



IPSEA

Preparing for Adulthood

Information for schools and colleges who work with young people with SEN

This booklet is about the rights of young people aged 16-25 with special educational needs and disabilities. It outlines their rights to additional support in their education or training at school, college and beyond.

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→ 1. Introduction

Who is this booklet for?

This booklet is aimed at:

- SENCOs in mainstream schools,
- staff with responsibility for SEN in colleges, and
- teachers and other staff in special schools,

who work with young people (aged 16-25) with special educational needs and disabilities (SEND).

Young people themselves and their parents may also find this information helpful.

It aims to set out their legal entitlements to additional support so that they can access education and training in order to achieve to the best of their abilities.

Who is IPSEA?

IPSEA exists because children and young people with SEND are legally entitled to the right education. IPSEA is a national charity which provides free legally-based advice to parents of children with special educational needs and disabilities. As well as advising individual families, we seek to improve SEN policy across England using the evidence we gather via our services.

→ 2. Young people with SEND: What are their rights?

Young people with SEND are legally entitled to be supported in education or training up to the age of 25. This support can take a number of different forms.

Key definitions

A **young person** is someone over compulsory school age but under 25. A child becomes a young person at the end of the school year in which they turn 16.

A young person has **special educational needs** if they have a learning difficulty or disability which calls for special educational provision to be made for them.

A young person has a **learning difficulty or disability** if they have significantly greater difficulty in learning than the majority of others of the same age, or if they have a disability which prevents or hinders them from making use of facilities of a kind generally provided for others of the same age in mainstream post-16 institutions.

Special educational provision means any education or training provision that is additional to, or different from, that made generally for others of the same age in mainstream post-16 institutions.

All of these definitions are quite wide, because the law is designed to support a wide range of young people.

SEN Support at 16+

SEN Support, which may also be called additional learning support, is additional support put in place for young people with SEN, who require more support than other students of their own age, but whose needs are not so significant that they require an Education, Health and Care (EHC) plan. SEN Support is generally funded from disadvantage funding.

Chapters 6 and 7 of the Special Educational Needs and Disability Code of Practice (“**the Code**”), which is statutory guidance, sets out the expectations on schools and colleges respectively. Amongst other things:

- They should keep a record of the support provided to the student in an Individualised Learner Record, which should be regularly reviewed to assess whether the interventions in place are working
- They may consider involving specialists such as educational psychologists, mental health services, specialist teachers, and therapists to advise on how best to support a student with SEND at any time
- They should always involve specialists where the student’s needs are not being met despite interventions having been made by the school or college
- They should ensure their staff interact appropriately and inclusively with students with SEND and that they have appropriate expertise within their workforce, as well as access to specialist skills and expertise, to support the learning of students with SEN.

If a young person is not making progress on SEN Support, or is in need of support greater than that which can be provided through SEN Support, the young person or the school or college could consider requesting an Education, Health and Care (EHC) needs assessment. This can be done at any time before the young person turns 25.

Entitlement to an EHC needs assessment

A young person, or their school or college, can request that their Local Authority (LA) carries out an assessment of their education, health and care needs, if they require additional support in school or college. A young person’s parents can make the request if the young person does not have the capacity to do so themselves.

The young person, or the person making the request, should provide the LA with evidence to support their request for an assessment. The LA must then carry out an assessment if it determines that the young person has or may have special educational needs, and they may require special educational provision through an EHC plan.

Support through an EHC plan

An EHC plan is a legally binding document which sets out the young person’s needs and the provision required to meet those needs, along with the outcomes sought for that young person. The LA **must** provide and fund any educational provision and social care provision set out in the plan. The local Clinical Commissioning Group **must** provide any health provision set out in the plan. This means an EHC plan usually brings with it additional funding.

If a school or further education institution is named in an EHC plan then it must admit the young person the plan is maintained for.¹ See the text box *'Types of school or college a young person can request'* for further information on the type of education institutions which a young person might attend.

It is possible that a young person did not need an EHC plan earlier in their school career, but might need one to support them in the next stages of education or training.

Discussion point:

How are the young people in your setting supported?

How are their needs for support likely to change as they approach adulthood?

Are they and their families aware of their entitlements to support?

→ 3. Education options for young people with SEND

There are a number of education and training options open to young people with SEND. Some of these may be available through the institution the young person attends, or it might be necessary to advise young people on the other options available to them. School and college staff could look at the LA's local offer, where there should be information about preparing for adulthood and the different educational settings and services available in the local area.

Schools (for post-16)

Young people may attend a school sixth form (or equivalent). There are lots of different types of schools, but all of them have obligations to support young people with SEN. The schools listed in the textbox must have SEN Support in place for any pupils who require it; they must admit any pupil whose EHC plan names that school; and they must co-operate in ensuring the provision in that EHC plan is made.

Types of school or college a young person can request

Maintained schools or colleges are those funded directly by the LA. These can be mainstream or special. Young people with SEND in a mainstream school or college can be supported on SEN Support or through an EHC plan. All young people in specialist settings should have an EHC plan.

Academies and **Free Schools** are a different type of state-funded school or college, which are funded directly from central government. However, when it comes to SEND, the same rules apply to them as to maintained schools and colleges.

Non-maintained special schools or colleges are schools for children with special educational needs that the Secretary of State for Education has approved under section 342 of the Education Act 1996. They are independent of local authority control but the children and young people who attend these schools are almost always funded by the LA, through an EHC plan.

¹ This does not apply to independent schools – they need to agree to being named in an EHC plan.

Section 41 schools or colleges are independent institutions which have 'opted in' to the legal regime around SEND, by gaining approval from the Secretary of State for Education under section 41 of the Children and Families Act 2014. A list of section 41 institutions can be found on [the Government website](#).

For these types of school, a young person or their parents can request that particular school is named in their EHC plan. The LA must then name that school, and pay for the young person's attendance (if necessary), unless it can show that it is unsuitable for the age, ability, aptitude or special educational needs of the young person, or that the attendance of the young person would be incompatible with the provision of efficient education of others, or the efficient use of resources.

Independent schools (other than those described in the box) do not come under these rules, whether they are mainstream or special. Young people without EHC plans would need to pay fees to attend an independent school. For young people with EHC plans, if an independent school is named in their EHC plan, the LA should pay any necessary fees in order for the young person to attend. However, an independent school can only be named in an EHC plan if it has made an offer of a place to the young person, and the placement is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure.

Colleges and other Further Education (FE) institutions

Colleges and other FE institutions provide education or training for those over compulsory school age, but are not universities. A young person can request any college of the type listed in the text box above.

FE institutions must have SEN Support in place for any students who require it. They must admit any student whose EHC plan names that FE institution, and they must co-operate in ensuring the provision in that EHC plan is made.

Many colleges will also offer work experience and training options as part of their courses. More information on these options is set out below.

University and Higher Education

Some young people may wish to go on to university. The SEND support regime described in this booklet does not apply to universities. However, universities (like schools and colleges) are covered by the Equality Act 2010, meaning that they need to make reasonable adjustments for students with disabilities.

Disabled Students' Allowance (DSA) can cover the cost of additional support such as communication support workers, signers or note-takers. A study needs assessment will be carried out to work out what support is needed. UCAS recommend students start applying for DSA 6-9 months before the course begins.



4. Work experience and training options for young people with SEND

Supported internships

These are available to all young people aged 16 to 24 who have an EHC plan, who want to move into employment and need extra support to do so.

Supported internships are a structured study programme based primarily at an employer. They enable young people to achieve sustainable paid employment by equipping them with the skills they need for work, through learning in the workplace. Supported internships are unpaid, and last for a **minimum of six months**. Wherever possible, they support the young person to move into paid employment at the end of the programme. Alongside their time at the employer, young people complete a personalised study programme which includes the chance to study for relevant qualifications, if appropriate, and English and maths.

Young people on supported internships are expected to require a higher level of support than a trainee or apprentice, and will be offered workplace support in the form of a job coach, as well as support for their non-workplace learning. The job coach will provide in-work support for the young person, which tapers off as the individual becomes familiar with their role, but can always be contacted if issues arise. Job coaches also provide support to employers, increasing their confidence of working with these young people and helping them to understand the business case for employing a diverse workforce.

The supported internship will usually be organised through a post-16 or FE institution such as a college. The FE institution will have partnerships with local employers who are willing to take on supported interns. Once they have an employment placement, the young person will spend the majority of their time at the employer.

What does a supported internship involve?

- The young person will apply to the supported internship course they are interested in at an FE institution
- The FE institution will then assess the young person's abilities, interests and goals, and together they will identify an appropriate employer placement
- The young person will have an induction into the workplace
- The young person will then spend the majority of their time at the workplace learning on the job, but with continued support and off-the-job learning at the FE institution
- At the end of the supported internship (minimum 6 months) the young person may be able to take up paid employment with the employer.

(Note that this may vary depending on the provider.)

Off-the-job learning, once the intern has been successfully placed in an internship, can vary considerably. It will typically include employability skills, and those students who haven't already achieved GCSEs at grade C in English and maths should be working towards achieving them or following a relevant stepping stone qualification. Students who have profound or complex learning difficulties can be excluded from this requirement where appropriate.

The young person's EHC plan should name the FE institution in Section I (Placement). Details of the support they require and the programme they will be following will then be set out in Section B (the young person's special educational needs) and Section F (the special educational provision required to meet the young person's needs) respectively.

Supported internships are funded by a combination of funds from the [Education & Skills Funding Agency](#) and from the LA's high needs budget. The [Department for Work and Pensions Access to Work fund](#) can cover the additional support a young person may need for the in-work element of a supported internship, and can fund:

- Job coaches (where they support interns directly in their work placements; other support provided by a job coach, such as life skills and any educational activities will need to be funded separately)
- Specialist equipment for the days that a young person is at the employer's premises, and
- The cost of travelling to work if the young person is unable to use public transport.



You can find more information in [the Government guidance on supported internships](#).

Traineeships

A traineeship is an education and training programme with work experience that is designed to help young people aged 16 to 24 who don't yet have the appropriate skills or experience to secure an apprenticeship or employment. A traineeship can help them to become 'work ready', and may be a stepping stone to an apprenticeship. Traineeships are unpaid and last for a maximum of 6 months, but many are shorter.

They are currently open to young people aged 16 to 24, including those with EHC plans. Young people with EHC plans can retain their plan when undertaking a traineeship. For a young person with an EHC plan, the training provider should be named in Section I (Placement). Details of the support they require and the programme they will be following will then be set out in Sections B (the young person's special educational needs) and Section F (the special educational provision required to meet the young person's needs) respectively.

Young people can see what types of traineeship are available and apply for traineeships [online](#). Young people with SEND are likely to need some additional support so may want to first look into courses which incorporate traineeships at their local college, or speak to the [National Careers Service](#).

Traineeships are for young people who haven't done qualifications above GCSEs/Level 2. No qualifications are needed to begin a traineeship, but students who do not already have a C or above in GCSE English and maths will need to work towards these or towards a functional skills qualification at Level 2 as part of their training.

Traineeships are funded by the [Education & Skills Funding Agency](#). As above, the [Department for Work and Pensions Access to Work fund](#) can cover the additional support a young person may need for a traineeship in the same way as it can for a supported internship.

Apprenticeships

Apprenticeships are paid jobs that incorporate training, leading to nationally recognised qualifications. Apprentices earn as they learn and gain practical skills in the workplace. Many lead to highly skilled careers.

Young people can apply either for a particular role (through the '[Find an Apprenticeship](#)' page on the government website) or contact a training provider to find out what roles they offer locally. Young people with SEND might want to discuss their needs with local training providers, in order to identify potentially appropriate placements together.

Young people with EHC plans can retain their plan when on an apprenticeship. (The training provider will be likely to want to review the young person's plan in order to properly understand their needs, but the young person is under no obligation to disclose details of their special needs to the employer.) The EHC plan could specify the support the young person will need on the apprenticeship – this might be additional support with particular tasks, particular equipment, a mentoring or buddy system, or a requirement for instructions to be given in a particular way.

Where a young person has an EHC plan, the training provider should be named in Section I (Placement). Details of the support they require and the programme they will be following will then be set out in Section B (the young person's special educational needs) and Section F (the special educational provision required to meet the young person's needs) respectively.

Discussion point:

How do the above programmes fit with your students' hopes and aspirations?

Do your students know about their options for further education or training?

Do you know how your students can access these different options in your local area?

→ 5. What should the school, college or other provider be doing to support young people with SEND?

As set out above, for young people with SEND but without EHC plans, there are a range of obligations set out in the Code on schools and FE institutions to provide SEN Support.

For young people with EHC plans, the school or FE institution must co-operate with the LA in ensuring the provision set out in the plan is made. They must also participate in annual reviews (the LA must ensure these happen, but can request that the school or college organises and holds them on its behalf).

From year 9 onwards, annual reviews should focus on preparing for adulthood, and EHC plans should be amended to contain provision to assist with this goal. This should include:

- Support to prepare for higher education or employment
- Support to prepare for independent living
- Support in maintaining good health in adult life, and
- Support in participating in society.

See the section of IPSEA's website on [Annual Review](#) which can be helpful for young people, parents or teachers to consider in advance of the meeting.

→ 6. What should the LA be doing to support young people with SEND?

For young people without EHC plans, the general duties set out in the Code apply: LAs should ensure that young people are involved in discussions and decisions about their support and provision, and that they have the information, advice and support necessary to enable them to participate in those decisions. Chapter 1 of the Code sets out these duties in more detail.

Importantly, for young people with EHC plans, the ultimate legal obligation to ensure the provision set out in the plan is made rests with the LA. If the plan is not being properly implemented, the LA is in breach of its legal obligations. Similarly, it is the LA who has the duty to conduct EHC needs assessments and take decisions in relation to those assessments. See below for what to do if you disagree with a decision taken by the LA.

As mentioned above, it is the LA's legal duty to ensure annual reviews are carried out every year, and that necessary changes to the plan are made.

7. Transition between stages of education – what should be happening and when?

From year 9 onwards, schools should be considering how best to prepare children and young people for adulthood. Children, young people and their parents should be involved in these discussions.

When a young person moves from school to a post-16 institution, or from one post-16 institution to another, education, health and social care should work together to ensure they continue to get the support they need. The Code states that the target outcomes set for young people on SEN Support or with an EHC plan should include those needed to make successful transitions between phases of education and to prepare for adult life.

Schools or colleges should engage with the new setting as far in advance as possible to help plan for these transitions. They should share key information (in particular the young person's EHC plan or Individual Learner Record) with the school, college or other setting the young person is moving to. Where a pupil is remaining at the school for post-16 provision, this planning and preparation should include consideration of how to provide a high quality study programme.

Schools or colleges should have plans in place for normal transition times (for example the end of year 11 or the end of year 13). If a young person moves setting outside of the normal times (for example, if they move to a new college during an academic year), both the old and new setting should share information and work with the LA to ensure the move takes place as smoothly as possible.

When a young person moves on to higher education or employment, they move outside the scope of the Children and Families Act 2014. This means the support described in this booklet will cease. SENCOs, along with the LA, should support them in this transition, seeking and giving advice on:

- The support and benefits that may be available to them if they are going on to employment
- Identifying what support they may be able to access in higher education, and if relevant, making an application for Disabled Students' Allowance to fund this.



Discussion point:

When do you start discussing future transitions with your students?

Who do you work with in helping your students prepare for adulthood?

8. What to do when things aren't working

The LA decides not to carry out an EHC needs assessment or, following an assessment, decides not to issue an EHC plan

If a young person with SEND needs more support than they can access through SEN Support, you should consider applying for an EHC needs assessment.

If the assessment is refused, the young person has a right of appeal to the First-tier Tribunal (Special Educational Needs and Disability). The young person's parents can bring the appeal if the young person does not have the capacity to do so themselves.

As mentioned above, the LA must assess whether the young person has or may have special educational needs, which may require provision to be made through an EHC plan. This is a low bar. Considerations which take into account other factors – for example, stating that the young person needs to meet a certain funding threshold before the LA will assess – are not lawful.

Where a young person has been assessed, the LA must issue an EHC plan if it is necessary for provision to be made through such a plan. The LA cannot refuse for reasons which are not related to this, such as the young person's age (as long as they are under 25) or because the young person has completed a particular course.

For advice and support in challenging a LA's decision, young people and their families can contact their local [Information Advice and Support Service \(IASS\)](#), or get in touch with IPSEA.

A young person has an EHC plan, but the school/college is not putting it into effect

The ultimate legal obligation to make the provision set out in an EHC plan rests with the LA. Therefore if a school or college is failing to make that provision, the young person or their parents/carers can alert the LA, which should take steps to ensure the provision is made – even if this means providing additional funding. If this does not happen, see the next section below.

Where a school or college is failing to implement a young person's EHC plan, the young person or their parents or carers would also be entitled to make a complaint to the governing body or proprietor of the school, college or other setting.

A young person has an EHC plan, but the LA is not putting it into effect

If the LA is failing to make or fund the provision set out in an EHC plan, it is in breach of its legal obligations. The young person, or their parents or carers, can make a complaint to the Director of Children's Services. IPSEA has some [model letters](#) which they could use, available on our website.

If the complaint is unsuccessful, they could take it to the Local Government Ombudsman. The Ombudsman has the power to ask the LA to:

- apologise
- provide a service that the young person should have had previously
- make a decision it should have made before
- reconsider a decision it did not take properly in the first place
- improve its procedures so similar problems do not happen again
- make a compensation payment.

The Ombudsman does not have legal powers to force LAs to follow their recommendations, but LAs will almost always do as the Local Government Ombudsman recommends.

The LA decides to cease an EHC plan or stop funding a young person's placement

If after an annual review or at any time, the LA decides to stop maintaining the young person's EHC plan, the young person has a right of appeal to the First-tier Tribunal.

The LA is **not** allowed to simply stop funding a placement without amending or ceasing the young person's EHC plan. This is because it can't make a decision this significant without the young person having the right to appeal against it. If the LA tries to do this, then the young person and/or their family should seek advice from [their local IASS](#) or by contacting IPSEA through [our website](#).

The **only** legal reason for a LA to cease an EHC plan is if it considers that it is no longer necessary. The LA must be able to show why the young person no longer needs the support in the plan. For young people over 18, the LA **must** have regard to whether the educational or training outcomes in the EHC plan have been achieved. For a young person who is not in education, work or training (or runs the risk of becoming so in the near future), the EHC plan **must** be reviewed and the LA may have to amend it to ensure the young person can return to education or training if they so wish.

If an EHC plan is ceased and the young person disagrees with this decision, the young person has a right of appeal to the First-tier Tribunal (Special Educational Needs and Disability). The young person's parents can bring the appeal if the young person does not have the capacity to do so. While the appeal is going on, the LA **must** keep the provision in the EHC plan in place.

For advice and support, young people and their families can contact their local [Information Advice and Support Service \(IASS\)](#), or get in touch with IPSEA.

Rights of appeal when amending, ceasing or maintaining an EHC plan

After each annual review, the LA can decide:

- To cease the EHC plan
- To amend the EHC plan, or
- To continue to maintain the EHC plan in its current form.

Whichever decision the LA takes, the young person has a right of appeal to the First-tier Tribunal (Special Educational Needs and Disability). If the provision set out in the EHC plan is no longer adequate, this could be a way of getting it changed.

→ 9. Still have questions?

For advice about support for special educational needs, young people or their families can contact their local Information, Advice and Support Service (IASS).

You can search for details of your local IASS at

<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/find-your-local-ias-service>

More detail about options post-16 can be found on the Preparing for Adulthood website: <http://www.preparingforadulthood.org.uk/>

The Council for Disabled Children has several resources for young people:

<https://councilfordisabledchildren.org.uk/resources-and-help/im-young-person>

For advice about benefits, contact Civil Legal Advice on 0345 345 4345 or your local Citizen's Advice Bureau (CAB): www.citizensadvice.org.uk

For advice about social care, get in touch with Contact a Family: www.cafamily.org.uk or call 0808 808 3555

There is also a lot more information, and details of how to contact us, on IPSEA's website: www.ipsea.org.uk

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