



Association
of Colleges

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Building partnerships
between local authorities
and providers over post-
16 high needs provision:
Some lessons learned

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Introduction

The funding reforms introduced in 2013-14, together with the Children and Families Act 2014, have brought about a major change in the relationship between local authorities and post-16 institutions. Local authorities now directly commission and fund post-16 high needs provision, and have responsibility for Education Health and Care (EHC) plans, including naming the education or training provider. This involves negotiation between local authorities and post-16 providers about individual high needs placements and costs.

Local authorities and post-16 providers want the best possible outcomes for young people, so that they achieve and make a successful transition to adult life, including employment, independent living, good health, making friendships and being part of their community. Working together is crucial to ensure that placements are made in the best interest of the young person, and achieve good outcomes and value for money.

Many local authorities and post-16 providers have found effective ways of working together, and this needs to be continued for all to have similarly positive working relationships. This includes over placement decisions and the cost of provision for high needs students. It is important for discussions to be constructive and solution focused, with a clear, shared vision to improve outcomes for young people within the available resource. That makes having a strong relationship all the more important.

The Association of Colleges (AoC) has developed this informal guide, based on the experiences of some local authorities and post-16 providers in building their relationships. It offers some guiding principles including an outline perspective for building that relationship, case studies from across the country of working constructively together and signposting to other sources of information and advice.

This document is not designed to set out what the costs of provision should be, but is intended to support better partnership working.

What the law says

It is important to understand what the law requires of local authorities and providers in relation to decision-making around placements for young people with EHC plans.

At the draft EHC plan stage, the young person has the right to request a maintained school, further education (FE) or sixth form college, independent school or independent specialist college¹. The local authority must agree to this, as long as it judges that the statutory criteria are met. These are that:

- the placement would be suitable for the age, ability, aptitude or SEN of the child or young person;
- the attendance of the child or young person there would not be incompatible with the efficient education of others,
- the attendance of the child or young person would be an efficient use of resources

¹ Where approved for this purpose by Secretary of State under section 41 of the Children and Families Act

These are legal criteria and the local authority is bound to act in accordance with them.

The local authority must consult the school or college concerned, sending them a copy of the draft EHC plan, and consider their comments carefully before deciding whether to name them in the young person's final EHC plan.

Where a maintained school, FE or sixth form college, or an independent school or specialist college approved under section 41 of the Children and Families Act, is named in an EHC plan by the local authority, that institution must admit the young person.

Other institutions, such as private training providers, can also be named in an EHC plan, but are not under a duty to admit the young person.

Working together - some guiding principles for discussions about high needs provision

These guiding principles have been developed with a range of local authorities and post-16 providers to help achieve the best outcome in negotiations over high needs placements and costs.

- **Look at the young person first**
Consider what they need and what will improve their life outcomes (employment, independent living, community inclusion and being as healthy as possible). In other words, be person-centred and focused on destinations and outcomes.
- **Get the EHC plan right**
Make sure it is personalised and up to date, and that it has SMART outcomes (specific, measurable, achievable, realistic and time bound) which will help the young person prepare for adult life.
- **Have an honest conversation**
Look at how the funding can be used to meet the young person's needs and aspirations. Recognise that everyone needs to prioritise as money is tight all round. Everyone needs to be working efficiently and together to make best use of limited resources.
- **Any disagreements about money should be behind the scenes.**
Do not cause unnecessary distress to young people or their families, and do not let disagreements get in the way of a young person making progress. These types of discussions should only be between the provider and the local authority.
- **Nurture your partnerships**
Local authorities lead and encourage local collaboration, but post-16 providers can make their own links (for example with employers, health, social care or other education providers) to improve their provision. These relationships are worth investing in to improve the offer to young people in (such as social care funding to support a holistic programme to promote independence), and to gain maximum benefits from limited resources.
- **Have a “no surprises” policy**
Keep channels of communication open between local authorities and providers.
- **Think imaginatively and creatively**
Consider what it would take to enable that young person to achieve the best outcomes, rather than relying on historic provision or ways of working.

These principles should apply and sit alongside any procurement frameworks devised by local authorities. There should not be any irreconcilable conflicts between the statutory requirements of the Special Educational Needs (SEN) Code of Practice and those of the Public Contracts Regulations 2015. Commercial procurement should not work against putting the individual young person at the heart of each placement decision.

Communications

Communication between local authorities and post-16 providers does not need to be challenging. Negotiations over individual cases may be complex, and when people's time and budgets are tight, this can increase tension. It is at times like these that open and honest communication is most important.

Here are some useful tips:

- Both local authorities and post-16 providers should have named contacts if there is a problem or they need to discuss a case. Share lists of who does what, and make sure contact details are kept up to date. It is hard to get joint working set up if you don't know the right person to approach, so make it as easy as possible for your partners to get in touch.
- Where possible, meet face to face regularly – maybe once a term – to develop a better professional relationship.
- Some local authorities have a regular forum with post-16 providers and schools to inform future planning of places, which participants and the local authority find very helpful.
- Partnerships between post-16 providers and schools are also valuable to share ideas and information and support place planning.
- When discussing individual young people's needs and outcomes, be clear and specific about what you mean, and avoid ambiguous terms. For example, terms like "appropriate support" or "challenging behaviour" are ambiguous, meaning different things to different people. Using vague terms can create difficulties in jointly making the best decision for the young person.

Seeing the Other Perspective

Disagreements can be exacerbated when local authorities and post-16 providers do not understand each other. For example, a local authority may not understand why certain provision in a post-16 institution costs more than it did when the young person was at school. A post-16 institution may not understand why one local authority is challenging their costs more than other local authorities. This section sets out some reminders about the features of each partner, which could affect how they come to decisions about placements and costs.

Understanding post-16 providers

There is no real substitute for seeing post-16 provision first hand, so make a visit or two. You will gain a much more accurate picture of the environment and the education/training and support the provider offers, which will support better commissioning and funding conversations.

The post-16 provider landscape is much more varied than the schools landscape, as outlined below.

- Post-16 provision is more likely to focus on preparing for greater independence, and, consequently, is less likely to be closely controlled or contained. There may be a need for different support in post-16 provision than at school, in order to become more independent over time. Different provision, and a different environment, can mean different costs.
- General FE colleges are usually large organisations, often on several sites. They usually cater for both young people and adults. They will offer a wide range of courses ranging from basic skills and ESOL, through GCSEs and A Levels, to, in some cases, higher education. They will offer a wide range of vocational studies, and some colleges specialise in specific industry sectors such as art and design, engineering or catering. Individual courses will have their own entry criteria.
- Virtually all FE colleges have some high needs students, and 52 colleges have a cohort of over 100 high needs students. Because colleges offer a much wider variety of programmes and courses than schools, including vocational study and work experience, young people with high needs may have access to a wider range of programmes in the institution, which may affect costs.
- Most post-16 providers work with several local authorities. A survey by the Association of Colleges in 2014 showed that 33% of colleges took students from more than six local authorities. This creates additional work for the provider, as each local authority will have its own processes and commissioning approaches.
- Although colleges are not under the same legal duty as schools to have a SENCO, virtually all will have someone in that co-ordinator role, though perhaps with a different title (e.g. co-ordinator for students with learning difficulties or disabilities, or learning support co-ordinator). In several larger colleges, there are separate roles for those who manage discrete specialist provision, and those who manage SEN support across the college.

- Independent post-16 specialist providers are much more likely to take students from a greater number of local authorities than general FE colleges, and are likely to offer residential provision, although an increasing number offer day provision for local students. The cost of this provision may include social care and health costs as well as education and training costs. They are also likely to be much smaller in size than general FE colleges, which can affect costs.
- Providers in the commercial or charitable sector (independent training providers) may support some students with high needs, although in much smaller numbers. Provision is likely to be work-based, and will feel less like an education environment and more like a business, often offering niche provision.

Understanding local authorities

- Local authorities have challenging decisions to make about funding across the range of their responsibilities. They are under a legal duty to consider costs when making decisions, both short and long term, and are always looking for value for money to help them balance the needs of competing pressures, many of which directly affect vulnerable people (e.g. social care). Councils are also directly accountable to residents, and need to ensure that their decisions reflect the needs of their communities as a whole.
- The high needs budget is under constant pressure, and local authorities need to balance expenditure for the majority of high needs students with the costs of the much smaller number of young people with very complex needs. Discussions about a whole college approach for all students with special educational needs and disabilities are an important part of the relationship and may provide opportunities for maximising funding from partners to provide better universal services.
- Local authorities are designed, legally, to be local, so just like post-16 providers, practices and procedures vary widely. Each will have its own organisational structures and specific accountability requirements prescribed by senior officers, legal advisers and local councillors.
- Council structures, and job titles, can and do vary greatly between different areas and it can be difficult for colleges to identify the correct team or person to speak to regarding post-16 high needs provision as a result of this. It is therefore recommended that in the first instance contact is made with a council's Children's Services Department, as it will be able to identify the specific team or individual who is best placed to help with any queries.
- The Children and Families Act and the Code of Practice require local authorities to respond to local needs and develop a local approach. Whilst there are specific statutory elements which must be included in all EHC plans, a national "template" for the EHC plan was never intended.

Case Studies

These case studies show how some local authorities and post-16 providers have worked together on high needs provision which improves outcomes for young people.

Hertfordshire

This is an example of a local authority taking in lead in building local partnerships to improve provision and reduce a budget deficit

Recognising the need to improve its local post-16 offer, Hertfordshire authority worked with colleges to adjust the support and delivery of high needs provision. This was based on a sense of partnership and trust built over a number of years. Local authority commissioners met one to one with college staff on a termly basis to discuss budgets, placements and provision, so that there was a sense of shared ownership. This dialogue allowed for constructive sharing of views and focused on generating solutions (rather than airing the problems).

The local authority established an FE providers' forum where they could discuss the practical implications of the SEND reforms, including EHC plans, as well as raise broader important issues such as securing pathways to employment or accommodation to support independent living. The forum included information sharing from other professionals including specialist therapies and educational psychologists. The providers' forum now includes representatives from feeder special schools to encourage greater integration of the 16-25 offer. This partnership supports better transition, and encourages taster days and bridge placements to help young people move from school to college.

The local authority also established a Data Group with local colleges, which contributed to developing and refining the process and documentation for applying for high needs funding, to minimise the time and duplication of data. Alongside this, it supported a range of small action research projects involving clusters of special schools and colleges to work on particular issues.

As a result of these changes and through its collaborative work with colleges, Hertfordshire is achieving better outcomes for young people with high needs, and has also been able to reduce a £1.4 million high needs overspend.

Walsall

This is an example of a local authority and local college working together to improve preparing for adulthood outcomes

Walsall local authority wanted to develop integrated, five day a week provision across education, health and social care which would help young people prepare for adult life. This was part of a wider programme to improve its local offer. The local authority opened discussions with Walsall College, alongside, health, social care, and employers. From the outset there was agreement to the principles of collaborative working and of the need to put the young person first, making sure their views were heard and also working with parents, helping them to drive demand constructively.

Working together, the local authority, college, and other agencies, developed tailored packages for young people to help them progress towards employment and other positive outcomes. This was based on a “pick and mix” menu, including supported internships.

It was agreed that the college should not be the sole provider of five day a week provision, and wrap-around support was provided by other agencies, such as health and social care. The local authority supplemented the college budget from the high needs budget to provide five days a week activity and support. The local authority commissioned and funded the wrap-around support through the high needs budget, although the college also sourced some provision. They worked in collaboration with Walsall Community Transport to assist the students getting to and from provision, to ensure there were no barriers to accessing the package. Some of this was achieved through use of personal budgets.

The local authority also drew up a specification to tender for the development of 18 supported internships within a 12 month project. This was supported by an Employment Support Grant. Walsall College was a successful bidder, and so is now extending its partnership to bring about even better progression routes into employment for students with high needs, continuing to work closely with the local authority.

Northumberland

This is an example of a specialist college partnering with a local authority to improve preparing for adulthood outcomes.

Dilston College is an independent specialist provider based in Northumberland working with several neighbouring authorities and general FE colleges. A partnership with Darlington local authority grew out of meetings which aimed to match the needs of young people to local provision. It became clear there was a gap in Darlington provision for the learning of independent living skills.

Dilston offered to partner with Darlington College by extending their independent living training through a hub set up in the local community. The development of this facility has meant that young people benefit from both mainstream and specialist provision and can enjoy individually tailored, flexible programmes. Each programme is different, for example, a young person could be studying functional skills and a vocational course at Darlington College, a day a week undergoing work experience tasters, and a day a week studying independent living skills at the Dilston centre in Darlington, including personal travel and shopping training. Most of these flexible programmes last about two years, and change and adapt as the young person's needs change.

Setting up the arrangement, and in particular, building trust between the different partners, took time. Partners agreed to a "pilot" in the first instance, and were careful not to build up parental expectations before the idea had been tested out fully in practice. The arrangement had not only to work for the young people, but had to work for the colleges too, including agreeing the sub-contracting arrangements and service level agreements.

Dilston have identified some tips from their experience:

- Be clear about the difference you want to make to outcomes for young people.
- Be upfront with your partners about what you need to get out of the arrangement (e.g. how many students you'd need to make a project viable).
- Begin the project with a pilot, to test out the practicalities and build trust.
- Make sure ownership of the project is shared (i.e. don't let it just be one person's "pet" project) so that it doesn't fall apart if a key person moves on.
- When personnel change, invite new people and make sure people see the benefit of it.
- Show people the difference the project has made and how it has improved outcomes.

Manchester

This is an example of a local authority working with a local college and other providers to improve outcomes, and improve the transition into post-16 education

Manchester has a wide range of post-16 education providers – school sixth forms, sixth form colleges, specialist college, FE colleges and adult education as well as training and apprenticeship provision.

Manchester local authority was concerned about outcomes for students with SEND once they left college. The local authority has worked with schools and colleges to refocus the high needs budget towards achieving better outcomes – particularly paid employment. Most post-16 education providers now offer supported internships or pre-internships. The Manchester College, with its host employers and supported employment partner is achieving 80% of supported interns moving into paid work.

Another concern was that college staff were devoting a large amount of time to assessing students' needs. As well as being contrary to the spirit of the reforms, this is very costly. The local authority, schools and colleges are working on ways of streamlining assessments, by improving the sharing of information between partners and by doing joint moderation of EHC plans to develop a shared language and better understanding of thresholds. The local authority is also working with schools and educational psychologists so that colleges know students' educational baselines when they start, allowing them to track progress more easily. The Manchester College has employed transition officers who attend reviews in schools and advise on the different sorts of support/provision that will be required in college to move students towards their outcomes.

The college has also reviewed its enrolment arrangements and designed a much clearer pathway. This sets out more clearly what the graduated response from mainstream staff should be for students with SEND – what departments are expected to provide for students before they apply for high needs funding and reinforces the message that every teacher should have the skills and knowledge to meet the needs of students with SEND – rather than having to rely on specialist learning support staff.

Useful sources of support and guidance

Education Funding Agency high needs funding guidance -

<https://www.gov.uk/government/publications/high-needs-funding-arrangements-2016-to-2017>

Joint commissioning

<http://www.preparingforadulthood.org.uk/what-we-do/joint-commissioning>

Personal budgets

<http://www.kids.org.uk/mip2>

Engaging with employers -

<https://www.aoc.co.uk/sites/default/files/Engaging%20with%20Employers.pdf>

How to support young people with SEND into work

http://www.ndti.org.uk/uploads/files/How_to_Support_Young_People_With_Special_Educational_Needs_into_Work.pdf

Preparing for adulthood self-evaluation

<http://www.preparingforadulthood.org.uk/what-we-do/pfa-self-evaluation-tool>

Workforce development

<http://www.preparingforadulthood.org.uk/what-we-do/workforce-development>

Partnership working with specialist provision

<http://www.natspec.org.uk/news-items/partnerships-report/>

The Education Training Foundation hosts a range of good practice on its SEND exhibition site

- <http://send.excellencegateway.org.uk/>

Natspec – the member organisation for post-16 specialist providers

<http://www.natspec.org.uk>

Association of Employment and Learning Providers (AELP) – the member organisation for independent training providers - <http://www.aelp.org.uk>



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