

17 June 2019**Agenda Item: 12****REPORT OF THE SERVICE DIRECTOR, COMMISSIONING AND RESOURCES****POST-16 ATTENDANCE FRAMEWORK FOR YOUNG PEOPLE WITH
EDUCATION, HEALTH AND CARE PLANS****Purpose of the Report**

1. The purpose of this report is to seek approval of the attendance framework in respect of post-16 (Year 12 onwards) educational attendance for young people with Education, Health and Care Plans. It applies to all educational settings – schools (mainstream, special, private and Independent Non-Maintained), alternative providers, and Further Education colleges.

Information**Legislative Context**

2. The attendance framework is informed by the Children and Families Act, and the rights it confers on young people with Education, Health and Care Plans; the non-statutory guidance on 19-25 year olds with Education, Health and Care Plans (EHCPs); and the Raising the Participation guidance which describes the policy expectation that all young people, irrespective of EHCP status, will remain in education or training (not necessarily school and not necessarily full-time) until the age of 18 years. It also reflects the expectation described in the Special Educational Needs (SEN) Code of Practice that young people aged 16 years and over should have ownership of their EHCPs and that their voice should be heard, and their preferences respected, wherever possible.

Expectations for 16-18 Year Olds

3. The purpose of education is to learn and for this to be successful young people must attend, and engage, in a consistent way. This framework acknowledges that young people with EHCPs often have complex physical and emotional health issues. This framework is not designed to address single and sustained periods of certificated absence due to health reasons but patterns of random absence which impact on engagement and attainment.
4. The responsibility to monitor attendance sits with educational settings. If attendance falls below **75%** over any six week period, or if attendance is above this level but the young person is not fully engaging in their programme of study, the educational provider will contact the Local Authority and a meeting will be convened to consider:

- the factors contributing to the non-attendance
 - what steps can be taken to address these including action by the educational provider and referral to other agencies if support outside of the setting is required
 - whether the educational setting remains appropriate or whether a change of placement may be necessary (in which case an early annual review will be convened).
5. Parents/carers and the young person will be actively encouraged to attend the meeting, with a supporter if so wished. The Local Authority and the educational setting will also be in attendance. The purpose of the meeting is solution focussed with a view to identifying and addressing barriers to fuller participation in learning. A further review will take place six weeks after the agreed actions have been implemented to evaluate their impact. Decisions to terminate educational placements for 16-18 year olds will only be taken in extenuating circumstances when all other suitable and affordable educational options have been explored and exhausted and alternative pathways into adulthood identified.

Expectations for 19-25 Year Olds

6. Attendance expectations regarding educational attendance for young adults are more rigorous. Notwithstanding the statutory protection conferred by the Children and Families Act, the Local Authority requires to see evidence that young people within this age range are fully committed to their continuing education in terms of both attendance and engagement. The responsibility for monitoring attendance sits with the educational provider and the Local Authority expects to be notified if uncertificated absence falls below **85%** over any six week period or if attendance is above this figure but the young person is not fully engaging in their programme of study. A meeting will then be convened to explore causation factors and potential solutions. Particular importance will be ascribed to the views and wishes of the young adult and the pathway that they wish to pursue into adulthood which may require consideration of non-educational alternatives such as a referral to Adult Social Care and Health to provide meaningful daytime activities. The Local Authority will follow due process should it consider it appropriate to cease to maintain an EHCP under these circumstances.

Other Options Considered

7. This is a new framework which will be evaluated and, if necessary, amended, six months post-implementation. The other option would be to retain the current position where the Local Authority's expectations are not formally defined.

Reason/s for Recommendation/s

8. The option has been chosen because the Local Authority believes that it would be helpful to pilot a more regulated approach to attendance management in the interests of more efficient use of the High Needs Funding block.

Statutory and Policy Implications

9. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability

and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

10. It is hoped that the proposal will reduce expenditure from the High Needs Block by ceasing to maintain EHCPs for young adults when it is safe and appropriate to do so. This will be measured as part of the evaluation process.

RECOMMENDATION/S

- 1) That the Committee approves the proposed post-16 attendance framework for young people with Education, Health and Care Plans, as detailed in **paragraphs 3-6**.

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Constitutional Comments (AK 23/05/19)

11. The recommendation falls within the remit of the Children and Young People's Committee under its terms of reference.

Financial Comments (SAS 30/05/19)

12. The 2019-20 budget for the High Needs Block is £69.181m and forms part of the Dedicated Schools Grant (DSG). The budget includes transfers of £2.654m from the Schools and Central School Services Blocks of the DSG to meet the ongoing pressure of supporting children with SEN. It is hoped that the proposal will reduce expenditure from the High Needs Block by ceasing to maintain EHCPs for young adults when it is safe and appropriate to do so.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

None.

Electoral Division(s) and Member(s) Affected

All.

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