Guidance on post 16 provision for young people aged 16-25 with learning difficulties and/or disabilities (LDD)

Contents

1) Introduction

This guidance applies to young people aged 16-25
- who are resident in Oxfordshire
- who are looked after young people and the responsibility of Oxfordshire
- who have a learning difficulty and/or other disability (LDD)
- who have a S139a LDA or a Moving on Advice

Oxfordshire has a wide range of courses and support at all levels to enable young people with LDD to achieve good life outcomes. Schools, colleges and training providers focus on raising aspirations and supporting pupils to go on to achieve the best possible outcomes in employment, independent living and participation in their local community.

Oxfordshire County Council (hereafter termed ‘the Local Authority’) has duties and powers in relation to securing the provision of education and training for learners aged 16-25 with learning difficulties and/or other disabilities (LDD). In fulfilling this duty Oxfordshire recognises that the most vulnerable are safest if they are close to home, hence the wide range of high quality local provision. The Local Authority is also responsible for ensuring value for money and best use of public funding.

2) Assessments

2.1 What is a Learning Difficulty Assessment?

A Learning Difficulty Assessment (LDA) often referred to as a Section 139, is an assessment which a Local Authority is required by statute to undertake for young people for whom they maintained a Statement of Special Educational Need (SEN) whilst they were at school.
The purpose of the S139 LDA is to provide a comprehensive assessment of the young person’s needs; the provision and levels of support in their current placement, the support they are likely to require when they move to college or into training and, when agreed by the Local Authority, their next placement will be named.

2.2 When and for whom will a S139 LDA be made?

A S139 LDA will be made if a Statement of Special Educational Need (SEN) is maintained for a young person, it is believed that they are in their last year of compulsory schooling, and intend move into a placement at a college, training provider or higher education institute.

There will be occasions when a S139 LDA will be made for a young person not previously the subject of a Statement of SEN. A written request should be made to the Local Authority with relevant supporting evidence. The Local Authority will only consider authorising a S139 LDA be written where the request robustly evidences that a S139 LDA is essential in support the young person’s transition to college or training provision, the rationale would need to be substantial and exceptional. These will be considered on an individual case basis.

In all other instance the Careers lead or Information Advice and Guidance (IAG) professional working at the school should complete a ‘Moving on Advice’ form.

The DfE S139 LDA Guidance contains further information about occasions when a LDA might be appropriate: ‘Section 139A Learning Difficulty Assessments Statutory Guidance for Local Authorities’ (April 2013) [http://www.education.gov.uk/aboutdfe/statutory/g00203393/lda](http://www.education.gov.uk/aboutdfe/statutory/g00203393/lda)

2.3 Who completes the S139 LDA?

Oxfordshire County Council has commissioned Adviza (formally Connexions) to undertake the completion of the S139 LDAs on behalf of the Local Authority.

2.4 What evidence is used in writing the S139 LDA?

The S139 LDA should build upon previous assessments such as:

- Behaviour management Plan
- Risk Assessments
- Care Plan or Pathway Plan for care leavers
- Health Action Plan, Protocols and Procedures for Health Support
- Common Assessment Framework (CAF)
- Statement of SEN (if still relevant)
- Recent Statement Reviews or SA, SA+ reviews
- Personal Education Plan (looked after children only)
- Transition Plan
- Individual Education/ Learning Plan (IEP/ ILP)
This list is not exhaustive and is not prescriptive. Evidence must also include the views of the young person.

Information must be based on advice produced suitably qualified professional persons, it must be relevant, up to date and where appropriate and/or necessary, medical evidence must be provided. The professional reports informing the S139 LDA should be appended to the S139 LDA in the manner of appendices to a Statement of SEN.

The Local Authority expects clearly defined educational outcomes within the S139 LDA. The outcomes will describe what the young person would realistically be expected to have achieved as a result of the proposed educational placement. The outcomes should be specific and measurable, they should also detail how the placement will progress the young person towards an increased level of independence and a pathway to adulthood.

The S139 LDA will be drafted and shared with the young person’s parents/ carers and the SEN Officer responsible for their Statement of SEN for approval before consultation with potential providers.

3) Exploration of potential placements

3.1 What needs to happen before a placement request is made?

Once the draft S139 LDA has been agreed by the young person’s parent/ carer and the SEN Officer, on behalf of the Local Authority; the Adviza Personal Adviser (PA) will start consultation with potential providers. These providers will be listed on the draft S139 LDA.

The Local Authority expects that all potential local providers will be consulted, including a thorough exploration into the flexibilities of the programmes and support available. Providers must not discriminate and must make reasonable adjustments for disabled young people under the Equality Act 2010. The Local Authority will not take a decision on funding a placement outside Oxfordshire unless evidence is presented showing that all local options have been rigorously investigated and exhausted.

Some providers may wish to also undertake a face to face assessment, in addition to reviewing the S139 LDA. This will be co-ordinated by the providers directly or through the Adviza PAs. Any resultant provider assessment reports should be included with the placement request.

The S139 LDA contains a College/ Training Provider Response Form. Each provider with whom the Adviza PA consults should complete the response form detailing:
- whether an offer of a placement has been made
- the course identified as most appropriate to meet the young person’s needs as stated in the S139 LDA
- which of the young person’s needs “can” and “cannot” be met.
The S139 LDA response form should be signed and dated by an authorised representative from the provider.

All consultation responses should be sent to the SEN Officer. The SEN Officer should also seek placement costs from providers who have made an offer in order to fulfil the Local Authority’s duties for efficient use of funding.

4) Requests for high cost placements

4.1 16-25 LLDD Forum

The Local Authority operates a formalised inter-agency moderation procedure in respect of placements that cost over £25,000. This is to ensure efficient use of funding, equity and consistency of decision making. This procedure is enacted through 3 area based 16-25 LLDD Forums, north, central and south.

The purpose of the 16-25 LLDD Forums is to:

- review all post 16 college and training placement requests where costs are in excess of £25,000 (termed high cost), including all supporting evidence; support smooth transitions, through timely casework and decision making
- focus on learner outcomes and challenge flexibility in meeting identified outcomes in Oxfordshire;
- review any requests for mid-year placements, where the former placement has failed or where a learners is moving into Oxfordshire
- ensure that the agreed placement is reasonable, appropriate and adequate in meeting the young persons assessed needs;
- link Education and Care (adult and children), and where appropriate Health, placement and funding decision making for jointly funded post 16 high cost placements;
- review and authorise all written requests for a Section 139a Learning Difficulty Assessment (LDA) to be carried out for young people who have additional needs but are not statemented; where the evidence supporting the need for a S139a LDA is substantial and exceptional.

Each area 16-25 LLDD Forum will meet 4 times per year:
- November/ December
- January/ February
- March/ April
- May/ June

The SEN Officer, responsible for the young person’s Statement of SEN, will prepare the placement request to be submitted to the appropriate area based 16-25 Forum. It is vital that placement requests are submitted as early as possible in order to support appropriate transitions

Evidence contained within the placement request must be relevant and up to date.
Evidence might include the following. This is neither a mandatory list nor an exhaustive list and further forms of evidence may be required by Local Authority:

- Draft S139 Learning Difficulty Assessment (LDA)
- S139 LDA Response Forms from local provider(s) who have been consulted and/or assessed the young person including provider assessment reports (where appropriate)
- All evidence and professional reports used to inform the writing of the S139 LDA
- Relevant and up-to-date social care report including evidence of Adult Social Care FACS (Fair Access to Care Services) eligibility
- Level of Personal Budget (where appropriate) – detailing how the Personal Budget has been assessed.
- Details of any transport required, where a young person is not able to travel independently, and costs.
- Up to date health/ medical and psychological report (where appropriate)

4.2 Decision making

When determining the level of provision required by a young person, the S139 LDA will remain the leading informative document. Recommendations for certain services and therapies will be considered only where they are identified in the S139 LDA by suitably professional persons. Local Authorities are under a duty to provide a generally appropriate education, and are required to do so in a cost-effective way.

A potential placement will be regarded as appropriate if it meets most of the aspirations of the young person. It will not be necessary to meet each and every aspiration of the young person.

Education and training will be provided to young people with LDD in a local mainstream environment where possible. It is expected that this will include all or nearly all learners with additional needs. The Local Authority will seek to make a placement locally before looking elsewhere; this will include exploration of the full range flexibilities of local provision and support. The Local Authority expects that local providers will make reasonable adjustment (Equality Act 2010) to meet the needs of young people with LDD.

The quantity and quality of local post 16 provision for young people with LDD is wide-ranging; where education for a learner in a mainstream or ‘high cost’ local setting is not possible, education in a residential college placement may be considered. A residential college will not be agreed where suitable local provision can be made. The breadth and scale of provision locally, in neighbouring Local Authority areas and regionally will be considered when determining how best to meet the learner’s need, in the most cost effective way. Residential college provision will be agreed where this is essential to allow the learner to attend the necessary course, where education and care need cannot be met locally.

Any request for placement at a residential college placement must include evidence that clearly demonstrates that education in a mainstream or ‘high cost’ local setting has been considered but clearly cannot meet need. The Local Authority will not consider requests for funding a placement at a residential college where there is insufficient
evidence to demonstrate that all other options have been properly considered. The evidence must further demonstrate, through relevant and up to date assessment that a residential college provision is essential to enable the young person to participate in education and training.

The Local Authority will give consideration as to how the placement will impact on the young person’s long term prospects, in terms of educational, employment, independence and social aspirations. This will viewed within the context of the young person’s disability/ need and what may reasonably be achieved.

The Local Authority will take into account wishes and choices of the young person, as well as the wishes of that young person’s parents/ carers.

It is recognised that residential college placements are usually more expensive and that the budget available to the Local Authority is limited. The 16-25 LLDD Forums will uphold the principle of best use of public funding and value for money when considering the post 16 placement request.

4.3 Summary:

The 16-25 LLDD Forums, as the appointed decision making body on behalf of the Local Authority, will adhere to the follow principles in their decision making in respect of post 16 high cost placement requests:

- Exploration of all local (including neighbouring local authority area/ regional) provision options must be exhausted;
- The expectation is that local post 16 mainstream providers will meet the needs of all or nearly all young people with LDD;
- Consultation responses from local providers must be evidenced;
- Requests for additional therapies and support will be substantiated by up to date professional reports/ recommendations;
- Expectation is that providers will make reasonable adjustments to meet the need of young people with LDD, as per Equality Act 2010
- Residential college provision should only be considered where it is clear and robustly evidenced that local provision cannot meet need or where it would be an inefficient use of resources to attend local provision:
- The placement request must clearly demonstrate how the outcomes defined the young person’s S139 LDA will be achieved and will lead to greater independence with employment and living in adult life;
- Aspirations and views of the young person will be taken into account;
- The placement decision will be taken within the context of ensure best use of public funding and value for money;
- A residential college placement will not be agreed where it is evidenced that local provision can meet the young person’s identified needs;
- The approved placement and provision shall meet the reasonable, adequate and appropriate evidenced needs of the young person.
5. Post 16 high cost placement funding agreement, review and continuation

Decisions to fund a high cost post 16 placements will be agreed on an annual basis.

The Local Authority will inform the parents/carers of the young person and the receiving provider of the placement decision outcome and supply the final S139 LDA naming the agreed provider. The young person’s Adviza PA and current school will also be informed of the outcome.

The Local Authority expects the provider to provide a Learner Review Report by end February (interim review) and end June (annual review)

The Local Authority will use these reports to inform future funding decisions for young people who are due to continue their agreed programme of study for a further academic year.

Review Reports should report on the young person’s progress towards agreed outcomes, as defined their S139 LDA, and transition planning.

Determinations on whether a high cost placement should be continued will therefore take place on an annual basis. In reaching such a determination, the Local Authority will take into account the Review Reports of the young person LDD submitted in June.

The Local Authority will consider whether the programme of learning and support is still relevant, that appropriate progression is being made, any recent developments and changes in the young person’s circumstance or programme.

6. Appeal procedure and complaints

Where a young person or their parent/carers disagree with the placement decision taken by the Local Authority, they should direct their appeal initially to the SEN Officer. Should this not result in a satisfactory conclusion then mediation will be offered.

For matters relating to allegations of significant delay, unreasonable behaviour by individual or poor quality services, complaints will be managed by Oxfordshire Council County Corporate Complaints Procedure. Please refer to the website for further details. www.oxfordshire.gov.uk

Any queries in relation to this guidance should be directed to the SEN Team at sen@oxfordshire.gov.uk