

Decision making about residential placements for Children and Young People with Special Educational Needs and/or Disabilities (SEND).

1 September 2014

Purpose

This policy sets out the Local Authority's expectations when considering residential provision and extensions to placements at residential provision. It outlines the principles on which decisions are made about residential placements for children and young people up to the age of 25.

Principles

- The Local Authority is committed to meeting the needs of children and young people within the local community in Camden. Camden has developed good local provision to meet a range of needs, including young people with complex needs. Specialist provision is described elsewhere in the [local offer](#). New FE provision for young people with severe and profound learning difficulties and complex autism will open in September 2015. Camden also has provision for children with social and emotional difficulties, many of whom have challenging behaviour and mental health difficulties
- Camden seeks to develop young peoples' links to local services in the community, so that children and young people can build relationships and access support with their families, communities, and local services. Camden Education, health and care professionals work together to develop local options for children even where their difficulties are complex.
- Camden aims to maximise opportunities for independence in the community as young people approach adulthood.
- A small number of children and young people with the most exceptional levels of education, health and/or care needs will not be able to have their needs met locally, either in Camden or in another local authority's maintained provision. Where this is the case, the local authority will consider independent day provision.
- In exceptional circumstances, the local authority will seek residential provision, for example when:
 - a child's educational needs cannot be met in provision within reasonable travelling distance from home, or
 - a child is in the care of the local authority, or a Child in Need, and social care professionals determine that the needs of the child or young person cannot be met at home, or that there are significant risks to the child or young person living at home, and
 - it has not been possible or value for money to make local care arrangements.
- Residential provision must provide 'value for money' and deliver good outcomes for the child or young person.
- In post-16 provision, we expect that residential provision will be funded for a maximum of 3 years or when the young person turns 25, whichever is sooner. The

local authority will consider exceptions when the outcomes specified in their Education, Health and Care plan have not been met within three years.

- In the majority of cases, post-16 residential provision is accessed to provide students with independent living support that serves to support their transition into adult services.

Placement at Residential Provision

Residential provision for children and young people with SEND must be agreed jointly between budget holders for education, health and social care.

The local authority will make the arrangements with the provision in which a child or young person is placed, and will work closely with parents / carers throughout the process. Where a parent / carer is funding the provision, they will make the arrangements directly with the provider, but keep the local authority informed. The local authority will inform parents / carers about any concerns they may have about the capacity of the provision to meet needs, and will intervene if there is evidence that the child's needs cannot be met appropriately.

The decision will be made on the basis of evidence showing that:

- local provision is not suitable, demonstrating what local provision has been considered, and why it will not meet needs.
- local provision has stated they cannot meet needs, following formal consultation by the local authority, or a visit (it is good practice to only visit provision is likely to be able to meet the needs of the child or young person)
- the local authority has agreed to consider residential provision in a child or young person's statement of SEN, LDA, or Education, Health and Care Plan (EHC Plan) and is working with the family to identify the provision.

Funding

Funding is agreed in a Statement of Special Educational Needs or Education, Health and Care plan; in post-16 funding for residential provision can be agreed through completion of a High Needs Block form co-ordinated by the local authority. This form should clearly show the funding split between education and care. The educational costing of placements should be calculated in line with Camden's Additional Learning Support (ALS) guidance.

Educational placements are usually agreed for a maximum of 38 weeks per year and 30 hours per week. In exceptional circumstances, for example a child in care to the local authority, placements can be up to 52 weeks.

Residential placements will be subject close analysis and possible financial negotiation to ensure best value for money on the behalf of the local authority.

Parents may choose to place their child in residential provision and fund the provision independently of the local authority, subject to the provision being able to meet needs. In this case, the child or young person's Statement of Special Educational Needs or Education, Health and Care plan will name an appropriate local authority provision and state that the parent has made their own arrangements in independent provision.

Quality

Residential provision judged 'Requires Improvement' will only be accepted subject to further scrutiny by the local authority. The local authority would have to be satisfied that significant improvements are being made. Provision judged 'inadequate' will not be commissioned.

If provision is inspected and judged inadequate during a young person's educational placement, the local authority may withdraw the young person with immediate effect if it is deemed to be in the interests of the young person.

Any provision, including residential provision, is expected to provide the family and local authority with review information on attainment and progress, in line with the child or young person's Statement of Special Educational Needs or Education, Health and Care plan.

The local authority will draw up a contract with any independent / non-maintained provider, including FE Colleges.

Extensions to placements

It is expected that requests to extend an individual learner placement beyond the duration of the programme's original end-date would only be agreed in exceptional circumstances.

This may include:

- considerable amount of illness during the course which has resulted in the young person unable to meet outcomes. It is expected that any concerns or problems relating to achievement will be raised in termly reviews and documented within the learner's review and progress reports.
- a change of key stage where the child or young person's needs cannot be met locally.

Contact should be made with the learner's home local authority to discuss particular concerns at the earliest opportunity.

In the best interests of the young person, extension requests for post-16 provision should be made to the learner's home local authority as early as possible before the start of the proposed extension period and no later than the end of the penultimate term of the academic year in which the learner's existing placement ends.

Ending placements

It is expected of any residential provider that they will support the transition from that placement in line with the longer term plans for that child or young person, for example to another provision where that has been agreed; to local provision where this is appropriate and possible; to employment for those at the end of their time in education.

This policy is consistent with the direction of travel articulated in Camden's Children and Young People with Special Educational Needs and/or Disabilities – Implementation Framework 2010/12; and also previous YPLA Guidance for Independent Specialist Providers 2011/12 for post-16.

Annex 1

Local Authority duties

Section 41 Education and training for persons over compulsory age: general duty (Chapter 2, part 2)

Education and training for persons over compulsory school age: general duty

Before section 15A of the Education Act 1996 (c. 56) insert— “**15ZA Duty in respect of education and training for persons over compulsory school age: England**

- (1) A local education authority in England must secure that enough suitable education and training is provided to meet the reasonable needs of—
- (a) persons in their area who are over compulsory school age but under 19, and
 - (b) persons in their area who are aged 19 or over but under 25 and are subject to learning difficulty assessment.

(2) A local education authority may comply with subsection (1) by securing the provision of education or training outside as well as within their area.

(3) In deciding for the purposes of subsection (1) whether education or training is suitable to meet persons’ reasonable needs, a local education authority must (in particular) have regard to –

- (a) the persons’ ages, abilities and aptitudes;
- (b) any learning difficulties the persons may have;
- (c) the quality of the education or training;
- (d) the locations and times at which the education or training is provided.

(4) In performing the duty imposed by subsection (1) a local education authority must –

- (a) act with a view to encouraging diversity in the education and training available to persons;
- (b) act with a view to increasing opportunities for persons to exercise choice;
- (c) act with a view to enabling persons to whom Part 1 of the Education and Skills Act 2008 applies to fulfil the duty imposed by section 2 of that Act;
- (d) take account of education and training whose provision the authority think might reasonably be secured by other persons.

15ZB Co-operation in performance of section 15ZA duty

Local education authorities in England must co-operate with each other in performing their duties under section 15ZA(1).”

Section 46 Boarding accommodation: persons subject to learning difficulty assessment (Chapter 2, part 2 LEA Functions)

After section 514 of the Education Act 1996 (c. 56) insert—

“514A Provision of boarding accommodation for persons subject to learning difficulty assessment

(1) A local education authority in England may secure the provision of boarding accommodation in connection with the provision of education or training for a person in their area who is –

- (a) over compulsory school age but under 25, and
- (b) subject to learning difficulty assessment.

(2) A local education authority may secure the provision of boarding accommodation under subsection (1) either within or outside their area.

(3) For the purposes of subsection (1) it is immaterial who provides, or secures the provision

of, the education or training.

(4) In this section “education” and “training” have the same meanings as in section 15ZA.”