



FE SEND Reform Implementation Findings and Emerging Practice



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Section 1 Purpose of Report

The purpose of this report is to provide an overview of the evidence gathered by Achievement for All (AfA) whilst delivering Special Educational Needs and/or Disability (SEND) Reform Implementation Reviews (IRs) to 40 post-16 settings in England and present our key findings.

AfA was funded by the Department for Education (DfE) through the National Prospectus Grant Programme to deliver SEND Reform Implementation Reviews to 40 colleges (30 general FE colleges, seven sixth form colleges and three specialist colleges) in the 2015/16 financial year.

The IRs were delivered over a period of six weeks by a specialist FE Review coach. Each college was visited four times by their allocated coach, firstly to gather information and evidence, secondly to conduct the IR and thirdly to present their findings and a report to the colleges. The coach returned a term later for a fourth visit to assess progress and offer further recommendations. Colleges were offered phone/online support from the coach between the third and fourth visit.

It was decided that to meet the terms of the grant agreement and to provide the most useful outcomes to colleges, the focus of the process would be an audit of compliance with the SEND code of practice:0-25 years (the Code), not an assessment of effective SEND practice. This was felt to be the best process for securing objective data based on statutory requirements of the Code. While there is considerable overlap between the Code compliance and good SEND practice they are not identical and many positive aspects of SEND practice currently in place are not specified in the Code.

Evidence was captured via an audit document (see Appendix 1) which sought to condense the major aspects of the Code and to relate all evidence collection and judgements to specific statements in the Code. It was organised into ten thematic sections: The Local Offer; Working with Local Authorities (LAs), Health and Social Care; Transition; Assessing Needs; Staff Expertise; Involving Families and Young People; Funding; Programmes of Study; Preparing for Adulthood; The Education, Health and Care Plan (EHCP).

Colleges' performance against statements from the Code was RAG rated against the level descriptors from the audit document (see Section 3 for a description of the RAG rating).

The audit document provided thematic coverage of the Code, alongside a transparent tool through which recommendations and RAG ratings could be tracked to specific pieces of evidence which in turn were directly linked to specific provisions of the Code. This provided a robust balance between quantitative coverage of the Code and qualitative judgements which were in every case subjected to an independent Quality Assurance process before being agreed and released to the college.

This report synthesises the learnings drawn from the 40 audits undertaken.

Section 2 Executive Summary

2.1 Background – the SEND Reforms and the FE sector

From 1st September 2014 all further education colleges, sixth form colleges, 16-19 academies and independent specialist colleges have had statutory duties in regards to young people with special educational needs and disabilities (SEND) under the Children and Families Act. The Code has:

- Replaced SEN statements and learning disability assessments with education, health care plan – setting out in one place all the support families will receive;
- Required better co-operation between councils and health services to make sure services for children and young people with SEN and disabilities are jointly planned and commissioned;
- Given parents and young people with education, health and care plans the offer of personal budgets
- Required councils to publish a ‘local offer’ showing the support available in the area to all children and young people with disabilities or SEN;
- Introduced mediation for dispute;
- Required Local Authorities to publish a ‘local offer’ showing the support available in the area to all children and young people who have disabilities or SEN.

The principles of the reforms – which apply to all young people with SEND – include greater participation of young people and their families in decision making, a focus on outcomes rather than inputs, and better preparation of young people for adult life.

For colleges, key requirements of the SEND Reforms include:

- A lead in the college should have overall responsibility for implementation of the SEND reforms and ensure that the wider college community, including the governing body, understands their implications.
- The college should be working with LAs to determine the college’s place within the Local Offer for students with disabilities and learning difficulties, as well as to discuss the transition of students from LDAs to EHCPs.
- Students and parents should have been made aware of the reforms and arrangements should be in place to ensure that young people and their parents are regularly engaged in discussions about progress.
- The college should have reviewed the deployment of learning support staff in order to maximise the progress of students with SEND.

2.2 Wider Challenges facing the FE sector

During the year of delivering the IRs, our team observed a sector facing additional challenges to those presented by SEND Reform implementation:

- **Area based reviews** have led to uncertainty for many colleges as they are likely to result in a number of mergers and closures, which in turn has led some to be reluctant to make changes and innovate.
- **Cost cutting** strategies have been implemented by the sector including staff pay freezes, reduction in course numbers and increase in course sizes, use of unqualified staff and instructors for lectures, greater use of subcontracting, and

diminishment of capital spend including on supplies and infrastructure. Colleges have faced a 26% nominal reduction in revenue spending via the core adult skills budget between 2009/10 and 2015/16¹. According to the 2015 NAO report on sustainability in the FE sector 110 colleges recorded an operating deficit in 2013/14 up from 52 in 2010/11².

- **Compulsory maths and English** is a cause for concern for the many colleges.
- **High staff turnover** and the need to do more with fewer staff is leading to capacity issues.

Ofsted's *Moving forward? How well the further education and skills sector is preparing young people with high needs for adult life*³ survey explored the **early impact** that the Children and Families Act 2014 has had on the lives and prospects of learners with high needs. Inspectors found that the extent to which the 17 providers visited were equipped to support learners with high needs varied considerably. Key findings include:

- Less than half the providers were fully equipped to support the increased numbers of learners with high needs being enrolled.
- The quality of provision for learners with high needs was often not of a high enough standard.
- Arrangements for recognising and recording learners' progress and achievements were weak.
- The effectiveness of commissioning arrangements for learners with high needs varied considerably.

2.3 Overview of key findings from the IRs

The information gathered from our IR process indicates that colleges in England are engaging seriously with the implementation of the Code, adapting practice, making changes to staffing and introducing new processes to conform to the Code. A summary of key findings is below:

Progress

- The eventual establishment of EHCPs as the default system of delivery for SEND in the FE sector will be a benefit. Needs and provision for learners with SEND will be established at an early stage to provide more clarity for settings and reduce time and resource spent on negotiation and dispute.
- Full cooperative relationships with the Health and Care sectors only exist in a minority of colleges, despite purposeful efforts from colleges. All these relationships require the use of scarce resources from the college sector, and it is to their credit that many colleges have increased the staffing and other resources to this area in recognition of its importance. This is also dependent upon the stability of staffing and cooperative approaches from partners.
- The best colleges are making proactive and creative responses to the demands of the Code, treating it not as an aspirational target to grow towards, but as a

¹ Higher, Further, Faster, More. Improving higher level professional and technical education – Natasha Porter and Jonathan Simons (Policy Exchange, 2015)

²Overseeing financial sustainability in the further education sector (National Audit Office; July 2015).

³ Moving forward? How well the further education and skills sector is preparing young people with high needs for adult life (Ofsted, March 2016, No. 160017)

baseline to grow from. Stable, cooperative relationships with learners, families, LAs, feeder schools and other stakeholders, while not removing all challenges, proves to be the best guarantor of positive outcomes for colleges and learners.

Challenges

- Key relationships with LAs are variable and are a defining factor in successful implementation of the Code.
- The need to establish a greater range of working relationships and to increase the involvement of partners is a major challenge.
- The active participation of learners and families in planning processes is still an aspiration rather than an established fact.
- Information sharing and transition from the school sector, while in places outstanding, is still variable.
- Funding will remain a difficult issue, but cooperation and collaboration remain the best ways forward to maintaining quality of delivery and best outcomes for learners with SEND. They are particularly at risk if generic provision is threatened by an increased emphasis on making only the statutory provision defined in EHCPs. The Code is for **all** learners with SEND and those students who are not in receipt of an EHCP are equally deserving and entitled to quality services and provision. The IRs found evidence that EHCPs and High Needs are being conflated into being synonymous by some colleges.

Feedback from the colleges about the IR process has been very positive and indicates that the IRs are meeting a significant need in the sector. Colleges have welcomed the challenge and support offered by the review process and our experienced coaches. The IRs have provided colleges with a clear understanding of their progress and many are using the IR report as an action plan to implement change and improve their planning and practice.

Section 3 Findings and emerging practice

This section captures the outcomes of our IR audits, recorded under the thematic headings that relate to the Code as described in Section 1.

Colleges' performance against statements from the Code were RAG rated against the following level descriptors from the audit document (see Appendix 1 for an extract of the audit document). A brief outline of the level descriptors is below.

RAG rating	Level Descriptor
Red	Limited evidence available. Plans for implementation are vague, resources have not been clearly identified and there is timeline or milestones. Chains of responsibility for implementation are absent or unclear
Amber	Some evidence available. Clear timelines and milestones have not yet been fully identified. Individual staff responsibilities do not support the achievement of outcomes.
Green	Plans for implementation are detailed, resources identified and a timeline with clear milestones has been established. Staff responsibilities have been identified and support students to achieve outcomes

The project team made the decision to make the Green rating relate to clarity of vision, purpose and preparedness for implementation rather than settled finality. It was strongly felt that this reflected the stage colleges were at in 2015 in relation to implementation, and that to look for end points of implementation would create a negative picture that would not capture all of the very real strides colleges were making towards implementation. The RAG level descriptors were reviewed by key stakeholders from the FE sector who formed an SEND IR Advisory Group (see Appendix 2 for membership) who provided support and critical feedback during the IR process.

For the purposes of this report, RAG ratings have been amalgamated to present a picture of the position across all 40 colleges. This does not present variations between individual colleges, a rank order of colleges or regional variations. However, the database upon which these outcomes are based remains available for further investigation should subsets of data be required.

Each section below includes an extract from the Code, a narrative summary of findings and emerging practice, a diagram that illustrates the amalgamated RAG rating and a narrative summary of the challenges the IR colleges have faced.

The first two sections, the Local Offer and Working with the LA, Health and Social Care, were not tracked and rated through the audit in the same way as the later sections. This is because the relevant statements in the Code for these sections related, by and large, to the LA and not specifically to the college. Evidence from the college was captured in narrative form and has been summarised.

3.1 The Local Offer

The Code Requirements

The Local Offer should not simply be a directory of existing services' (The Code 4.3)

...reference to the involvement of the Governing Body, young people and parents, and the detailed provision in terms of: post 16 education and training; apprenticeships; traineeships and supported internships; preparing young people for adulthood; arrangements for travel; leisure activities. (The Code 4.30)

Findings and emerging practice

The majority of colleges had effectively engaged with this process to create a full account of services and experiences available to learners with SEND which was more than a shopping list of courses. They worked closely and collaboratively with the LA to publish this information on the LA website and the college website. They were committed to an annual update process.

There has been very successful LA collaboration on the production of the College's Local Offer via the provision of training, information sessions and workshops. The Principal and Head of Foundation and Supported Learning are members of the Executive Board of the LAs SEND Strategy Implementation Group.

The Head of School for Inclusive and Foundation Learning and the Learning Support Manager are active participants in the local partnership involving seven metropolitan boroughs, and also attend the local Post 16 SEND Working Group, Local Offer Stakeholder Panel and Schools Funding Forum.

Senior Leaders entered into dialogue with the LA to develop the Local Offer and support a 'Tell us once' approach and streamline services. This dialogue has shaped the local offer and achieved joint funding to build a new Autism Centre.

Challenges

Where colleges experienced challenge was in aligning their process with the LA. In a small number of cases the college had prepared their materials but the LA was not sufficiently advanced in their process to host the information on the website.

A small subset of colleges were not proactive and waited for detailed instructions from the LA which were not forthcoming.

3.2 Working with the Local Authority, Health and Social Care

The Code Requirements

Local authorities must work to integrate the educational provision with health and social care provision... Local partners (e.g. the college) must co-operate with the local authority in this... (The Code 3.13)

Findings and emerging practice

A wide range of practice was recorded in this area of work, including examples of excellence. Effective colleges had mapped local providers and contacts, responsibilities for liaison were clearly delineated and relationships established effectively. Key staff had a grasp of all the needs and provision required by learners with SEND and resources were used creatively to commission services and interventions not available from local providers. Being active participants in local and regional networks, contributing to working parties and generally engaging beyond the boundaries of the college all facilitated good practice in this area.

The Additional Learning Support/SEND Manager is a member of LA groups including the Preparing for Adulthood group and the project group committee. These groups have developed plans for Systematic Instruction training, the development of Supported Internship models.

Close liaison with local providers has facilitated two learners to have access to a Mental Health Adviser, Educational Psychology and Speech and Language Therapy services. The college commissions Active Learning for specific extra-curricular services identified on EHCPs (eg swimming).

Challenges

Colleges experienced difficulties when their strategies were largely reactive. They were waiting for problems to become acute before taking purposeful steps to meet needs and provide resource. This created difficulties and delays for learners and problems with resource allocation within colleges.

3.3 Transition

The Code requirements

Colleges should be involved in transition planning between school and college so that they can prepare to meet a student's needs and ensure a successful transition... (The Code 7.10)

Findings and emerging practice

Effective colleges have the following features in common: close contact with feeder schools; flexible transition arrangements to meet individual needs; involvement with transition reviews for high needs learners; active involvement of potential students and their families in transition planning.

Most colleges had some contact with feeder schools and potential students in year 11. A number had identified staff who could attend year 11 transition reviews. Only two colleges expressed confidence and the ability to extend their involvement in transition arrangements for learners with SEND to year nine. Practical considerations include the staff resources needed to liaise with and attend transition reviews, although this was felt to have benefits for both potential students and colleges. There was interest in going beyond the terms of the Code in offering advice on courses to year 11 reviews.

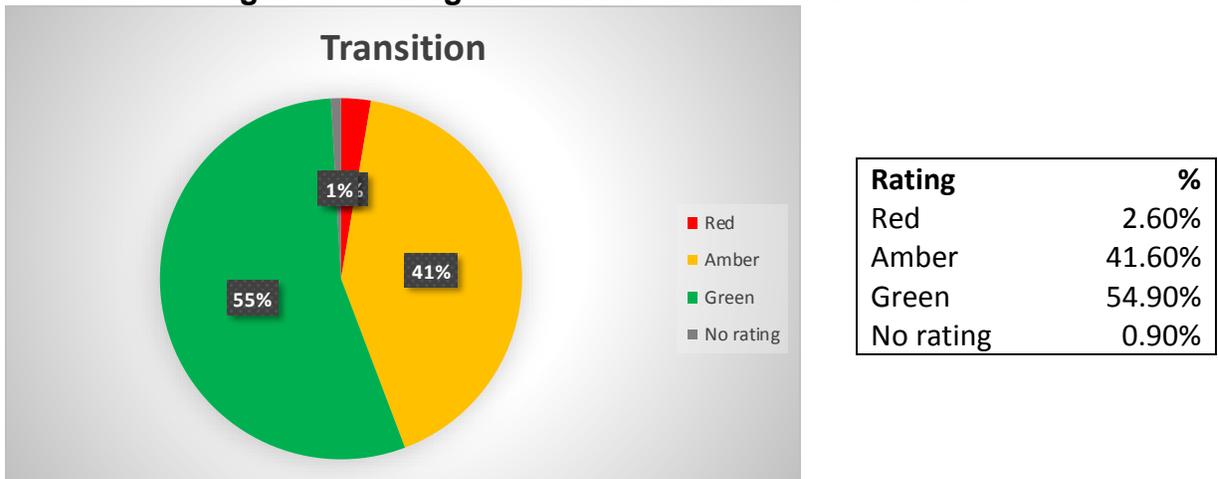
It is felt that this will produce EHCPs more specifically tailored to the college context, particularly in reflecting the programmes of study which are no longer tied to the national curriculum as they may be in schools.

The Skills for Working Life team have a six-week transition event for new learners in the summer term. Learners attend one day per week in June and July participating in activities and building relationships with staff. Additional college visits are available to learners who intend to apply to the college.

A college employs a 'School Partnership Coordinator' who links with a range of schools across LAs to support transition. She leads assemblies and event days and meets 1:1 with students who have expressed an interest in the college.

A fully-funded Summer School is held at the end of summer term each year for all students planning to commence Entry Level/Level 1 courses the following September.

Figure 1 – amalgamated RAG scores for Transition



Challenges

41.6% of responses were designated red and amber which demonstrates that this was an area of difficulty for colleges. Particular challenges arise from the requirement to be involved at an early stage in transition. Another considerable challenge for colleges was when they did not allocate resource to make contact with feeder schools and potential students.

3.4 Assessing Needs

The Code requirements

Colleges should give all applicants an opportunity before and 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. (The Code 7.10)

Findings and emerging practice

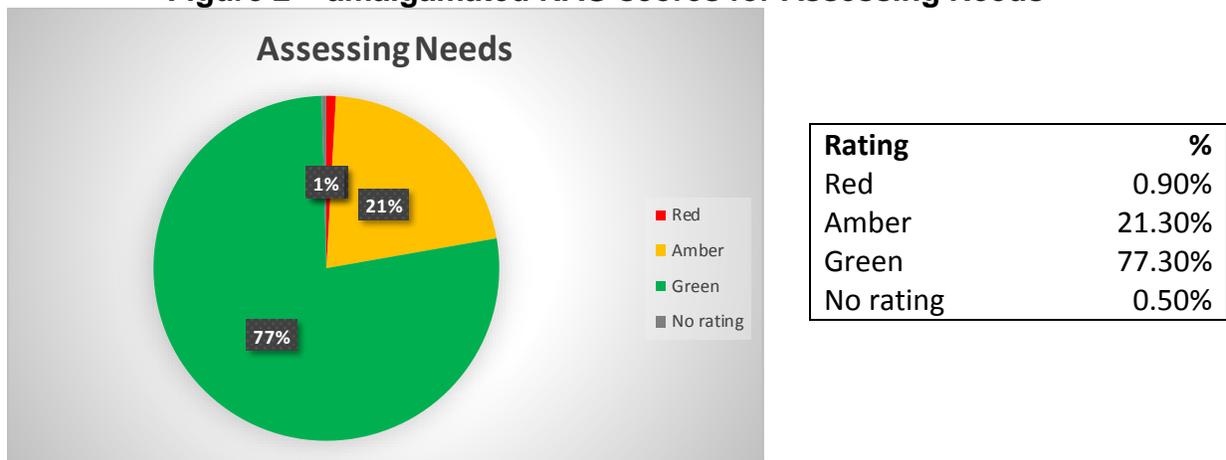
The evidence from the audits demonstrates that assessing needs is an area of relative strength in the practice of colleges. First-hand accounts from students and families evidence multiple opportunities for disclosure of needs, which are ongoing throughout the student's time at college. Computer based Management Information Systems (MIS) are much in evidence as the major tool for making all relevant staff aware of student needs and for updating and logging any emerging concerns. Secure log on systems ensure that information cannot be freely accessed by other students or staff not in contact with learners with SEND.

Those colleges with robust existing transition arrangements are making good use of information and historical data from feeder schools, and are becoming more assertive in seeking this out.

Staff liaise with multidisciplinary teams to gain copies of learner's latest reports including professional advice for EHCPs, which are discussed with the learner and their parent/carer. The Head of Learner support writes to every LA caseworker, school SENCO and Head Teacher of a special school in the college's area to invite them to meet to review the Local Offer and support provision within the college annually

There are rigorous initial assessment processes which ensure the best match for learners. The Foundation Studies Team attend all link reviews with schools and meet parents prior to learners starting college.

Figure 2 – amalgamated RAG scores for Assessing Needs



Challenges

A minority of colleges have strategies in place which are activated when severe problems emerge (for example, an intervention by a parent or the young person, or an issue emerging from tracking data). For the majority of colleges without these strategies, this means Students in the colleges might encounter difficulties for some time before any support or help is arranged. More generally, the assessment arrangements for EHCPs, including the full assessment of needs and the supporting professional reports, have not yet been fully embraced as the standard source of information for needs (part B) and provision (part F) due to the patchy nature of EHCP

conversion. This results in some colleges inefficiently duplicating assessments which have already been completed, and some students being subjected to unnecessary multiple assessments.

3.5 Staff Expertise

The Code requirements

The governing bodies of colleges... should ensure that they have appropriate expertise within their workforce. The Code 7.22

Findings and emerging practice

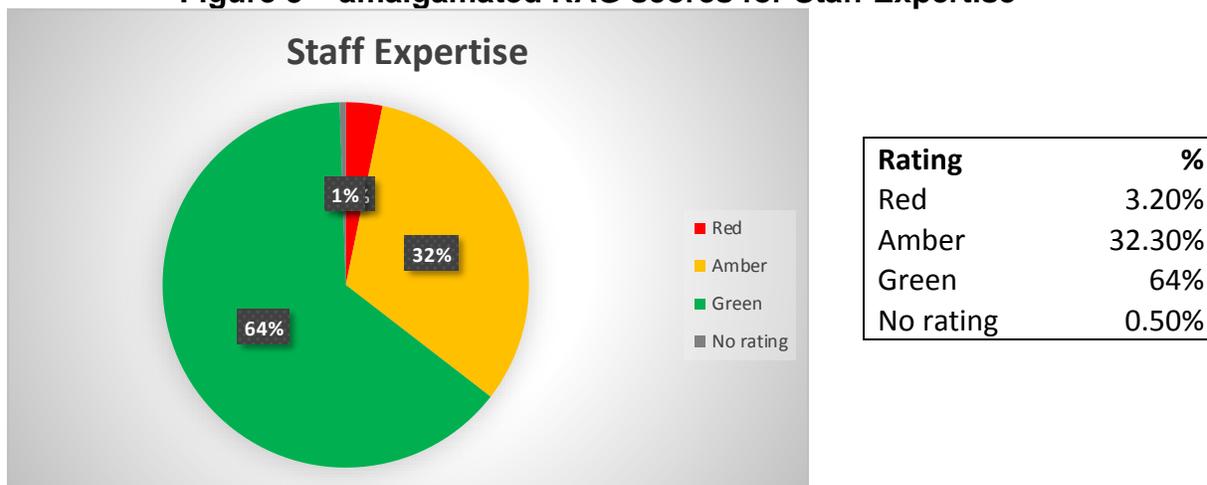
A useful distinction here is between staff expertise and staff specialism. All colleges have a small number of staff who, by training and experience, have developed a specialism in some aspects of SEND, but the expertise as described in the Code is wider than this. It encompasses knowing where to find specialist assistance and advice but not necessarily to pass the work of supporting SEND on to a specialist. In particular, teachers retain the primary responsibility for the progress and attainment of learners with SEND, even if part of their programme is being delivered by a Learning Support Assistant (LSA) or a member of specialist staff.

Almost all colleges had a designated member of staff in charge of overseeing SEND comparable to a SENCO at school level, but their level of seniority, job title and responsibilities varied between colleges.

Additional Learning Support staff attend course team meetings to ensure timely decision making and plan for learners at risk including timetable changes and general support requirements.

Mainstream teachers have to undertake mandatory training in disability awareness and have access to year round CPD around SEND reforms and training in specific strategies to meet the needs of learners with a wide range of disabilities and learning difficulties.

Figure 3 – amalgamated RAG scores for Staff Expertise



Challenges

Of those colleges who had significant number of amber ratings, there were 3 features which were apparent:

- Training may have been available, but not accessed by all staff or is too generic and not based on a flexible assessment of student needs.
- Work with learners with SEND was too confined to a small, often isolated group of specialists with insufficient support from the management structure.
- SEND knowledge and awareness did not permeate through all levels of staff – governors, senior management, teaching and support staff. A major source of the six red ratings was as a result of there not being adequate knowledge and involvement at governor level.

3.6 Social, Emotional and Mental Health

The Code requirements

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. (The Code 6.33)

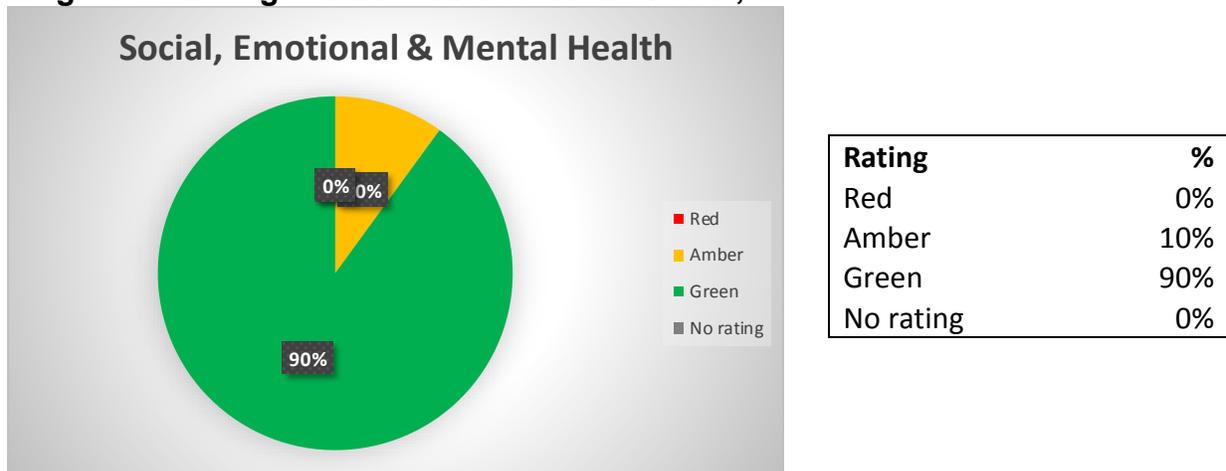
Findings and emerging practice

This area represents only a single requirement of the Code, and was singled out largely because it represented a significant change from the previous Code. Since the previous Code did not apply to colleges the validity of singling this area out may be questionable, but in the event it revealed an area of significant strength in the FE sector.

Almost all of the colleges in our sample provided an in-house counselling service available to all learners. Several (see appendices on Effective Practice) had made innovative partnerships with local CAMHS services, including bringing CAMHS workers on site. There is good provision and support for a range of needs including anger management, anxiety and depression. This compares very favourably with provision in the school sector, where this level of support is only beginning to be recognised as a significant need, accelerated by the new descriptor in the Code.

A college provides a counseling and psychotherapy service to learners with mental health conditions with one employed psychotherapy supervisor responsible for 10 post graduate trainee psychotherapists operating on all campuses through referral and appointment systems. The psychotherapy supervisor is line managed by the Coordinator for Mental Health and provides ten hours of weekly supervision for trainees. In addition, a team of six counsellors are employed full time to work on campus with students. Both teams are on the college payroll, funded from the Element 2 stream.

Figure 4 – amalgamated RAG scores for Social, Emotional and Mental Health



Challenges

One emerging challenge was that three colleges in our sample had or were in the process of removing their counselling provision. The reasons given were that counselling was not being specified in statutory EHCPs for High Needs students. This is an example of provision following funding rather than needs, and also reveals a lack of understanding about how non ring-fenced Element 2 funding can be used to meet the needs of a wider group of learners with SEND. It is a worrying sign for the future of generic provision for SEND if provision is aimed at what is specified in EHCPs only.

3.7 Funding

The Code requirements

...colleges are expected to provide appropriate, high quality SEN support using all available resources. (The Code 7.29)

Findings and emerging practice

Those colleges, the majority, who are taking proactive steps to provide a transparent funding system track and monitor all funding streams in relation to SEND and have clarity over their status and purpose. They can account for all spending on learners with SEND, not least so they can identify funding potentially available for personal budgets should they be requested. Funding which is not specifically allocated to individual learners with SEND is used creatively to meet the needs of all learners with SEND, through buying in specialist provision, providing generic services such as counselling or investing in the built environment to make reasonable adjustments.

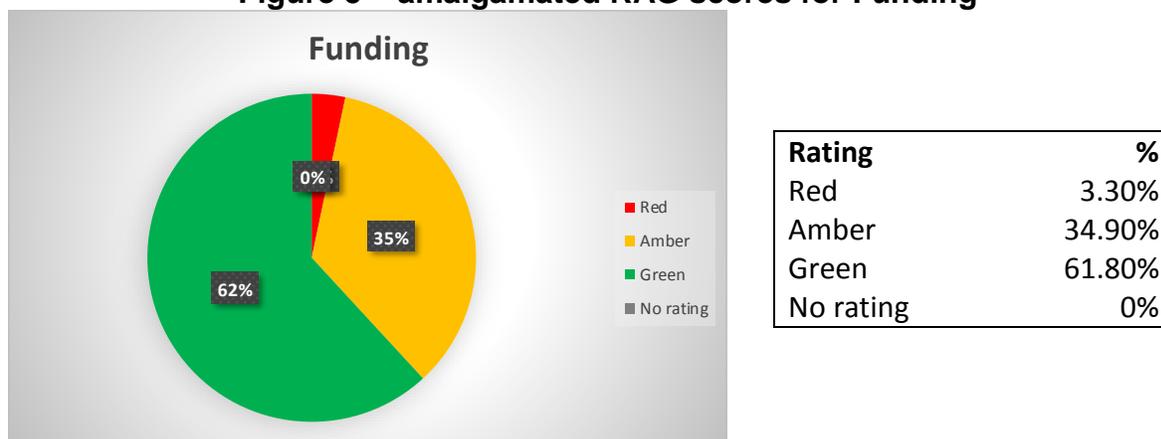
It was suggested by several colleges that 2015 represents the nadir of the process of transition between SEND systems, and that as the EHCP process becomes the norm and is firmly embedded the process will become clearer and simpler. It does seem as if the previous Learning Disability Allowance (LDA) regime was very combative between colleges and LAs, which has left a residue of culture and practice in which everything from needs to provision to funding is open to negotiation and dispute. With the continuation of the EHCP from year 11 to year 12 and beyond, there should be broad agreement, based on expert reports, about needs and provision, leaving only a discussion of the most cost effective way to make provision.

Should this be the case, there is an expectation that the position will become more efficient.

Potential students with High Needs are flagged by the LA and are invited into college for an assessment day. A student assessment report is then compiled for support needs and equipment. The Additional Learning Support fund and High Needs Funding are tracked and used to employ the appropriate staff and purchase equipment.

Investment in the Additional Learning Support team continues to reflect changes in learner profile e.g. the appointment of a specialist in Social, Emotional and Mental Health and the development of a team to respond to learners with high behavioural needs. There is a clear audit trail relating to costs for all learners with SEND.

Figure 5 – amalgamated RAG scores for Funding



Challenges

Funding was another area of significant challenge, with 35% of responses being rated amber and over 3% red. Challenges ranged from straightforward ignorance of the new funding arrangements to a lack of effective tracking and transparency. This was exacerbated by delays in EHCP conversion, which in the 2015 context meant that colleges were obliged to run multiple systems to manage the legacy of LDAs alongside EHCPs. In one extreme case, a large metropolitan college who had identified 200 potential Statemented students arriving in September 2015 received 1 completed EHCP.

In General FE colleges there is some confusion about how high needs funding is allocated, and a perception that they are at a disadvantage compared to 3-19 special schools and schools with sixth forms, because they have less funding available to support SEND across colleges’ student cohort. We note that there are some changes to high needs funding for FE colleges proposed in the Department’s recent high needs funding consultation, and hope that what is put in place clarifies the arrangements so that colleges no longer consider they are at a disadvantage.

The second complication arises from the legal position of Statements, which continue until EHCP conversion in school settings but lapse automatically, including entitlements

to High Needs funding, on entry to an FE college, where they have never applied. The gap until EHCP conversion can be significant (some students who entered college in September 2015 still did not have an EHCP at the time that IRs were undertaken in March 2016) and when the EHCP is made, the funding begins from that date and there is no requirement for it to be backdated to the point where the student entered college.

This means colleges potentially have to subsidise learners with High Needs until conversion with no compensation and this at a time when colleges are facing significant financial challenges more generally. In practice, there is anecdotal evidence that LAs are in many cases continuing to fund at the level of Statements until the EHCP is produced, but this is not universal or binding on the LA, and causes many problems for colleges, not least in planning Human Resources and issuing contracts to employees.

Add to this significant anecdotal evidence from colleges that, despite point xi in the introduction to the Code ('no-one should lose their statement and not have it replaced with an EHCP simply because the system is changing.') which is unequivocal on this point, LAs are resisting in many cases the replacement of Statements with EHCPs at year 12 transition, and a picture emerges of colleges facing multiple challenges in clarifying their funding in relation to SEND and facing lengthy, multiple disputes over funding (described as a 'bare knuckle fight' by one college leader) with LAs.

The position for those students post-19 who now fall under the Code, is very uncertain and colleges are concerned about making this provision and the degree to which it will be funded in practice.

3.8 Involving Families and Young People

The Code requirements

Young people should be supported to participate in discussions about their aspirations, their needs, and the support they think will help them best.' (The Code 7.13)

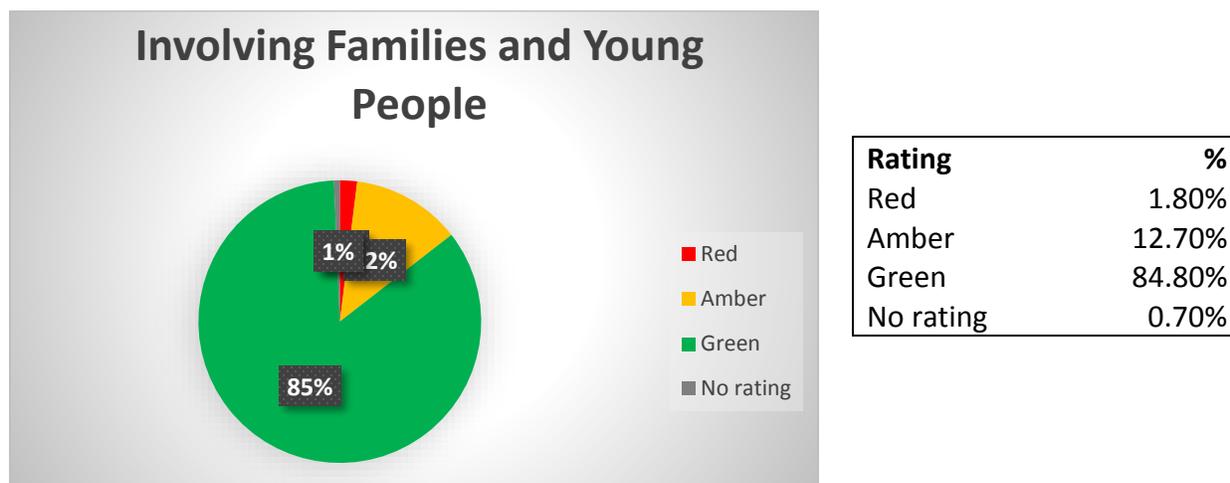
Findings and emerging practice

The picture emerging from the audits is a very positive one. There is good quality evidence from direct testimony that young people and families are happy with the current level of involvement and consultation undertaken by colleges. Colleges themselves report high levels of satisfaction from young people and families and the percentage of green ratings was second only to Social Emotional, and Mental Health, which instigated only a single statement from the Code, in the audit process.

Learners with SEND take part in all regular college review processes including reviews of their curriculum and learning support.

A college works with 'Pinpoint', an external family voice organisation to develop involvement. The Director of Community Curriculum Innovations meets termly with learners with SEND, and the Assistant Director meets fortnightly. The colleges uses focus groups, which include learners with SEND, to generate feedback on college services.

Figure 6 – amalgamated RAG scores for Involving Families and Young People



Challenges

However, in reviewing all 40 audits in preparation for this report, a different picture has emerged. The colleges, the specialist FE Review coaches and the quality assurance processes were all misled by the overwhelmingly positive nature of the evidence presented, and missed some points of substance. On closer examination, the large volume of positive feedback related to practices that were overwhelmingly consultative in nature.

That means that the specialist and expert staff at the college would review needs, attainment and progress, decide on next steps and only at that stage consult with the young person and their family, effectively saying, 'We have decided this – is that alright?' This is not the process outlined in the Code, which demands active involvement in the process as well as the outcome of deliberations over all aspects of SEND. Despite the overwhelmingly positive response, the actual position is that there is still a long way to go to ensure that the aspirations and ambitions of young people and families are actively included in planning documents.

Given the inevitable time constraints on this project, and the time that it would take to amend RAG ratings and reports to colleges, we have not modified the RAG ratings in the individual IR reports to the colleges.

3.9 Programmes of Study

The Code requirements

***Colleges should be ambitious for young people with SEN, whatever their needs and whatever their level of study.'* (The Code 7.5)**

Findings and emerging practice

The evidence suggests this area of the Code is becoming well embedded in colleges. The best practice demonstrates a commitment to the delivery of personalised outcomes

for learners with SEND well beyond those achieved in the school sector, in part because of the curricular freedoms in a post National Curriculum sector, which to committed colleges, offers the scope to personalise to a high degree.

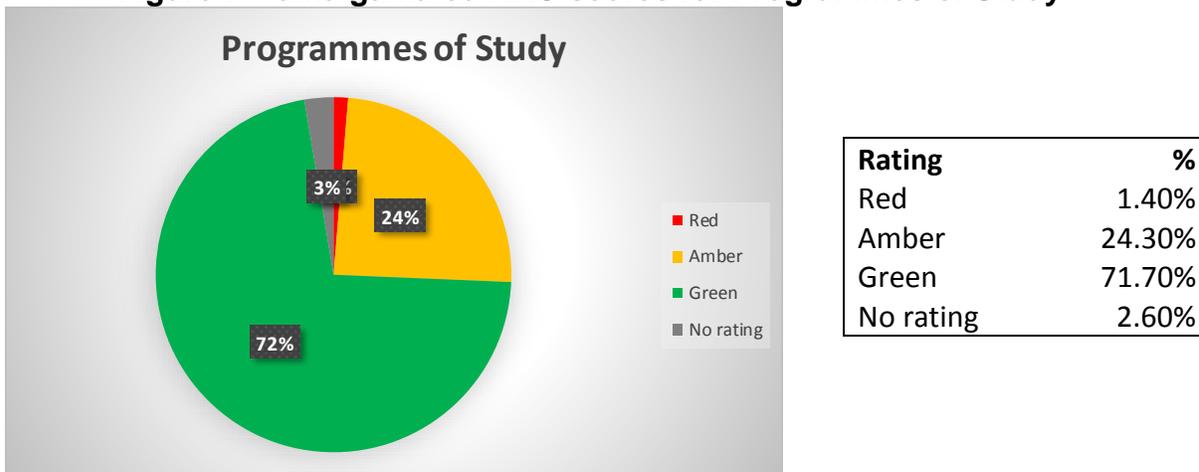
The Code 8.32 references 'study programmes which enable students to progress to a higher level of study than their prior attainment'. Most colleges were aware of the need to provide purposeful and progressive learning activities and allow for movement between courses and course as learners achieve outcomes.

Learners with SEND transfer onto mainstream courses as their skills and confidence develop. Clear links are established between Preparation for Work and Life and Literacy and Numeracy skills enhanced by support from Learning Support Workers and Learning Mentors.

A curriculum which uses RARPA key performance indicators is being introduced for learners with more complex needs. The LA has provided funding for five job coaches who work with learners on placement and job search activities.

A college curriculum map enables progression from Foundation through to HE programmes to provide stretch and challenge.

Figure 7 – amalgamated RAG scores for Programmes of Study



Challenges

Only in a few isolated cases was the curriculum offer generic and limited, for example made up of entry level courses with little ambition or offered no progression.

3.10 Preparing for Adulthood

The Code requirements

Education and training should include help for students who need it to develop skills which will prepare them for work, such as communication and social skills, using assistive technology and independent travel training. (The Code 8.39)

Findings and emerging practice

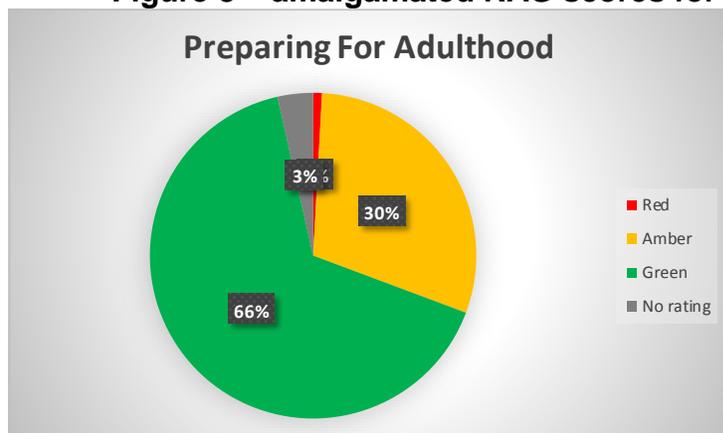
In general, this was a positive picture. The level of careers advice, largely provided in-house, is good and meets the needs of learners with SEND and the provisions of the Code. Wider outcomes such as travel skills and independent living skills are well provided for in the vast majority of colleges.

Most colleges provide some level of work placement. Some commit to making provision for every student, others are struggling to find sufficient appropriate placements. Some have compromised by creating work based opportunities within the college – assisting in the running of a college based cafeteria is a popular option. Others have invested in external providers who are paid to provide appropriate work based experiences.

A college has introduced a Year 4 'Independent Living Skills' course to support transition to post 19 provision for the lowest attaining students, providing an additional year of education input.

Work experience opportunities are a highly successful area of college provision for learners with SEND. All have access to a range of vocational provision including: apprenticeships; traineeships; supported internships; Princes Trust programme; skills builders programme. There are good partnership links with local employers for work experience placements.

Figure 8 – amalgamated RAG scores for Preparing for Adulthood



Rating	%
Red	0.90%
Amber	29.80%
Green	65.80%
No rating	3.50%

Challenges

The biggest variation, and the source of most of the amber ratings in this category, is in the provision of work placements and supported internships.

The provision of supported internships in real work environments is very patchy. Some colleges have employed work coaches to work alongside students and are well advanced, others are planning to do so and some have no current plans for this provision.

3.11 The Education, Health and Care Plan

The Code requirements

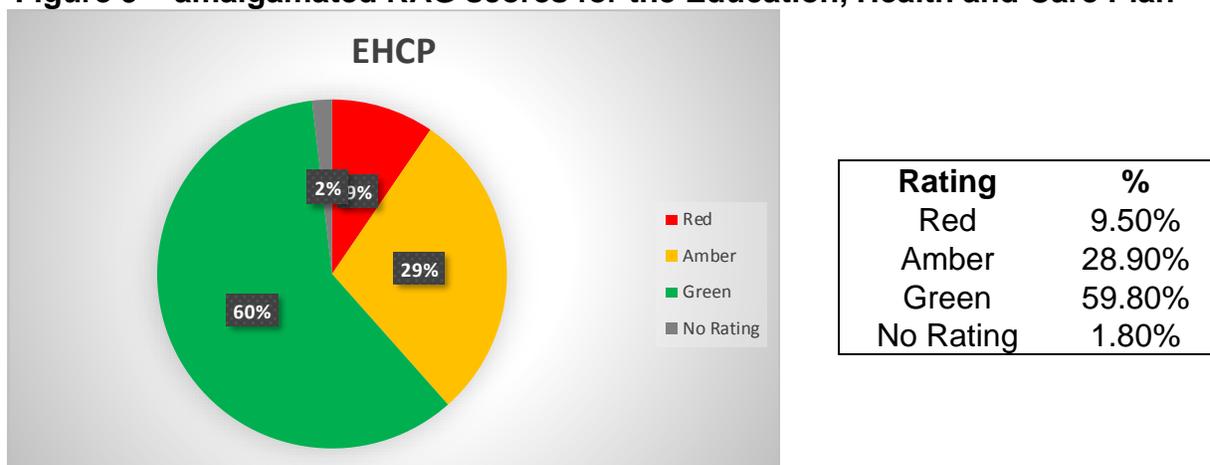
The outcomes specified in the EHC plan should reflect the need to be ambitious, showing how they will enable the young person to make progress towards their aspirations.... A local authority must NOT cease an EHC plan simply because a young person is aged 19 or over. (The Code 9.150-151)

Findings and emerging practice

Even under pressure, the best practice was cooperative, collaborative, student centred and purposeful. Under these conditions colleges were still able to deliver on the statutory requirements of the The Code and maintain quality, even though some are seriously questioning their ability to continue to do so if funding is further reduced.

Information from the EHCP informs college support plans and wider outcomes are included as appropriate to the individual learner's aspirations and goals. The college works with learners with personal budgets to enable them to have five-day provision, working with parents, carers and Personal Assistants.

Figure 9 – amalgamated RAG scores for the Education, Health and Care Plan



Challenges

Overall, this was an area of challenge for colleges. All colleges had done work to set in place systems to facilitate EHCPs but the outcomes were varied.

The single greatest determinant in the success of their efforts was in the relationship the college had established with its partner LAs. There was a clear correlation when the audits were examined for this report between the colleges that had committed time and resources to developing the Local Offer, working with the LA, Health and Social Care and having robust transition arrangements, and those colleges who had better outcomes in terms of the EHCP. This included indicators such as the number and

timeliness of transfers from Statement to EHCP, the smooth transition to new funding arrangements and the resolution of disputed cases.

Some colleges had baulked at committing time and scarce resources to building external relationships and dialogue with a range of partners, but without completing a detailed financial analysis the audit process does indicate that there is potentially a financial payoff in doing so through eliminating costly delays, reducing disputed funding claims and facilitating financial stability to enable stable staff recruitment and capital spending.

The biggest barrier to this was passivity; the tendency of a minority of colleges to sit back and wait for the LA to resolve all problems, and then blame the LA for all delays and difficulties. There were genuine cases where the college had done all it could in preparation and cooperation, only for the LA not to deliver in terms of converting to EHCPs and making timely funding decisions, but these were a minority.

It should be noted that the pressure on both sides is increased by working against a background of financial austerity. Neither LAs nor colleges have protected budgets, and both are striving to deliver statutory requirements with decreasing resources. Colleges reported finding it difficult to engage other professionals and they put that down to their being not enough capacity in the system.

Appendix 1 – extract from SEND Reform IR : Audit document

Coaches are to work with the college to complete as far as possible every section of the review report, where evidence is available. Where no evidence is available this should be recorded. Coaches are reminded that every effort must be taken to ensure that they reference feedback to the SEND Code of Practice. **The Code criteria apply to all learners with SEND – where they apply only to those students with an EHC Plan this is indicated.**

Part 1: The Local Offer

Please provide a review, in no more than 500 words, of how the College has co-operated with the local authority in drawing up and reviewing the Local Offer. Bearing in mind that ‘The Local Offer should not simply be a directory of existing services’ (The Code 4.3) make reference to the involvement of the Governing Body, young people and parents, and the detailed provision in terms of: post 16 education and training; apprenticeships; traineeships and supported internships; preparing young people for adulthood; arrangements for travel; leisure activities. (The Code 4.30).

Part 1:1 Working with Local Authorities, Health and Care sectors

Provide an overview of how the college manages and implements liaison with the Health and Care Sectors to deliver the outcomes of the Education, Health and Care Plan. Identify points of contact with external providers, and note any instance in which the college itself commissions and implements an external service (e.g. Counselling or speech and language therapy). Bear in mind that ‘Local authorities **must** work to integrate the educational provision with health and social care provision... Local partners (e.g. the college) **must** co-operate with the local authority in this,’ (The Code 3.13).

Part 2:1 The College

Code of Practice	R	A	G	?	Evidence Base	Recommendations
Transition ‘Colleges should be involved in transition planning between school and college so that they can prepare to meet a student’s needs and ensure a successful transition...’ (The Code 7.10)						
Transition ‘Schools and Colleges should work in partnership to provide opportunities such as taster courses, link programmes and mentoring...’ (The Code 8.25)						
Transition ‘...discussions about post 16 options... must be included as part of the review from Year 9 (age 13-14)...schools and colleges must cooperate with the local authority in these reviews.’ (The Code 8.26) ECH only						

Appendix 2 – Project Team and Advisory Group for SEND Reform IR project

The personnel involved in the IR project were:

- Two project managers responsible for the scope of the project, the management of timescales and funding the recruitment of colleges and liaison with the DfE and significant bodies in the FE sector who offered support and critique as part of a SEND IR Advisory Group.
- A project administrator responsible for the day-to-day flow of information between all parties involved in the process, the formatting, layout and correction of draft reports and the collation of data from the project.
- A lead adviser responsible for the creation of all written materials associated with the audit process, the training of specialist FE Review coaches and the quality assurance process of audits and reports before final versions were given to colleges.
- A team of 5 specialist FE Review coaches representing different regions of England responsible for carrying out the audit process, collecting evidence, recording, participating in the quality assurance process, writing reports and presenting recommendations for colleges.

A grid outlining membership of the Advisory Group can be found below. The process for securing membership of the Advisory Group was to invite all participants in the DfEs FE SEND Implementation Group in addition to project leads and other non-project expertise from within AfA.

Name	Organisation
Gillian Reay	Ofsted
Yolande Burgess	London Councils
Ann Grant	Skills Funding Agency
Ian Knowles	Skills Funding Agency
Liz Maudslay	Association of Colleges
Zoe Handcock	Oaklands College
Nick Aslett	Achievement for All
Peter Keane	Achievement for All
Lainy Russell	Achievement for All
Lisa Knowles	Achievement for All
Anne Cameron	Achievement for All

This report was compiled by lead advisor Peter Keane, based on reviews conducted by review coaches Christine Prudhoe, Martin Fittes, Zoe Perkins, Linda Hay, Hilary Evans and Alison Hiskett.