

Information for parents

The special educational needs and disability (SEND) reforms - England

Preparing for adulthood

In September 2014 a new law called the Children and Families Act came into force. This brought about changes in the way children and young people with special educational needs (SEN) are supported in education. This factsheet explains the key parts of the system as they affect young people from 14-25 years of age.

All young people and their parents have the right to have high expectations for their future. Young people with special educational needs (SEN) may face additional barriers and challenges to achieving their goals. Preparing for adulthood means identifying the support a young person will need to live as full and active an adult life as possible.

The *Special educational needs and disability code of practice: 0-25 years* (which supports the law) says preparing for adulthood means preparing for:

- higher education and/or employment
- independent living
- participating in society: friendships and contributing to the local community
- being as healthy as possible in later life.

Key Principles

- Young people should be at the centre of planning for and making decisions about their future. Discussions should focus on what they want to achieve, and the support they will need to get there.
- There is now a single system of support for children and young people with SEN between the ages of 0 and 25. This means that no one should lose the right to extra support for their educational needs simply because they have reached 16 or left school. Further education colleges and settings have similar duties to schools to support students with SEN. Young people who need more support can have an Education, Health and Care

(EHC) plan until they are 25. See *Education, Health and Care plans*.

- Local authorities are transferring statements to EHC plans. Young people already in a further education (FE) college with a Learning Difficulty Assessment (LDA) won't be automatically transferred. If they are likely to need an EHC Plan, a parent or the young person need to write to the local authority and ask them to do an EHC needs assessment.
- Young people with SEN who never had a statement or LDA, or who have been out of education for some time, may need an EHC plan to help them finish their education or training. These young people, or their parents, can also ask for an EHC needs assessment at any time up to their 25th birthday. See our factsheet *Education, Health and Care needs assessments*.
- The law now gives rights to young people who are over 16 and no longer of compulsory school age. In the law and guidance these people are called 'young people'. Young people can make decisions in their own right about the support they receive. This includes taking control of their own EHC plan if they are able to.

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.

(SEND Code of Practice section 8.49)

Need advice?

Call our freephone helpline

0808 808 3555

helpline@contact.org.uk

Open Monday to Friday, 9.30am-5pm



How young people are supported to move into adulthood

Age 14 - planning ahead

Schools should work with employers, housing agencies, disability organisations and arts and sports groups to help children understand what their options are as they get older.

Schools have a legal duty to provide impartial careers advice to all young people from at least Year 8 (13-14 years of age). They must tailor it to the needs of their pupils with special educational needs and disabilities.

For young people with EHC plans, the Year 9 annual review of the EHC plan and every review after that, must include a focus on preparing for adulthood.

For more about school duties to support pupils with SEN see *Extra support in mainstream school – SEN support*.

Age 16 - beyond compulsory school age

All students aged 16-19 (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.

(SEND Code of Practice section 8:30)

Young people reach the end of compulsory school in the academic year they turn 16 – Year 11 for most pupils. This doesn't mean the end of education. Legally, young people must stay in some kind of education or training until they are 18. This can be combined with paid or voluntary work.

Possible options are:

- continuing in a mainstream or special school
- moving to a mainstream or specialist FE college
- supported internships (on the job training plus study in a further education setting. Helps young people with complex learning difficulties or disabilities find work)
- traineeships (work preparation and Maths and English training by a training provider, plus work experience needed to get an apprenticeship or other job)
- apprenticeships (on the job training plus study).

A young person who has had an EHC plan at school can continue to keep it if their needs haven't changed. A young person or parent will have the right to ask for a particular post-16 setting to be named on the EHC plan.

Support in further education college

Mainstream further education (FE) colleges must now support students with special educational needs (SEN) in a similar way to schools. Students with SEN who do not need EHC plans must be given help through SEN support.

This includes following the *Special educational needs and disability code of practice: 0-25 years*. An FE college must do everything they can to make sure their students with SEN get the extra help they need. There should be a named person in overall charge of SEN provision.

Many young people with SEN will also be disabled. Under the Equality Act 2010 mainstream FE colleges must do everything they reasonably can to remove all the barriers to learning for disabled students. The FE college must make sure that students with SEN or disabilities know who in the FE college they can go to for help.

Special educational support might include, for example:

- accessible information, like symbol-based materials
- help with personal care (or access to it)
- assistive technology, specialist tuition or note-takers
- one-to-one and small group learning support
- access to therapies
- housing/independent living training.

The college should involve the young person in planning their support, keep records of the additional support given, and progress made. This should be regularly reviewed with the young person and where appropriate, their family.

Young people who need more help than a mainstream FE college could normally provide will need an EHC plan. The first step to getting an EHC plan is an assessment of a young person's needs – see *Education, Health and Care needs assessments*.

Young people's rights at 16

All young people have the right to have their views taken into consideration about decisions that affect them. When they reach 16 a young person has additional rights. They can:

- ask for an EHC needs assessment
- make decisions about the support in their EHC plan
- ask for a personal budget
- appeal directly to tribunal about a decision relating to an EHC assessment or a plan.

It is assumed that young people have this right unless they lack the mental capacity to make specific decisions about their lives. Young people with disabilities and special educational needs may need support to do this. They don't have to be able to manage everything independently. For information call our freephone helpline on 0808 808 3555.

This doesn't mean that parents have no say. In practice many young people will want and need their parents' support to make decisions, and many young people will still need parents to make decisions on their behalf.





Local authorities have to ensure that there is an independent source of information advice and support available for young people. This should be separate from advice available for parents.

19-25 - moving into adulthood

Some young people with special educational needs (SEN) may need more time to finish their education or training and should continue to receive the extra help they need. An EHC needs assessment can be requested at any time up to the young person's 25th birthday. If an EHC plan is in place it should continue. Local authorities must set out in their Local Offer information about support available for young people aged 19-25. See *The local offer explained*.

Higher education

An EHC plan can't carry on into higher education. However, universities still have a duty to identify students who need additional support, and put that support in place. Some young people may be able to get a Disabled Students' Allowance to fund specific assistance or equipment that they need. Local authorities should make sure advice is available about this in their local offer.

Adult services

Moving to adult health services with an EHC plan

Health services and other professionals should work with a young person and their family to develop a transition plan to show how and when the young person will move from child to adult health services. The plan should say who is taking the lead in coordinating the young person's care and referrals to other services.

For young people with EHC plans, the local authority and health services **must** work together to make sure the EHC plan and the care plan for the treatment and management of the young person's health are in line with each other.

Moving to adult social care services with an EHC plan

From the age of 18 a young person will be transferred to adult social care services. They should have a full assessment of the support they need, and any social care needs they have must be written into the EHC plan. For more information call our freephone helpline.

Stopping an Education, Health and Care (EHC) plan

An EHC plan can only remain in place if a young person has special educational needs (SEN) and stays in education or training. Although a young person may be entitled to health and social care support, significant health or social care needs alone are not enough for an EHC plan to continue.

If a young person leaves education, their health and social care needs will still be managed by the health service and local authority social services department.

The *Special educational needs and disability code of practice: 0-25 years* emphasises that no young person should be left with a sudden gap in support – for example when moving from child to adult services. For some young people it may be appropriate for the transition to take place gradually – they may continue receiving help from children's services for some time beyond their 18th birthday.

An EHC plan can be stopped at any time if the local authority considers it is no longer needed. If the local authority is considering whether to stop a plan, an important factor is whether the young person has achieved the education outcomes set out in their plan. For example, if they have got a job or achieved the qualifications they need to go to university.

You can read more about preparing for adulthood in Chapter 8 of the *Special educational needs and disability code of practice: 0-25 years*.

Other useful booklets from Contact

This factsheet is one of a series produced for parents and groups about the SEND reforms. Others in the series include:

- *Introduction to the Children and Families Act*
- *Changing from the old system to the new – how will it happen?*
- *The local offer explained*
- *Extra support in mainstream school – SEN support*
- *Education, Health and Care needs assessments*
- *Education, Health and Care plans*

Please see our website for more in the series

www.contact.org.uk/the-sen-process

We also have a series of free guides for parents, including:

- *Understanding your child's behaviour*
- *Relationships and caring for a disabled child*
- *A guide to claiming Disability Living Allowance for children*
- *Getting social care services when your child has additional needs*
- *Aids, equipment and adaptations*
- *Fathers*
- *Siblings*
- *Grandparents*
- *Living without a diagnosis*
- *Growing up, sex and relationships*
- *Holidays, play and leisure*

i A full list of Contact guides is at the link below. All our guides are free to parents who call our helpline, and are free to download.

www.contact.org.uk/publicationslist

0808 808 3555

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From cake sales, to running marathons, or signing up to be a regular giver – there are many ways you can help us continue to provide information, advice and support to ALL families with disabled children in the UK. Find out more:

www.contact.org.uk/fundraising

020 7608 8786

fundraising@contact.org.uk

Or why not get involved in our campaign work across the UK?

www.contact.org.uk/influencing

Find out how you can have your say about services in your area by joining your local parent carer forum. Contact the National Network of Parent Carer Forums:

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Got a question about your child's education?

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