

# The Local Offer in Worcestershire Schools

The Entitlement of Learners in Post 16 provision

Special Educational Needs Provision  
**'Ordinarily Available'**

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### What is the Local Offer?

Local Authorities must publish a local offer, setting out in one place information about provision that is available for children and young people in their area who have special educational needs or disability (SEND).

The local offer should cover:

- Support available to all children and young people with SEND from universal services such as early years settings, schools and colleges;
- Targeted services for children and young people with SEND who require additional short term support over and above that provided routinely as part of universal services;
- Specialist services for children and young people with SEND who require specialised, longer term support.

### What does the Local Offer include?

The *Special Educational Needs (Local Offer) (England) Regulations* describe the information that needs to be included in the Local Offer:

- Education, health and social care provision for children and young people with SEND;
- Details of how parents and young people can request an assessment for an Education Health and Care (EHC) plan;
- Arrangements for identifying and assessing children and young people's SEND, including arrangements for EHC needs assessments;
- Other educational provision such as sports or arts provision;
- Post-16 education and training provision;
- Apprenticeships, Traineeships, and Supported Internships;

- Arrangements for travel to and from schools (for Post-16 institutions, please refer to the Local Authority Transport Policy);
- Support to help children and young people move between phases of education (for example from secondary to post-16) and to prepare for adulthood;
- Sources of information, advice and support in the local authority's area relating to SEND including information provided under clause 32 of the Children and Families Act, forums for parents, carers and support groups;
- Childcare, including suitable provision for children and young people with SEND;
- Leisure activities;
- Support available to young people in higher education, particularly the Disabled Students Allowance (DSA) and the process and timescales for making an application for DSA; and
- Arrangements for resolving disagreements, mediation, and parents' and young people's rights to appeal a decision of the local authority to the Tribunal in respect of SEND and provision. This information should also include routes of complaint and redress for health and social care.

### SEN Provision in colleges and Post-16 Institutions

All post-16 students with additional or special educational needs or disability who attend Post-16 education have a minimum entitlement to normally available provision whichever setting they attend. Under the SEND Code of Practice (0 -25), FE colleges and other Post-16 Institutions have the following specific statutory duties:

- The duty to co-operate with the Local Authority on arrangements for young people with SEND
- The duty to admit a young person if the institution is named in an Educational Health and Care (EHC) plan
- The duty to have regard to the SEND Code of Practice
- The duty to use their best endeavours to secure the special educational provision that the young person needs

In addition, FE colleges and other Post-16 Institutions have the following duties under the 2010 Equality Act:

- They must not discriminate against, harass or victimise disabled young people
- They must make reasonable adjustments to prevent disabled young people being placed at a significant disadvantage
- Providers must also prevent discrimination, promote equality of opportunity and foster good relations

### Defining ordinarily available in FE

Colleges and other Post-16 providers have their own arrangements in place for meeting the needs of young people with SEND, but a range of provision should be available at an appropriate level to meet the young person's needs.

A college must use its best endeavours to put appropriate support in place (*SEND Code of Practice: 0 – 25 years, 2014*)

Young people should be supported to participate in discussions about their aspirations, their needs and the support that they think will help them best. Support should be aimed at promoting student independence and enabling the young person to make good progress towards employment and/or higher education, independent living, good health and participating in the community.

Support should be evidence based. Colleges should be aware of effective practice in the sector and elsewhere, and personalise it for the individual. They should keep the needs of the students with SEND under regular review

For many of these learners, their needs will be met out of the institution's own SEND Support, as part of its graduated approach to meeting those needs. Details should be published on college websites.

For those with more complex needs, provision will be set out in an Educational and Health Care Plan, which replaces the Learning Difficulties Assessment (LDA)

### Areas of special educational need

The following information has been taken from the [SEN Code of Practice \(Jan 2015\)](#)  
Special educational needs and provision can be considered as falling under four broad areas.

1. Communication and interaction
2. Cognition and learning
3. Social, emotional and mental health difficulties
4. Sensory and/or physical needs

Many children and young people have difficulties that fit clearly into one of these areas; some have needs that span two or more areas; for others the precise nature of their need may not be clear at the outset. It is therefore important to carry out a detailed individual assessment of each child or young person and their situation at the earliest opportunity to make an accurate assessment of their needs. Making provision and reviewing how effective it is in securing progress can itself be part of the effective assessment of need, informing the next steps in the graduated approach. It may be necessary to test out interventions as part of this process, both to judge their effectiveness for the individual and provide further information about the precise nature of the needs. Practitioners may need training in the use of evidence-based programmes and advice and support on the effective use of specific interventions may need to be sought from external specialists.

Any necessary additional or different provision identified by review should be provided in a timely way. Children, young people and their parents/carers are an essential part of this process.

In all circumstances, schools, colleges, early years and other providers should ensure that they are providing good teaching. The quality and appropriateness of the overall provision should be kept under regular review and its impact on the number of children or young people identified with SEN or disability should be monitored.

Behavioural difficulties do not necessarily mean that a child or young person has a SEN and should not automatically lead to a pupil being registered as having SEN.

### 1) Communication and Interaction

Children and young people with speech, language and communication needs (SLCN) have difficulty in communicating with others. This may be because they have difficulty saying what they want to, understanding what is being said to them or they do not understand or use social rules of communication. The profile for every child with SLCN is different and their needs may change over time. They may have difficulty with one, some or all of the different aspects of speech, language or social communication at different times of their lives. Children and young people with ASD, including Asperger's Syndrome and Autism, are likely to have particular difficulties with social interaction. They may also experience difficulties with language, communication and imagination, which can impact on how they relate to others.

#### The Autism Spectrum

Autism is a term used to describe a neurological difference in brain development that has a marked effect on how a person develops. There are four areas of difference that are particularly important for staff in schools and educational settings to understand and pay attention to because most students with autism will have individual educational needs to be met in these areas.

Students on the autism spectrum will have different levels of support needs in relation to the following:

- Understanding the social interactive style and emotional expression of staff and peers
- Understanding and using communication and language - both verbal and non-verbal (eg gesture; facial expression; tone of voice)
- Differences in how information is processed can lead to a strict adherence to routines and rules and/or difficulties in planning and personal memory. Students on the autism spectrum have difficulties in predicting what will happen when a familiar timetable or activity is changed. Conversely, such styles of processing can lead to strengths and abilities in a number of areas (often related to factual memory or areas of interest and motivation).
- Differences in the way sensory information is processed, often leading to over sensitivities (often to external stimuli such as lighting, smells, or sounds), and under-sensitivities (often not noticing internal feelings such as pain, body awareness and hunger, until they become overwhelming). It should be noted that sensory sensitivities can lead to extreme levels of stress and anxiety in unfamiliar or over-stimulating environments' (taken from the AET National Autism Standards, 2012).

Some of the characteristic difficulties students may experience include:

- Difficulties in understanding social situations, social expectations and responding to normal environmental and social cues
- Difficulty in intuitively sensing both their own and other people's feeling and intentions
- Inappropriate or limited social initiative and problems with establishing and effectively maintaining reciprocal relationships which can lead to teasing and bullying
- Rigidity of thinking and a tendency to follow personal agendas which are not easily amenable to adult direction with an absence of awareness of the thoughts, needs or emotions of others.
- Difficulty with open-ended or unstructured situations and with understanding and coping with change.
- Extremely high susceptibility to anxiety and stress.
- Limitations in expressive or creative activities extending to obsessive interests or repetitive activities.
- Impaired use of language, either functional expressive or receptive and social language, which may include odd intonation, literal interpretations and idiosyncratic phrases and may extend to more bizarre expressive forms and limited expression, reducing the potential for effective two-way communication and effective conversational skills. Good vocabulary may lead others to overestimate the true level of understanding.

For all on the autism spectrum, the expectations associated with change that may require contact with more people in a wider range of social settings, may compound their existing difficulties and make their special needs more complex.

### **2) Cognition and Learning**

Support for learning difficulties may be required when children and young people learn at a slower pace than their peers, even with appropriate differentiation. Learning difficulties cover a wide range of needs, including moderate learning difficulties (MLD), severe learning difficulties (SLD), where children are likely to need support in all areas of the curriculum and associated difficulties with mobility and communication, through to profound and multiple learning difficulties (PMLD), where children are likely to have severe and complex learning difficulties as well as a physical disability or sensory impairment. Specific learning difficulties (SpLD), affect one or more specific aspects of learning. This encompasses a range of conditions such as dyslexia, dyscalculia and dyspraxia.

### 3) Social, Emotional and Mental Health Difficulties

Children and young people may experience a wide range of social and emotional difficulties which manifest themselves in many ways. These may include becoming withdrawn or isolated, as well as displaying challenging, disruptive or disturbing behaviour. These behaviours may reflect underlying mental health difficulties such as anxiety or depression, self-harming, substance misuse, eating disorders or physical symptoms that are medically unexplained. Other children and young people may have disorders such as attention deficit disorder, attention deficit hyperactive disorder or attachment disorder.

Schools and colleges should have clear processes to support children and young people, including how they will manage the effect of any disruptive behaviour so it does not adversely affect other pupils. Many schools and colleges offer pastoral support, which may include access to counselling sessions, to help their pupils and students with emotional, social or mental health difficulties. This should be described in their published Local Offer and schools should ensure a solid evidence base for any interventions offered. Staff may need training and support to understand the nature and extent of problems that require more specialist intervention. Where more specialist provision is required, schools, colleges and early years providers should have clear arrangements in place with local health partners and other organisations for making appropriate referrals to Child and Adolescent Mental Health Services (CAMHS). This might include schools and colleges commissioning specialist CAMHS directly. It is best practice for CAMHS to offer a 'triage' service to identify and provide for children and young people who need specialist provision very quickly. Where needs are less urgent, this service can signpost them to appropriate sources of support whether provided by CAMHS or other services.

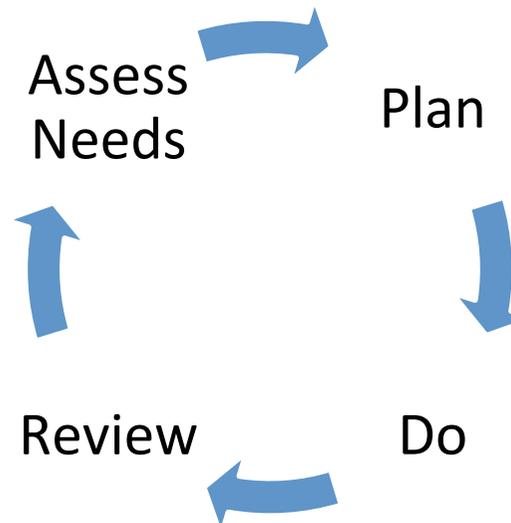
### 4) Sensory and/or Physical Needs

Some children and young people require special educational provision because they have a disability which prevents or hinders them from making use of the educational facilities generally provided. These difficulties can be age related and may fluctuate over time. Many children and young people with vision impairment (VI), hearing impairment (HI) or a multi-sensory impairment (MSI) will require specialist support and/or equipment to access their learning, or habilitation support. Children and young people with an MSI have a combination of vision and hearing difficulties. Information on how to provide services for deafblind children and young people is available through the Social Care for Deafblind Children and Adults guidance published by the Department of Health.

Many children and young people require minor adaptations to the curriculum, their study programme or the physical environment. Many such adaptations may be required as reasonable adjustments under the Equality Act 2010. Some children and young people with a physical disability (PD) require additional ongoing support and equipment to access all the opportunities available to their peers. Some children and young people require special educational provision. It is this group that should be identified as having a SEN.

## The Graduated Approach

Colleges and Post-16 providers should develop a cycle of assessment, planning and review that involves learners at all stages:



1. **Assess Needs:** Colleges will assess the needs of the learner at entry. Colleges will continue to monitor and review the progress and development of all young people. High quality teaching, differentiated for individuals, is the first step and the majority of students can make progress through such teaching.
2. **Plan:** Where progress gives cause for concern lecturers and tutors should develop a plan of action to ensure that the right levels of support for their future learning are in place. They should also make regular assessments of progress for all learners pupils and adjust the levels of support accordingly.

3. **Do:** This graduated response should be led and coordinated by the named person within a college with oversight of SEND, working with and supporting colleagues
4. **Review:** The effectiveness of the support and the impact on the young person's progress should be reviewed at an agreed date.

Adequate progress can include progress which:

- a. Is similar to that of peers starting from the same baseline
- b. Matches or betters pupil's previous rate of progress
- c. Closes the attainment gap between the pupil and their peers
- d. Prevents the attainment gap growing wider.

Where a learner continues to make little or no progress, or if a learner is not developing as expected or is not responding to action being taken settings, schools and colleges should call upon external professionals to advise and assist further. They may also help in identifying those learners whose need for long term support is such that an EHC Plan might be required. Colleges will need to be able to provide evidence of the outcomes of interventions offered to the learner as part of Ordinarily Available provision.

## The National Funding Model

The National Funding Model was implemented in April 2013 and introduced changes to funding across all phases of education, including Post-16. High needs pupils and students are defined by the Department for Education as those requiring provision costing more than around £10,000 per year and the funding model is summarised in the following table:

	Pre-16 SEN and Alternative Provision		Post-16 SEN and LDD
	Mainstream settings	Specialist settings	All settings
Element 1: Core education funding	Mainstream per-pupil funding (AWPU)	Base funding of £10,000 for SEN and AP placements, which is roughly equivalent to the level up to which a mainstream provider would have contributed to the additional support provision of a high needs pupil. Base funding is provided on the basis of planned places.	Mainstream per-student funding (as calculated by the national 16-19 funding system)
Element 2: Additional support funding	Contribution of £6,000 to additional support required by a pupil with high needs, from the notional SEN budget		Contribution of £6,000 to additional support required by a student with high needs
Element 3: Top-up funding	“Top-up” funding from the commissioner to meet the needs of each pupil or student placed in the institution		

### Funding for SEND support

All school and academy sixth forms, sixth form colleges, further education colleges and 16-19 academies are provided with resources to support students with additional needs, including young people with SEND.

These institutions receive an allocation based on a national funding formula for their core provision. They also have additional funding for students with additional needs, including those with SEND. This funding is not ring-fenced and is included in their main allocation in a 'single line' budget. Like mainstream schools, colleges are expected to provide appropriate, high quality SEND support using all available resources.

It is for colleges, as part of their normal budget planning, to determine their approach to using their resources to support the progress of young people with SEND. The principal or a senior leader should establish a clear picture of the resources available to the college and consider their strategic approach to meeting SEND in the context of the total resources available.

This will enable colleges to provide a clear description of the types of special educational provision they normally provide. This will help parents and others understand what they can normally expect the college to provide for young people with SEND.

Colleges are not expected to meet the full costs of more expensive support from their core and additional funding in their main allocation. They are expected to provide additional support which costs up to a nationally prescribed threshold per student per year. The responsible local authority, usually the authority where the young person lives, should provide additional top-up funding where the cost of the special educational provision required to meet the needs of an individual young person exceeds the nationally prescribed threshold. This should reflect the cost of providing the additional support that is in excess of the nationally prescribed threshold.

There is no requirement for an EHC plan for a young person for whom a college receives additional top-up funding except in the case of a young person who is over 19. But where the local authority considers it is necessary for special educational provision to be made through an EHC plan it should carry out an EHC needs assessment. Local authorities should be transparent about how they will make decisions about high needs funding and education placements. They should share the principles and criteria which underpin those decisions with schools and colleges and with parents and young people.

It should be noted that colleges are funded by the Education Funding Agency (EFA) for all 16-18 year olds and for those aged 19-25 who have EHC plans, with support from the home local authority for students with high needs. Colleges must not charge tuition fees for these young people. More information about funding arrangements can be found at <https://www.gov.uk/16-to-19-education-funding-guidance>

Colleges are funded by the Skills Funding Agency (SFA) for all students aged 19 and over who do not have an EHC plan (including those who declare a learning difficulty or disability). Colleges are able to charge fees for these students. However, students who meet residency and eligibility criteria will have access to Government funding. Further information on funding eligibility is available on the SFA's website <https://www.gov.uk/government/organisations/skills-funding-agency>

Colleges also receive funding from HEFCE for their higher education (HE) students, but this Code does not apply to HE students.

**The majority of learners with SEND will have their needs met through the colleges' low cost Additional Learner Support (ALS) funding and Element 1 and 2 funding, with some learners requiring further funding from Element 3 'Top-Up' funding.**

### Working in partnerships with other professionals, agencies and services

Some students will require significant levels of support within college, and specialist expertise and advice which may not be available within the institution. Chapter 7 of the Code of Practice offers guidance about working in partnership with external specialist services, which may be able to provide specialist support for students, as well as training and advice to help colleges develop the expertise of their workforce.

The governing bodies of colleges should ensure that all staff interact appropriately and inclusively with students who have SEN or a disability and should ensure that they have appropriate expertise within their workforce. They should ensure that curriculum staff are able to develop their skills, are aware of effective practice and keep their knowledge up to date.

They should ensure that there is a named person in the college with oversight of SEND provision to ensure co-ordination of support, similar to the role of the SEND Co-ordinator (SENCO) in schools. This person should contribute to the strategic and operational management of the college. Curriculum and support staff in a college should know who to go to if they need help in identifying a student's SEND, are concerned about their progress or need further advice. In reviewing and managing support for students with SEND, colleges and 16-19 academies may find the broad areas of need and support outlined earlier in this document helpful.

Colleges should make sure they have access to specialist skills and expertise to support the learning of students with SEND. This can be through partnerships with other agencies such as adult social care or health services, or specialist organisations, and/or by employing practitioners directly. These can include, for example, educational psychologists, Child and Adolescent Mental Health Services (CAMHS), specialist teachers and support services, supported employment services and therapists. They can be involved at any point for help or advice on the best way to support a student with SEND or a disability.

Specialist help should be involved where the student’s needs are not being met by the strong, evidence-based support provided by the college. Where, despite the college having taken relevant and purposeful action to identify, assess and meet the needs of the student, the student is still not making the expected progress, the college or young person should consider requesting an EHC needs assessment (see later section).

### Record keeping

Colleges should keep a student’s profile and record of support up to date to inform discussions with the student about their progress and support. This should include accurate information to evidence the SEND support that has been provided over a student’s time in college and its effectiveness.

They should record details of what additional or different provision they make to meet a student’s SEND and their progress towards specified outcomes. This should include information about the student’s SEND, interventions and the support of specialists. The information should be used as part of regular discussions with the student and, where appropriate, the family, about the student’s progress, the expected outcomes and planned next steps.

As with schools, colleges will determine their own approach to record keeping but should ensure that Individualised Learner Record (ILR) data is recorded accurately and in a timely manner in line with funding rules. Where students have EHC plans, colleges should provide the local authority with regular information about the progress that student is making towards the agreed outcomes set out in their EHC plan.

Where a student has support from the local authority’s high needs funding but does not have an EHC plan, colleges should also provide information on the student’s progress to the local authority to inform its commissioning decisions.

### Education, Health and Care Needs Assessment

Some learners and young people may require an Education, Health and Care (EHC) needs assessment in order for the local authority to decide whether it is necessary for it to make provision. Details of this process are set out in Chapter 9 of the Code of Practice and local information can be accessed here

<https://www.edulink.networcs.net/senreform/DRAFT%20Education%20Health%20and%20Care%20Plans/Forms/AllItems.aspx>

The purpose of an EHC plan is to make special educational provision to meet the special educational needs of the child or young person, to secure the best possible outcomes for them across education, health and social care and, as they get older, prepare them for adulthood. To achieve this, local authorities use the information from the assessment to:

- establish and record the views, interests and aspirations of the young person, and their parents/carers where appropriate
- provide a full description of the young person's special educational needs and any health and social care needs
- establish outcomes across education, health and social care based on the young person's needs and aspirations
- specify the provision required and how education, health and care services will work together to meet the young person's needs and support the achievement of the agreed outcomes

A local authority must conduct an assessment of education, health and care needs when it considers that it may be necessary for special educational provision to be made for the young person. The factors a local authority should take into account in deciding whether it needs to undertake an EHC needs assessment include:

- ✓ Evidence of academic attainment and rate of progress
- ✓ Information about the nature, extent and context of the young person's SEN
- ✓ Evidence of the action already taken by the post-16 institution to meet SEN
- ✓ Evidence that where progress has been made, it has only been made as a result of much additional intervention and support over and above that which is usually provided

- ✓ Evidence of the young person's physical, emotional and social development and health needs
- ✓ Where a young person is over 18, the local authority must consider whether a young person requires additional time to complete their education or training

The EHC needs assessment should not normally be the first step in the process, rather it should follow on from planning already undertaken with parents and young people in conjunction with the school, post-16 institution or other provider.

### Good Practice checklist

The Children and Families Act 2014, the National Funding Model and the OFSTED Inspection Framework all present challenges for all Education settings, in terms of the expectations and responsibilities they have relating to learners with SEND.

Good practice dictates that all educational institutions should work within the National Funding Model and the SEND Code of Practice to make reasonable adjustments for learners with SEND, and evidence use of funding from their own budgets, from Elements 1 and 2, to facilitate this. This will vary according to the severity and complexity of need.

An evidence base should demonstrate how colleges are using their funding to make more specialist provision for students with more complex needs.

For a small number of students with High Level Needs, it may be appropriate for colleges to request "Top Up" funding from the Local Authority (Element 3).

Using the appropriate level of funding to meet the needs of students with SEND is key to making the correct provision for them, and colleges will need to demonstrate that they have the following in place:

- support mechanisms to meet a range of need within the 4 broad areas outlined in this document
- appropriately trained and experienced staff
- access to specialist external agencies

- procedures and systems for assessment and review
- the capacity to make reasonable adjustments to ensure they can provide an inclusive learning environment for all learners, including those with SEND

Prospective students with SEND, and their families, will want to know how suitable a particular college is for them, and this Post-16 Ordinarily Available document will give some background and context.

**However, the key issues and information they will be looking for must be set out in the college's local offer, which should be detailed on their website and in their literature.**

These are some of the main areas which colleges should consider and include in their local offer as they continue to develop and promote their provision for students with SEND, aged 16 – 25.

- How will college staff support the young person?
- How will the curriculum be matched to the young person's needs?
- What support will there be for the young person's overall well-being?
- What specialist services and expertise are available at or accessed by the college?
- What training has the staff supporting young people with SEND had or having?
- How will the young person be included in activities outside the classroom including school/college trips?
- How accessible is the college environment?
- How will the college prepare and support the young person to join the college, transfer to a college or the next stage of education and life?
- How are the college's resources allocated and matched to a young person's SEND?
- How is the decision made about what type and how much support the young person will receive?
- How does the college celebrate the success of young people with SEND?
- What are the opportunities for young people with SEND to access Supported Internships or other work experience?
- How are parents/carers involved in the setting/school/college? How can they be involved?
- How will students and their parents/carers know how well they are doing and how will you help the parent/carer to support the young person's learning?

**Related information sites:**

**Children and Families Act 2014** – <http://tinyurl.com/CandFAct2014>

**Equality Act 2010: Advice for Schools** – <http://tinyurl.com/EA2010AdviceForSchools>

**Reasonable adjustments for disabled pupils 2015** – <http://tinyurl.com/EAreasonable-adjustments>

**Supporting pupils at school with medical conditions 2014** – <http://tinyurl.com/school-medicines>

**Working Together to Safeguard Children 2015** – <http://tinyurl.com/safeguard-children>

**National Sensory Impairment Partnership** – [www.natsip.org.uk](http://www.natsip.org.uk)

**Social Care for Deafblind Children and Adults Guidance 2014** – <http://tinyurl.com/DeafblindGuidance>

**Looked After Children** – [http://www.worcestershire.gov.uk/info/20028/adoption\\_and\\_fostering/184/specialist\\_support\\_services](http://www.worcestershire.gov.uk/info/20028/adoption_and_fostering/184/specialist_support_services)

**SEND Information Advice and Support Service** – <http://tinyurl.com/WCCSENDIASS>

**SEN Reform website** – <https://www.edulink.networcs.net/senreform/Pages/SENReformHome.aspx>

**Worcestershire Local Offer** – [www.worcestershirelocaloffer.org.uk](http://www.worcestershirelocaloffer.org.uk)