve between health organisations and parents, which is having a real impact in driving improvements. But this needs to become the norm, not the exception – so our work is far from done.

As we implemented these changes, I wanted to make sure that everyone, from parents to Ministers, could tell whether they were really helping to make the experience of families better. That's why for the first time earlier this year, Ofsted and the CQC began inspecting local areas on how effectively they are meeting their duties. I'm grateful that so many of you have taken the time to contribute to these new inspections, which are important in highlighting where things are working well, making changes where they aren't and supporting improvements in services. These inspections are providing a real bank of evidence which will help build on existing successes and enable experiences to be shared around the country.

Shortly before the summer break, I attended the first National Young People's Participation event in Manchester, hosted by the Council for Disabled Children and KIDS. It's events like that which make my role so worthwhile for me, because I get to talk to passionate youngsters.

At the event, I was lucky enough to meet a young woman, Kiera Byland, who competed at the Special Olympics World Games last year and won an incredible three gold medals in

cycling. She has overcome so much to achieve something that most of us could barely dream of.

Getting her EHC plan made a big difference to Kiera. It's allowed her to make her college course bespoke, so that she can balance it with her cycling and swimming. It's also given her the time to coach at other schools, running projects with GreaterSport and Strider Bikes to inspire the next generation of children with SEND to get into sport – perhaps the Paralympians of the future. Her plan also meant that she could hire a personal assistant, who has helped her with actually getting to these schools to meet and inspire young people.

Examples like this are proof of why we have to listen to young people and put their views front and centre – Kiera's story may be unusual but it shows just how important a good plan can be to empower our young people. The feedback we've had so far suggests that the majority of families who have an EHC plan agree it led to their children getting the help and support they need, and that it improved their experience of education. However I'm also aware of cases where people haven't yet felt that all important culture change take hold in their own area. It's why it's vital we continue to do more to understand what's currently happening around the country and why we're running a national survey, asking parents and young people to pass on their views and experiences of the process – this kind of data is invaluable and I encourage anyone who is eligible to take part in the survey when you receive it.

I'm also very much alive to the fact that, with these changes, we have given councils a big task. Although much of the data we're collecting shows that they are broadly on track with this, as I said I know that many are still experiencing regular frustrations in local areas.

That's why it's heartening to see that where there is great practice, and great results, this is being shared. There is a rapidly growing number of resources available from around the country, which my team at the Department is working hard to disseminate.

One of these is the Association of Colleges' guide to securing high needs funding for post-16 provision. It's an honest account of the challenges that come with building partnerships between councils and institutions, and provides a number of 'guiding principles' that help to get the right support for families. Similarly, the London Leadership Strategy (LLS) has produced the SEND Review Guide, which is aimed at galvanising schools into taking a closer look at the SEND support they offer.

I'm also encouraged to see how many of these resources agree on the importance of good communication. Recognising new partnerships, and strengthening the existing ones between social care, education and health, or between children and adult services is such a vital part of our vision. The emphasis within our programme on preparing our young people for adulthood, particularly in the duties on post-16 providers, means that they are better supported in making decisions about employment or higher education, about where they might live and about managing their health.

As a parent or carer, two years can fly by in an instant – it's just a blink of an eye in the life of a child. So it's really important to take stock of just how much has been achieved in that time – even though we know there is still a long way to go. Thank you, all of you, for embracing change with such passion. Let's keep going.'

## Data update

### School census data from July 2016

The SFR 'Special educational needs in England: January 2016' was published on 21 July at the link below:

<https://www.gov.uk/government/statistics/special-educational-needs-in-england-january-2016>

The data show that:

- The proportion of children with SEN has fallen from **15.4%** to **14.4%**, continuing a trend of declining each year since 2010, when it stood at 21.1%. The decline this year is caused by a fall in the proportion of pupils on SEN support, from **12.6%** to **11.6%**. The proportion of pupils with statements/EHC plans has remained constant at **2.8%**.
- The breakdown of pupils by type of primary need has remained broadly similar to last year, with moderate learning difficulty the most common primary need identified for SEN support pupils, and autistic spectrum disorder the most common need for those on statements/EHC plans.
- SEN remains most prevalent in travellers of Irish Heritage and gypsy Roma pupils.
- Boys are still more likely to have SEN than girls.
- Pupils with SEN remain more than twice as likely to be eligible for free school meals than pupils without SEN

### Exclusion statistics from July 2016

In July 2016, the Department for Education published its latest data on permanent and fixed period exclusions at: <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2014-to-2015>

The data showed that:

- Pupils with identified special educational needs (SEN) accounted for just over half of all permanent exclusions and fixed period exclusions
- Pupils with SEN support had the highest permanent exclusion rate and were over 7 times more likely to receive a permanent exclusion than pupils with no SEN
- Pupils with an Education, Health and Care (EHC) plan or with a statement of SEN had the highest fixed period exclusion rate and were almost 7 times more likely to receive a fixed period exclusion than pupils with no SEN
- Pupils with identified SEN accounted for 55% of permanent exclusions and 51% of fixed period exclusions in 2014/15. These figures are lower than the equivalent figures in 2013/14 when SEN pupils accounted for 66% of all permanent exclusions and 60% of all fixed period exclusions.

### Tribunals Data

The latest data release on SEND tribunal cases was published by the Ministry of Justice on 8 September 16 and is available here:

<https://www.gov.uk/government/statistics/tribunals-and-gender-recognition-certificate-statistics-quarterly-april-to-june-2016>

The release contains data up to the end of June 2016 and shows that:

- following an increase in appeals during 2013 and 2014, there was a fall during 2015, which has now been followed by an increase.

- the number of appeals registered in the latest quarter (April-June 2016) was 1,146, which is an increase of 29% compared to the same period 12 months earlier (there were 890 recorded between April-June 2015).

**For further information about these and previous data releases, you can access the Department's SEN summary publication at:**

<https://www.gov.uk/government/publications/sen-analysis-and-summary-of-data-sources>

#### Local authority and Parent Carer Forum implementation surveys from summer 2016

In May 2016, local authorities were asked to complete an implementation survey, around 18 months after the SEND reforms came into effect. 135 responses were received (a response rate of 91% of local authorities). Key findings from the survey are available at Annex A to this newsletter.

The following month, in June 2016, a parallel survey of Parent Carer Forums was carried out by Contact a Family. As with the local authority survey, respondents were asked to assess the effectiveness of the reforms, as well as to identify challenges, support requirements, and examples of good practice that might be replicated in other areas.

A total of 107 (or 70%) of Parent Carer Forums responded to the survey, a 1.6% increase on returns for the November 2015 survey. Key findings are available at Annex B to this newsletter.

**The Department for Education, Contact a Family and the National Network of Parent Carer Forums are jointly working on the next implementation surveys. These are expected to be issued to local authorities and Parent Carer Forums at the beginning of November 2016, and run until the last week of November.**

#### **Learning Difficulty Assessments (LDAs) and high needs funding – a reminder**

Since our messages in the July newsletter about the need to complete transfers of LDAs, we know that all local authorities have been prioritising this, and some have now completed all of their transfers.

The July newsletter also set out details of limited flexibility, in exceptional cases, designed to safeguard provision for young people aged 19-25 where the need for a plan had been identified but the plan had not yet been issued.

You can read more about this by reading the letter from Stuart Miller, Deputy Director for SEND at the Department, which is reproduced at Annex C to this newsletter. The letter explains that the flexibility only extends to 31 December 2016 and reminds local authorities that **they must let the Education Funding Agency know by 28 October if they think they will have any difficulty meeting that deadline.**

#### **An update on the SEND Tribunal Pilot**

Under our SEND reforms, the Secretary of State and the Lord Chancellor are required to carry out a review of how effectively disagreements are being resolved in the new SEND system.

As part of the review, the Department for Education and the Ministry of Justice ran a pilot programme in 17 local authorities to trial the use of new powers for the First-tier Tribunal (SEND) to make non-binding recommendations about health and social care aspects of Education, Health and Care (EHC) plans. Appeals to the Tribunal can be made only about the educational content of EHC plans; the Tribunal could only use these additional powers in the 17 pilot local authority areas.

The pilot started in June 2015 and closed on 31 August 2016. After this date, no new requests for recommendations on health and social care aspects of EHC plans could be accepted, although requests made before 31 August will still be processed and heard by the Tribunal.

An external organisation (CEDAR, University of Warwick) is gathering evidence for the review that will include an evaluation of the pilot. The review will be published in spring 2017. The Secretary of State and the Lord Chancellor will report to Parliament on the review by 31 March 2017.

## **Announcements**

### Launch of The Youth Justice SEND Project

The Youth Justice SEND Project brings together Achievement for All (AfA), the Association of Youth Offending Team Managers (AYM) and Manchester Metropolitan University (MMU) in a partnership designed to transform outcomes for young people with SEND who offend, or are at risk of doing so.

The aim of the project is to create a more supportive system for children and young people and it presents a real opportunity to engage with other professionals and feed back to the DfE and the Youth Justice Board to influence strategy and policy.

As part of the Youth Justice Project, AfA has developed a professional development and training platform called 'The Bubble'. It is designed to support practitioners and help them to find, select and apply interventions for young offenders with SEND that will secure better outcomes and enhanced life chances. The Bubble will be ready for launch in November but in the meantime you can become involved with the project by:

- [Signing up for a monthly newsletter](#) to receive the latest news, research, training and opportunities to engage with the project.
- [Registering for one of the FREE regional Youth Justice SEND training events](#) designed for Young Offending Teams, youth secure estate professionals, health and care professionals, Local Authority SEN teams.
- Offering examples of innovative and effective multi-agency working that can be shared with colleagues across the country – if you have examples to share, use the project's '[contact us.](#)' link.

### Health input into Education, Health and Care (EHC) assessments

NHS England and NHS Improvement have set out next steps for implementing the NHS Five Year Forward View in 2017/18 and 2018/19.



This includes a consultation on the draft NHS provider contract, which includes for the first time a clause focusing on timely completion of EHC plans:

*“where a Local Authority requests the cooperation of the Provider in securing an Education, Health and Care Needs Assessment, the Provider must use all reasonable endeavours to comply with that request within 6 weeks of the date on which it receives it”.*

The NHS Standard Contract is mandated by NHS England for use by commissioners for all contracts for healthcare services other than primary care.

Embedding this clause in the contract will be a real step towards bringing about the culture change we expect to see through the SEND reforms

The [consultation](#) is open until 21 October 2016. Comments on the draft Contracts should be sent by the 21st to [england.contractsengagement@nhs.net](mailto:england.contractsengagement@nhs.net). Please do take the time to share your views.

#### An opportunity to inform research into the SENCO Qualification

Achievement for All (AfA) has been asked by the Department for Education to review the SEN co-ordination function in the early years and post-16 sectors and to explore the possibility of extending the National Award for SEN Coordination to those undertaking the SENCO role in those sectors.

AfA has created four surveys (available at <http://tinyurl.com/zhfp84k>) aimed at Area SENCOs in local authorities and at those fulfilling the SENCO role in early years and further education. There is an additional survey for the further education sector, aimed at managers. The deadline for returns is 14<sup>th</sup> October.

#### Change of e mail address for the Department for Education

The Department for Education is updating its IT infrastructure, moving away from the ‘[Government Secure Intranet](#)’ (GSI) to cloud computing. As part of this change, the Department is removing the ‘.gsi’ from its email addresses.

From Saturday 1 October existing email addresses will change from:

- joe.bloggs@education.gsi.gov.uk
- to
- joe.bloggs@education.gov.uk

Please be aware that any emails sent to gsi addresses after this change will not be received and you will receive a ‘bounce back message’. From 1 December, the bounce backs will end and any e mails using .gsi will not be received.

#### **New resources available now**

#### A summary of support and recommended resources for implementing the SEND reforms

To mark the two years since the start of the SEND reforms, the Council for Disabled Children has published on its website a round-up of useful support and resources. There are materials aimed at parents, young people and those working in health, education, social care and local authorities. The summary document shows you where to go to for advice,



how to access services, where to find high quality training and how to get involved in professional networks. You can find the summary here: <http://bit.ly/2bTwBSP>

#### The Council for Disabled Children's Autumn Digest

On September 30<sup>th</sup>, the Council for Disabled Children published [the CDC Digest](#) for autumn 2016; a one stop shop for all news, events and resources relating to the special educational needs and disability sector.

Included in the Autumn Digest are:

- a blog from Hannah, a member of FLARE, the new young people's advisory group on participation
- the latest case law updates from barrister Steve Broach; and
- NHS England updates on care and treatment reviews and the overmedication of people with a learning disability.

#### Working together to commission and fund high needs

At the beginning of September, the Association of Colleges published informal guidance designed to help post-16 providers and local authorities work together over the commissioning and funding of high needs post-16 placements. The guide is itself the result of collaborative working between the Department for Education, the Local Government Agency, the Association of Colleges and a range of other provider organisations.

To download the guidance, click on the link below:

<https://www.aoc.co.uk/news/working-together-commission-and-fund-high-needs>

#### The SEND Review Guide – A school-led approach to improving provision for all.

London Leadership Strategy has recently published a new resource to help schools to review and improve their SEND practice.

The SEND Review Guide, part-funded by the Department for Education, is a practical way to support schools to provide educational excellence for children with SEND. It is available to download for free from [www.thesendreview.com](http://www.thesendreview.com). It is a tool to help schools to ensure the effectiveness of their SEND practice and help children and young people secure better outcomes from their education that will make a powerful difference in helping them prepare for adulthood.

The Guide was produced through close working with schools, charities, parents and carers. It is based on a school-to-school support model and is made up of a paper-based audit, examples of good practice, guidance on how to carry out a review of SEND provision and self-evaluation templates.

This approach has been shown to work in both the mainstream and specialist sectors, and offers an opportunity to build stronger links between the two. The Review Guide provides a framework for schools to review their current provision and for reviewers to support and challenge the schools with which they work. To find out more, please visit [www.thesendreview.com](http://www.thesendreview.com) or email [info@londonleadershipstrategy.com](mailto:info@londonleadershipstrategy.com).

#### The local area SEND comparison tool

In collaboration with the Local Government Association, the Department has published a new local area SEND comparison tool on LG Inform.

The tool generates reports that present a range of SEND data on a local area in one place, enabling users to compare LA performance against LAs nationally, LAs in the same region and LAs with similar characteristics. It includes data on attainment, exclusions, absences and LA SEN performance (such as timeliness of issuing EHC plans and progress with converting statements to plans).

The tool is available at the link below, and users can generate reports for individual local areas in seconds:

<http://lginform.local.gov.uk/reports/view/send-research/local-area-send-report>

Select your local area from the first dropdown box, and your comparison group from the second (NB users should select “All English single tier and county councils” as their comparison group to compare against other English LAs).

For more information, or to provide feedback on the tool, please contact [SEND.research@education.gsi.gov.uk](mailto:SEND.research@education.gsi.gov.uk) (after 1 October, please contact [SEND.research@education.gov.uk](mailto:SEND.research@education.gov.uk)).

#### Sheffield Futures guidance and resource pack

Sheffield Futures was commissioned by the Department for Education in April 2015 to design and deliver training on the SEND Code of Practice to nine Youth Offending Teams and three custodial institutions across South and West Yorkshire. A key element of the project was to represent the thoughts and feelings of young people with SEND in the youth justice system and project staff met with 60 young people with SEND to inform their work. A report sharing learning from the project is now available from the AfA website at: [http://res.afa3as.org.uk/YJBubble/Sheffield\\_Futures\\_Report\\_2016.pdf](http://res.afa3as.org.uk/YJBubble/Sheffield_Futures_Report_2016.pdf) It includes the voices of young people who volunteered to be interviewed, as well as those of delegates who attended the professional development workshops. It also makes a number of recommendations for system-wide improvements in supporting young offenders with SEND.

Also available on the AfA website is a Sheffield Futures a resource pack designed for use by anyone working in the youth justice system with young people with SEND or their families. The hope is that it might help other young people with SEND to reflect upon and understand their experiences in custody and ease the transition back into the community. You can access the pack at [http://res.afa3as.org.uk/YJBubble/Sheffield\\_Futures\\_Prompt\\_Pack.pdf](http://res.afa3as.org.uk/YJBubble/Sheffield_Futures_Prompt_Pack.pdf).

#### Inclusive education for children with muscle-wasting conditions: a guide for schools, parents, and students

This month, Muscular Dystrophy UK has launched a comprehensive guide to inclusive education which aims to empower schools and parents to improve the lives and educational experiences of pupils with muscle-wasting conditions, so that they can reach their full potential. The guide includes information on a range of topics, as well as links to agencies that are there to help with every aspect of care.

You can request a free copy by emailing [info@musculardystrophyuk.org](mailto:info@musculardystrophyuk.org) or by calling the helpline on 0800 652 6352. A PDF version of the guide can be downloaded [here](#).

#### **0-25 SEND Unit**



## **Annex A – LA implementation survey summer 2016**

### **Education, Health and Care plans**

- 27% of LAs stated they were extremely or very confident they would complete all LDA transfers within the statutory deadline – and 27% were not very or not at all confident of this.
- 46% of LAs stated they were extremely or very confident they would complete all statement transfers within the statutory deadline – and 14% were not very or not at all confident of this.
- 18% of LAs stated they had no barriers to completing EHC plans within 20 weeks – compared to 19% in autumn 2015.
- 74% stated there were issues gathering information from health professionals. – compared to 64% in autumn 2015.
- 60% stated there were issues gathering information from care professionals – compared to 53% in autumn 2015.
- 31% stated there were issues gathering information from educational psychologists – compared to 27% in autumn 2015.
- 76% stated there were issues with LA capacity – compared with 69% in autumn 2015.
- 56% stated there were issues with institutions responding within 15 days – compared to 40% in autumn 2015.

### **Local Offer**

- 89% have an online feedback page on their local offer page – this is lower than the 91% figure from the autumn survey.
- 93% are developing their local offer through the Parent Carer Forum – this is lower than the 96% figure from the autumn survey.

### **Engagement**

- 10% of LAs who responded stated that children were fully or largely engaged in strategic planning and co-production of SEND services, compared to 31% for young people and 84% for parents. These percentages are all lower than the autumn survey where percentages were 17% for children, 31% for young people and 90% for parents.
- 51% stated that children were fully or largely engaged with making decisions about their own SEND provision, compared to 63% for young people and 83% for parents. These percentages are all higher than the autumn survey where percentages were 46% for children, 59% for young people and 81% for parents.

### **FE providers**

- 71% of LAs who responded stated their FE providers were fully or to some extent redesigning their SEN provision – lower than the 85% figure in the autumn survey.

### **Short breaks**

- 60% of LAs who responded said they plan to spend the same on Short Breaks provision in 2016-17 as they did in 2015-16, with 11% planning on spending more. 73% said they have consulted families on any planned changes to short breaks services.

**Data and intelligence**

- 75% of LAs who responded have fully or to some extent put in place processes to assess their use of feedback, data and intelligence to improve delivery – lower than the 78% figure from the autumn survey.

## **Annex B: Parent Carer Forum implementation survey for summer 2016**

### **Key findings:**

#### **Education, Health and Care plans**

- Forums' perceptions of the top three greatest barriers to local authorities completing the EHC plans within 20 weeks are: gathering information from health professionals within 6 weeks of the LA request (67 forums); local authority capacity (60 forums); and gathering information from care professionals within 6 weeks of LA request (57 forums).
- Only 19% of forums are very or extremely confident that their local authority will have completed LDA transfer reviews by the end of August 2016, with 26% very or extremely confident that all statements will be replaced by April 2018.

#### **Local Offer**

- 86 forums report that they had been involved in the further development of their local area's offer, 84 forums said that their Local Offer has a feedback page, and 43 areas have held focus groups with parent carers. Forums reported that only 26 Local authorities had held focus groups with children and young people.

#### **Engagement**

- 64% of forums feel that parents are largely or fully engaged in strategic planning with their local authority. This is the same result as the 6th survey. These figures are much lower when considering the engagement of children (6%) and young people (17%).
- Forums report that 19% of children (up from the 6th survey which was 14%) and 24% of young people (up from the 6th survey which was 18%) are either fully or largely involved in making decisions about their own SEND provision. 51% of parents are largely or fully involved in decision making around their child or young person's provision (again up from the 6th survey which was 40%).

#### **FE providers**

- Only 2% of forums say that post-16 providers in their area are reorganising provision to meet the needs of all young people with SEND, helping them to meet the Preparation for Adulthood outcomes. 8% of forums say that there has been no reorganisation by post-16 providers at all.
- When considering how well local authorities are working with other agencies to provide a continuum of provision for young people with EHC plans, results were very mixed and many forums simply do not know. 16% of forums say that the LA in their area is working very well with local colleges; 14% are working very well with specialist post-16 institutions; only 1% of forums report that their LA is working well with housing associations, but 58% don't know how well they are working together.
- 28% of forums say that there are more post-16 supported internships than a year ago.

#### **Early years**

- 60% of forums feel that training and development opportunities are offered to Early Years providers; 49% state that their Local Offer gives clear information about what Early Years providers are expected to make available through SEN support, and

65% of forums say that Area SENCOs and other specialist services are provided to support Early Years settings. There are lower figures when asked if the local authority had published guidelines about the threshold for an Early Years ECH assessment with 38% of forums stating that this had happened in their area, though a high percentage (36% did not know).

### **SENCOs**

- In response to questions relating to effective SEN Support systems in Schools and Academies 83% of forums said that their local authority facilitates regular SENCO forums, but only 37% of forums are aware that their local authority monitors the availability and quality of School Information Reports.

### **Short breaks**

- 53% of forums report that their local authority is changing the nature or eligibility to Short Breaks provision in 2016-17 and 48% confirm that families have been consulted on these plans. 22% report that they do not know if there will be changes to Short Breaks provision. However, only 5% of forums report that the planned expenditure will be more than in 2015-16, whilst 30% report it is staying the same and 22% report that it will be less. A total of 43% do not know what the planned expenditure is in comparison to the 2015-16 expenditure.

### **Joint commissioning**

- 2% of forums report that joint commissioning is fully in place, whilst 44% say that this is in place to some extent.

### **Data and intelligence**

- Only 5% of forums report that their local authority has fully implemented processes to evaluate their use of feedback, data and intelligence for improving delivering and measuring progress and success, whilst 40% have done this to a limited extent.

### **Support for the reforms**

- The resources or training for forums found most helpful in relation to the implementation of the SEND reforms and supporting good practice were: Contact a Family (56% felt were crucial); occasional themed workshops (48% felt were crucial); Council for Disabled Children (40% felt were crucial); SEND Advisers (30% felt were crucial).

To download the report in full, click on the link below:

[http://www.cafamily.org.uk/media/948070/survey\\_7\\_summary\\_report\\_final.pdf](http://www.cafamily.org.uk/media/948070/survey_7_summary_report_final.pdf)



## Annex C: Letter from Stuart Miller about LDAs and high needs funding

Dear Colleagues,

### LEARNING DIFFICULTY ASSESSMENTS EXPIRING ON 31 AUGUST

As you know, Learning Difficulty Assessments (LDAs) cease to have any legal effect on 31 August 2016 (this was outlined in the anticipatory duty placed on Local Authorities in The Transitional and Saving Provisions Order 2014 and the Transition Guidance published in 2014 and updated in 2015) [www.gov.uk/government/publications/send-managing-changes-to-legislation-from-september-2014--3](http://www.gov.uk/government/publications/send-managing-changes-to-legislation-from-september-2014--3). I would like to start by thanking you for the progress you have made so far in supporting young people with Special Educational Needs and Disabilities in your area to make the transition from LDAs.

I am also writing to ask – where you have not already done so – to review the position of any young person who still has an LDA in your local authority. In particular, where you expect the young person to continue in education and training, you need to ensure that suitable arrangements are in place for them for the next academic year. This is particularly important where young people are aged 19 to 25, as when LDAs cease, they will no longer attract high needs funding from the Education Funding Agency (EFA) unless they have an Education Health and Care (EHC) plan.

Where you expect to issue an EHC plan for a young person aged 19 to 25, but have not yet got a final plan agreed, we have allowed some flexibility around EFA funding to safeguard high needs provision for those young people. This flexibility was set out in our July 2016 SEND Implementation newsletter which can be accessed at: <http://councilfordisabledchildren.org.uk/help-resources/resources/departement-education-send-newsletters>. Note that this flexibility is only until 31 December 2016. We expect all local authorities to complete the transfer process, and have final EHC plans in place, by this date. Local authorities should let EFA know by Friday 28 October if they think they will have any difficulty meeting this deadline.

Where you do not expect to issue an EHC plan for a young person aged 19 to 25, and where that young person is expecting to continue in education and training, you will need to manage their transition to provision funded by the Skills Funding Agency (SFA). In order to do this you will need to be clear about the implications of moving to SFA provision for the young person and for the post-16 institution. The SFA funds a range of learning, including apprenticeships and traineeships, to support young adults aged 19 and over to gain the skills and qualifications they need to get work or to progress in their chosen career.

Eligibility to receive public funding through the SFA is the same for all learners, regardless of need.

In addition, for students aged 19 and above who do not have an EHC plan but do have additional support needs, 'Learning Support' funding is available to colleges and training providers to help them meet the additional needs of these students and to meet the cost of putting in place a reasonable adjustment as set out in the Equality Act 2010. Eligibility for SFA funding, and information on Learning Support is available from the Adult Education Budget and Apprenticeship Funding Rules on GOV.UK:

<https://www.gov.uk/government/collections/sfa-funding-rules-2016-to-2017>. If you have a specific query please direct this to your SFA Business Operations Provider Manager.

You will of course want to discuss future plans with individual young people and their families. It is also crucial that you discuss plans with post-16 providers, who have an important role in ensuring a smooth transition for these young people. I know you will want to do all you can over the summer to avoid any unnecessary anxiety or uncertainty and ensure that appropriate arrangements are in place for young people at the start of the new academic year.

If you have any queries about this, please contact your link DfE SEND Advisor or Helen Brooks at the DfE: [helen.brooks@education.gsi.gov.uk](mailto:helen.brooks@education.gsi.gov.uk).

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Stuart Miller', with a stylized flourish at the end.

Stuart Miller  
Deputy Director  
Special Educational Needs and Disability Unit