



IPSEA

Independent Parental Special Education Advice

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With or without a diagnosis of a particular condition, what kind of support can a young person expect for their SEN in college?

There was a change in the SEN legal framework that came into effect at the beginning of September 2014, with the Children and Families Act 2014 and the issue of a new SEN and Disability Code of Practice 2014. The Code is guidance on the law but is a very helpful place to start. The Code applies to various bodies, including in particular, local authorities and the governing bodies of most types of schools and further education colleges.

You can find the SEN and Disability Code of Practice here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf

Chapter 7 of the Code contains the statutory guidance to which further education colleges, sixth form colleges, 16 – 19 Academies and some independent specialist colleges (who are approved under s.41 Children and Families Act 2014) must have regard. It explains their duties to identify, assess and provide support for young people with SEN (whether or not they have an EHC Plan).

Any reference within the Code to something which a body “**must**” do, will indicate that there is an underlying statutory requirement which means the body has to act in that way. The requirements set out in the Code are underpinned by a duty in s66(2) of the Children and Families Act 2014:

“(2) If a registered pupil or a student at a school or other institution has special educational needs, the appropriate authority must, in exercising its functions in relation to the school or other institution, use its best endeavours to secure that the special educational provision called for by the pupil’s or student’s special educational needs is made”

This statutory duty applies to mainstream schools (and their sixth forms), 16-19 Academies, institutions within the further education sector, pupil referral units and alternative provision Academies.

The Code of Practice is very clear on what the aim of those educating young people should be. Paragraph 7.5 says:

“Colleges should be ambitious for young people with SEN, whatever their needs and whatever their level of study. They should focus on supporting young people so they can progress and reach positive destinations in adult life. These destinations include higher education or further training or employment, independent living (which means having choice and control over the support received), good health and participating in the community.”

Providing advice to parents of children with special educational needs

Paragraph 7.10 requires that:

“Colleges should be involved in transition planning between school and college so that they can prepare to meet the student’s needs and ensure a successful transition into college life. Chapter 8, paragraphs 8.22 to 8.28, gives guidance to schools and colleges on how they should work together to smooth that transition. Colleges should give all applicants an opportunity before or at entry and at subsequent points, to declare whether they have a learning need, a disability or a medical condition which will affect their learning. If a student makes a declaration the college should discuss with the student how they will provide support. Any screenings and assessments should be differentiated and proportionate to the likely level of SEN.”

In addition to transition planning, once in post-16 education, paragraph 7.13 makes clear:

“Where a student has a learning difficulty or disability that calls for special educational provision, the college **must** use its best endeavours to put appropriate support in place. 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. “

This will require assessing the need, planning the support for that need, putting it into place and reviewing its effectiveness regularly and chapter 7 has more detail which you might want to look at. Although the process is not defined in quite the same terms as the “Assess, Plan, Do and Review” cycle which schools must observe, it is largely the same.

Whilst there is no requirement for these institutions to have a SENCO, paragraph 7.22 is clear that they must have:

- appropriate expertise within their workforce;
- access to specialist skills and expertise to support the learning of students with SEN;
- a named person in the college with oversight of SEN provision to ensure co-ordination of support, similar to the role of the SEN Co-ordinator (SENCO) in schools. This person should contribute to the strategic and operational management of the college;

Therefore, there are processes relating to transition to college and SEN Support in post 16-education which must be followed.

However, it may be that the support required is greater than that which can be provided from school/college’s resources. Similarly, a young person may require longer to pursue a course of study or training than his/her peers without SEN or disabilities. If this is the case, either the school/college or the young person can make a request for an Education, Health and Care needs assessment, the process that leads to an EHC Plan being issued.

We won't provide further information about EHC needs assessments here, but there is a lot of information on our web site:

<https://www.ipsea.org.uk/what-you-need-to-know/ehc-needs-assessments>

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We only provide information through this service, rather than offer direct advice. So if you need this, or you wish to discuss the situation with someone, you should use our Advice Line:

<https://www.ipsea.org.uk/contact/advice-and-support/advice-line>

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