

Assessments relating to people with learning difficulties

Guidance to Local Authorities

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1. Introduction

1.1 The transition from school to a new learning establishment can be a difficult time for any young person. Those with learning difficulties are at particular risk of not making a successful transition. As a result, young people with learning difficulties are less likely to participate in education or training post-16 as those without, and are twice as likely to be NEET (not in education, training or employment). A thorough assessment of the young person's learning and support needs will help to make sure that they receive a suitable offer under the September Guarantee, make a successful transition, and that they get the ongoing support they need to progress and achieve. The purpose of assessments is to enable young people to *progress*; to employment and to live independently wherever possible, by identifying learner's needs, the right support and appropriate provision. Long term goals are as important as immediate support needs. This will be particularly important as local areas prepare to implement the raising of the participation age, so that every young person is participating in some form of education and training to age 17 in 2013 and age 18 in 2015. Large numbers of young people have some kind of learning difficulty, which they are enabled to manage well in mainstream provision with the aid of the Additional Learning Support funding available in the Further Education system. Such learners may not require formal assessment, but good identification and support processes will determine what is needed to meet learner needs and how. There are also young people with a learning difficulty but no statement who have stayed on at school after year 11 but plan to leave at end of year 12 or 13 for post-16 further education, training or higher education, and who have needs which may be equivalent to a statement but whose needs have been met without the need for a statement.

1.2 For the purposes of this document we are using the following definition:

A person has a learning difficulty if—

(a) he has a significantly greater difficulty in learning than the majority of persons of his age, or

(b) he has a disability which either prevents or hinders him from making use of facilities of a kind generally provided by institutions providing post-16 education or training.

(6) But a person is not to be taken to have a learning difficulty solely because the language (or form of language) in which he is or will be taught is different from a language (or form of language) which has at any time been spoken in his home.

The age range covered is from 14 to 25, reflecting Local Authorities' duties and powers. Learning difficulties is the term used in legislation while 'learners with learning difficulties and/or disabilities' is a deliberately wide definition in common usage in the FE system, and includes people with mental health difficulties, autistic spectrum disorders, dyslexia, attention deficit hyperactivity disorder, physical, sensory and cognitive impairments and other identified and non-identified difficulties in learning which may (may not) have led to 'special educational needs interventions at school under the SEN Code of Practice (DfES 2001)'. Both terms cover the broad range of difficulties and disabilities.

1.3 Assessments relating to learning difficulties were previously required to be carried out by the Connexions Service on behalf of the Secretary of State. However, as a result of the changes brought about by the Education and Skills Act 2008 (see section 3 below), local authorities now have the legal responsibility to make arrangements for assessments of learning difficulties to be conducted. Should a young person who requires such an assessment not receive one, or the assessment does not comply with the provisions in the Act, then local authorities would be open to legal challenge through judicial review and/or complaint to the Local Government Ombudsman. The Education and Skills Act 2008 states that local authorities will be required to promote the effective participation of young people in education and training. This is particularly important in ensuring that learners who need support in learning are appropriately assessed and supported by local authorities in fulfilling their duties under the Act.

1.4 This guidance provides support for local authorities when commissioning assessments relating to learning difficulties to be conducted. It is current up to March 2010. It provides specific support to staff working directly with young people and their managers. It will also be of interest to LSC staff and shadow Young People's Learning Agency staff concerned with funding education and training provision for young people with learning difficulties. We expect person centred planning to commence as early as possible in a young person's life and transition planning centred around the individual to improve, building on developments through the Transition Support Programme. The aim of the Transition Support Programme within Aiming High for Disabled Children is investment to improve local processes for supporting disabled young people through transition to adulthood /adult services. By 2011 all areas will meet at least minimum standards of provision as set out in guidance documents (see below in 14.5). A key focus of the improvement is engagement and participation of young people and families; including use of personalised approaches - person centred planning, individual budgets and direct payments; and post 16 opportunities supported by improved partnership working at strategic and local levels. We expect local authorities will embed multi-agency approaches which lead to good decisions about the need for assessments and high quality assessments where these are needed for the benefit of learners.

1.5 It is for the local authority to decide how to organise the provision of assessments in their area. References in this guidance to Connexions Services and their staff carrying out assessments should be read in context as applying to whoever is responsible for carrying out assessments on behalf of the local authority in a given area. All assessments should be recorded on the Client Caseload Information System (CCIS) maintained by local authorities and Connexions providers.

1.6 It is most important that these assessments build on and do not duplicate other assessments. The aim should be that the relevant professionals carry out a holistic, multi-agency assessment process, recognising that there are other assessments processes that might be helpful but ensuring repetition of assessment is avoided wherever possible. Assessments should be carried out independently of providers. In particular, the assessment needs to link to the young person's Transition Reviews and Plan and the Common Assessment Form.

1.7 From April 2010, the Apprenticeships, Skills, Children and Learners Act comes in to force and, responsibility for the funding and organisation of 16-19 education and training will be transferred from the Learning and Skills Council to local authorities. We are taking this opportunity to also reform the arrangements for learners with learning difficulties and/or disabilities (LLDD) up to the age of 25, by placing responsibility for those LLDD aged 19-25 with a learning difficulty assessment with local authorities. These new arrangements will improve the outcomes for these learners. New guidance will need to be issued to reflect these changes and we expect to publish further guidance in Spring 2010 having concluded discussions with local authorities and stakeholders.

1.8 Assessments carried out under s139 of the Learning and Skills Act 2000 continue to play a key role in that process. We are proposing that this assessment be the determining factor for whether a learner with LDD at 19 through to 25 and wishing to continue education and training, remains the responsibility of the local authority rather than transferring to be the responsibility of a learning provider and through this the Skills Funding Agency. We recommend local authorities determine how they will identify those learners who will benefit from continuing LA support in anticipation of this change. This may require a review process of 19-25 LLDD leading to a s139(A) assessment where it is established that a learner will benefit from LA support.

1.9 More than ever we need an assessment process to be a consistently delivered and high quality service which ensures continuity and appropriateness of support when it is needed. This process should be actively supported by senior leadership teams monitoring the quality and sufficiency of the assessments produced through robust quality assurance systems operated in local authorities and commissioned services.

1.10 In summer 2009, Ofsted began the major review of SEN/LLDD provision and transition arrangements, including the assessment processes, for children and young people. We anticipate their report to be published in summer 2010. Following the outcome of that review, we expect further developments to be considered as part of our intention to continue to improve the outcomes for LLDDs, wherever they are in the FE system.

1.11 In June 2009 the *Valuing Employment Now* strategy for people with learning disabilities was published. Recognising that this group has the lowest employment rate of any vulnerable group the cross government strategy challenges entrenched views that people with learning disabilities cannot work. The education system has a strong role to play in raising expectations among learners and their families that work is a viable and obtainable option. The process of supporting the learners with learning disabilities including assessment should reinforce and promote notions of work and the assessment should identify how provision and support will lead to work.

Status of this guidance:

1.12 This statutory guidance has incorporated suggestions arising out of the consultation period which ran from 23 April to 16 July 2009. The guidance is designed to help local authorities to make consistent, effective and robust decisions

but it does not – and could not – tell them what to do in each individual case. The Guidance is current to March 2010 when the guidance published in Spring 2010 to reflect changes brought about by the ASCL Act comes into effect.

2. What is an assessment relating to learning difficulties?

2.1 An assessment relating to learning difficulties is an assessment of a person that results in a written report of:-

- (a) His/her educational and training needs, and
- (b) The learning provision and support required to meet those needs.

2.2 The assessment report should inform decisions about the type of education or training provision a person being the subject of such an assessment should receive. It should clearly identify their needs and appropriate provision that can actually and realistically be provided to meet them. This reflects the legal ruling made in the case of *Alloway v London Borough of Bromley* (dated 17 September 2008)¹. The intention of the assessment report is to protect the recipient of the assessment from receiving provision that is unsuitable for their needs, or having provision identified which is subsequently unsuitable for their needs.

3. What does the legislation say?

3.1 Sections 139A to 139C of the Learning and Skills Act 2000 (“the 2000 Act”) which were inserted into that Act by section 80 of the Education and Skills Act 2008 place statutory responsibility on local authorities in relation to assessments relating to learning difficulties. This replaces Section 140 of the 2000 Act, which no longer applies to England.

“Section 139A Assessments relating to learning difficulties: England

- (1) Subsection (2) applies if a local authority in England -
 - (a) maintains a statement of special educational needs for a person, and
 - (b) believes that the person will leave school, at the end of his last year of compulsory schooling, to receive post-16 education or training or higher education.
- (2) The authority must arrange for an assessment of the person to be conducted at some time during his last year of compulsory schooling.

¹ [2008] EWHC 2499 Admin.

- (3) Subsection (4) applies if a local education authority in England-
 - (a) maintains a statement of special educational needs for a person who is over compulsory school age, and,
 - (b) believes that the person will leave school, during or at the end of the current school year, to receive post-16 education or training or higher education.
- (4) The authority must arrange for an assessment of the person to be conducted at some time during the current school year
- (5) A local authority in England may at any time arrange for an assessment to be conducted of a person -
 - (a) who is within subsection (6), and
 - (b) for whom the authority is responsible.
- (6) A person within this subsection is one who -
 - (a) is in his last year of compulsory schooling, or is over compulsory school age but has not attained the age of 25,
 - (b) appears to the authority to have a learning difficulty within the meaning of section 13, and
 - (c) is receiving, or in the opinion of the authority is likely to receive, post 16 education or training of higher education.
- (7) In exercising its functions under this section an authority must have regard to any guidance issued by the Secretary of State.

Section 139B Assessments under section 139A: interpretation

- (1) This Section applies for the purposes of section 139A.
- (2) A statement of special educational needs is a statement maintained under section 324 of the Education Act 1996.
- (3) An assessment of a person is an assessment, resulting in a written report of:
 - (a) the person's educational and training needs, and
 - (b) the provision required to meet them.
- (4) A local education authority is responsible for:
 - (a) a person who is receiving education or training in its area'
 - (b) a person who is not receiving education or training, but who is normally resident in its area,

(c) a person who is not receiving education or training, and who is not normally resident in its area or that of another authority, but who is otherwise within its area and, in its opinion, likely to receive post 16 education or training or higher education.

- (5) A person's last year of compulsory schooling is the last school year at his school during the whole or part of which he is of compulsory school age; and in the application of section 139A(6) to a person who is receiving education at an institution other than a school, that institution is to be treated for the purpose of determining his last year of compulsory schooling as though it were a school.
- (6) "Higher education" is education provided by means of a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.
- (7) "Post-16 education or training" means post-16 education or post-16 training within the meaning of Part 1.
- (8) "School year" has the meaning given in section 579(1) of the Education Act 1996.

Section 139C Assessments under section 139A: persons educated at home

- (1) Section 139A applies in relation to a person who is receiving education at home, subject to the following modifications.
- (2) In section 139A(1)(b) and (3)(b), references to a person's leaving school to receive post-16 education or training or higher education are to be construed as references to a person's ceasing to receive education at home in order to receive, otherwise than in school, post-16 education or training or higher education.
- (3) References to a person's last year of compulsory schooling are to be construed as references to the 12 month period ending when the person ceases to be of compulsory school age.
- (4) References to the current school year are to be construed as references to the period of 12 months beginning on the most recent 1st September."

3.2 Section 13 (5) and (6) of the Learning and Skills Act 2000 provides that:

(5) A person has a learning difficulty if—

(a) he has a significantly greater difficulty in learning than the majority of persons of his age, or

(b) he has a disability which either prevents or hinders him from making use of facilities of a kind generally provided by institutions providing post-16 education or training.

(6) But a person is not to be taken to have a learning difficulty solely because the language (or form of language) in which he is or will be taught is different from a language (or form of language) which has at any time been spoken in his home.

3.3 Until March 2010 under the 2000 Act the Learning and Skills Council (LSC) is responsible for securing the provision of facilities for post-16 education and training in England (except for higher education). It is under a duty in section 13 of the 2000 Act, when discharging its functions specified in that section, to have regard to the needs of persons with learning difficulties and in particular to have regard to any report of an assessment conducted under section 139A of the Act. Section 13 says:

13 Persons with learning difficulties

(1) In discharging its functions under sections 2, 3, 5(1)(a) to (d) and (g), 8 and 11A the Council must have regard—

(a) to the needs of persons with learning difficulties, and

(b) in particular, to any report of an assessment conducted under section 139A or 140.

3.4 It is also important to note section 6(3)f of the 2000 Act:

6. Financial resources: conditions

(1) If the Council itself provides financial resources it may impose conditions; and the conditions may include any provisions described below.

(2).....

(3) The conditions may require a person providing or proposing to provide education or training (the provider) to make arrangements providing for all or any of the following—

(a) for the provider to charge fees by reference to specified criteria;

(b) for the provider to make awards by reference to specified criteria;

(c) for the provider to recover amounts from persons receiving education or training or from employers (or from both);

(d) for amounts to be determined by reference to specified criteria where provision is made under paragraph (c);

(e) for specified exemptions to operate where provision is made under paragraph (c);

(f) for the provider to make provision specified in a report of an assessment conducted under section 139A.

4. Who should receive an assessment?

Under the Duty

4.1 Local Authorities, under section 139A of the 2000 Act, are placed under a duty to arrange for an assessment to be conducted of all persons in respect of whom they maintain a statement of special educational needs and whom they expect to leave school to receive post 16 education, training or higher education. This applies whether the young person is in Y11, 12 or 13. It also applies whether the young person leaves school at the end of the academic year, or in the case of young people over the age of compulsory schooling, at any point during the year.

4.2 Statements of special educational need can last until a person's 19th birthday and, as part of the funding agreement the LSC has with local authorities, local authorities should continue to fund statements past the 19th birthday if that allows the person to finish a course or an academic year that they would have to give up otherwise.

Under the Power

4.3 It is a matter for local authorities to satisfy themselves that they are lawfully exercising their statutory functions with regard to assessments relating to learning difficulties. However, it is likely that they will decide whether an assessment would be beneficial in consultation with the young person, their parents/carers, their school and other relevant professionals. If a young person or their parent requests an assessment and they fall within the group covered by the Power, the authority should decide whether an assessment would be beneficial, taking account of the guidance below.

4.4 The power to arrange for assessments to be conducted is there for the benefit of those reaching transition points from schooling into post 16 education, or training, enabling their special educational needs to be met as far as possible. This is essential if they are to fulfil their potential and reduces the risk of them dropping out of learning. It is also important to recognise that those who will benefit most from an assessment process will be learners whose needs are around the level where they would be considered for statementing in a school setting but whose needs have been met without the need for a statement. A local authority should arrange for an assessment of learning difficulties to take place for:

- a. any young person with a learning difficulty but without an SEN statement, , in his/her last year of compulsory schooling, who is believed likely to need additional support as part of his/her future education or training and who would benefit from an assessment to identify his/her learning needs and the provision required to meet those needs.
- b. any young person with a learning difficulty but without a SEN statement including young people at School Action Plus, who is over compulsory school age but under 25 who is receiving or in the opinion of the authority is likely to receive post 16 education or training or higher education and:
 - i. is likely to leave school, during or at the end of the current school year, is believed likely to need additional support as part of their future education

or training and would benefit from an assessment to identify his/her learning needs and the provision required to meet those needs;

- ii. is currently in, or about to start, post 16 education or training, but has not previously received an assessment, but whose circumstances are now considered by the local authority to indicate that an assessment of his/her learning needs and the provision required to meet them is appropriate;
- iii. has previously received an assessment but whose circumstances have since changed to such an extent that a further assessment is necessary to ensure his/her learning needs are met; or
- iv. was previously covered by a statement of special educational needs, but did not receive an assessment under the local authority's duty, because he/she did not move from school into other education or training. This might apply should a young person undertake employment for a year before wanting to return to education or training.

4.5 There may also be those who acquire a learning difficulty and/or disability through injury or disease where an assessment will benefit re-orientation of learning plans and consequent life decisions. Additionally those learners who continue learning beyond 19 may well need to be reviewed and a refreshed assessment agreed because of the need to ensure the most appropriate provision and support to meet changing needs. It is also possible that learner's conditions may deteriorate requiring new assessment of need.

4.6 Annex 2 provides guidance on a number of special cases where there could be doubt as to whether an assessment is needed.

5. Which local education authority is responsible for assessing a particular young person?

5.1 This section is not seeking to overturn existing home/host arrangements between local education authorities where these are working well. It is intended to minimise the possibility of disputes between local authorities by providing guidance that should be followed unless alternative local arrangements are agreed.

An individual for whom a SEN statement is being maintained.

5.2 In these cases responsibility for the assessment rests with the local education authority that is maintaining the statement of SEN even if this is a different local education authority area from the local education authority area where the person is receiving their education.

An individual has a learning difficulty but no statement is being maintained.

5.3 Section 139B(4) of the 2000 Act makes provision about which persons local education authorities are responsible for.

5.4 A local education authority is responsible for arranging an assessment for a person where the person is receiving education or training in its area.

5.5 If the young person is not currently receiving education or training, then arranging an assessment lies with the local education authority where the young person is normally resident.

5.6 If the young person is not receiving education or training and is not normally resident in any area (for example, they split their time equally between the homes of two parents or carers in different local education authorities) it is the local education authority where they present themselves for assessment that is responsible. Annex 2 identifies some special cases.

6. Who should conduct and who should contribute to the assessment?

6.1 It is for a local authority to decide the mechanics of the assessment, but it is likely that whoever is conducting the assessment will work closely with the young person, their parents and/or carers, and other professionals involved in supporting the recipient, to ensure the assessment of their educational and training needs and the provision needed to meet them, is evidence based and valid. We expect professionals conducting assessments to be qualified to NVQ level 4 and to have received sufficient training (on disability impacts and differentiation of needs according to different disabilities) to act with authority on their judgements. Further training may be essential and we expect continuing personal development to encompass widening skills and knowledge of specific disabilities to improve the service to learners. All PAs should have received basic disability awareness training but this is not sufficient to carry out assessments. It is also essential to maintain a thorough knowledge of learning and training provision both locally and nationally, as well as employment opportunities. It is not good practice to expect trainees or staff working towards a NVQ level 4 qualification to undertake s 139(A) assessments until after the completion of their qualification and additional training.

6.2 An assessment of learning difficulties should always be conducted by the person who is best placed to identify - and make judgements about - the needs a young person is likely to have when they undertake further education, training or higher education. This person should be independent of any provider both locally and nationally. However, where other people have had a significant involvement with the person being assessed in the past, their contribution should where possible be included.

6.3 Assessment can be a challenging task and those undertaking assessments should have the relevant expertise and a professional responsibility to stay within the bounds of their competence. For cases where assessment issues are particularly difficult, local authorities would want to decide what actions (such as further training or consultancy support) are needed in order to produce reports that are fit for purpose.

6.4 To avoid a range of methodology emerging, which in turn means that the experience of young people may lack consistency across the country, the report must meet the requirements of the LSC. This could be achieved through the use of the LSC's Learning for Living and Work (LfLW) framework

<http://readingroom.lsc.gov.uk/lsc/National/nat-learningforlivingworkFWOCT08-mar09.pdf>, which is a planning document to support transition and is an appropriate means of providing information about a young person and the support they need to access learning or training. The framework facilitates the collection of pertinent information from a range of agencies, meets the requirements of S139A and allows the allocation of the correct level of funding from the relevant agencies to be secured. Whilst many people will contribute to the assessment it is expected that one person will work closely with the young person and their parent/carer and be responsible for co-ordinating the information and the process.

6.5 We expect that professionals conducting assessments have access to managers trained in reflective practice to ensure proper professional supervision and support.

Working with the Person being assessed

6.6 The person conducting the assessment should make every effort to ensure that the person being assessed (and where appropriate their parents and/or carers) understands that the assessment is necessary to help safeguard their interests. The individual being assessed should play an active part in the assessment. The assessor should explain to the person being assessed that the purpose of the assessment is to enable well informed decisions to be made about the kind of post 16 education and training or higher education they need to succeed, building on their aspirations and on their chosen career path. It is important to recognise the wider context in which decisions are being made by the learner. For example there may be person-centred planning approaches being adopted by a local authority which may provide choice and control over services being provided for the learner such as in housing or care services. These are effective means to creating independence and it is important that the individual is actively involved in decisions about learning provision and next steps. There may also be new work on person-centred approaches being undertaken by local authorities through Aiming High for Disabled Children and the Transition Support Programme, and we would expect assessments to reflect new and effective practice.

6.7 The person undertaking the assessment should seek to gain the agreement of the person receiving the assessment to share the outcomes of the assessment with the LSC and appropriate education and training providers. The most straightforward way to do this is likely to be obtaining written consent to disclose the assessment report. The local authority must be mindful of the restrictions concerning disclosure of information in reports of learning difficulty assessments without the appropriate written consent from the person being assessed. Paragraph 14.4 of this document provides further guidance on obtaining consent.

6.8 If the person being assessed has significant communication difficulties, the person conducting the assessment may need to establish their views and wishes through (as appropriate) their teachers, parents/carers, other representative, or an

interpreter. Even where communications difficulties are profound the person conducting the assessment should use best efforts to involve the person being assessed to the greatest extent possible. The young person and family may have already been very involved in the Transition Plan in Year 9, and review of this annually since, so they might not need to go through all the details again. The assessment should build on this earlier process.

The involvement of parents, carers and other professionals

6.9 The assessment should build on the views and expertise of other people who have already supported the person being assessed and on the processes they have used. The following may contribute to the process:

- The Special Education Needs Coordinator (SENCO), or the teacher who leads on transition planning where this is not the SENCO. They will provide information about support provided in school and access to any Individual Education Plans. The SENCO or other appropriate teacher may also be able to share information about strategies which have previously been used successfully to help the learner overcome barriers in school.
- Statements, annual reviews and other statutory assessment processes and school reports.

6.10 Others who may be required to contribute to the assessment include:

- Parents and/or carers and/or other representatives
- Educational Psychologists
- Clinical Psychologists
- Social workers
- Other LAs where young person educated away from own LA
- Other teachers
- GPs, hospital consultants, psychiatrists
- Other professionals – e.g. youth offending case worker
- Work experience providers
- An advocate for the young person
- Personal advisers for looked after young children

Involvement of future education and training providers

6.11 Relying on evidence from possible future providers in making the assessment could be compromising if the institution is likely to be affected by the result of the assessment. Assessments should be conducted **independently** of providers and of any other provider assessments, and should recognise the learner need. That said there are real advantages in young people attending a prospective institution(s) to receive tasters and to explore the kind of support that may be needed. Evidence from this process, rather than being the central plank of the assessment, should be seen as evidence for refining how a provider might meet the needs of a learner using an assessment that is already in place, but this should not be used to influence the outcome. Under the *Alloway* judgement which says that assessments should state

which provider will be used it is important to ensure there is some provider interaction, but this should not influence the assessment decision.

Useful documents

6.12 The following documents may be helpful:

- Transition Plan
- Last annual review
- Individual Education Plan
- Pastoral Support Plan (if in place)
- Connexions Action Plan (if in place)
- Record of Achievement (Progress File)
- The Health Plan or Health Action Plan
- Leaving Care Plan and Personal Education Plan for young people in care

6.13 It is also likely that other assessments will have taken place. The assessment relating to learning difficulties is designed to update, add to and build on previous assessments and interventions taking account of changing needs and circumstances – it should not duplicate them. The principle the personal adviser should try to follow is to reduce the burden of assessment and to gather and utilise existing information and assessment data wherever possible.

6.14 Even if there are other assessments in existence, it may be necessary for the person conducting the assessment to arrange for specialist assessments by those who can offer specialist support and resources, targeted at individuals with specific needs. For example, if a person with a learning disability wanted to arrange independent living accommodation but needed additional support in order to do so it may be appropriate to refer them to the social services Learning Disability Team in the area. They will be able to carry out an assessment of support needs and offer support and advice on new living arrangements.²

7. Carrying out an assessment relating to learning difficulties

7.1 It is important that assessments relating to learning difficulties are not seen as a separate process from other transition planning processes that support young people as they move on to further education or training. Local authorities are reminded that all 16 and 17 year olds (i.e. those completing compulsory education in the current year, or who completed in the previous year) are entitled to an offer of a place in post-16 learning under the September Guarantee. The assessment will be part of the process of ensuring that young people with learning difficulties receive an offer, by the end of September, of a place that is appropriate and meets their needs.

² Further information can be obtained from: "Funding Guidance: Placement for Learners with Learning Difficulties and/or Disabilities at Specialist Colleges" which can be found on the LSC's website. <http://readingroom.lsc.gov.uk/lsc/National/nat-221208BFINALLLDDFundingGuidance200910-dec08.pdf>

7.2 The person conducting the assessment is part of the team which supports the young person in transition and plays a key part in this whole process. The wider team will inform the assessor's understanding of the young person, their strengths and support needs and will help in the completion of the assessment relating to learning difficulties in conjunction with other relevant agencies and professionals.

7.3 The Common Assessment Framework (CAF) is a national standard approach to conducting an assessment of the needs of an infant, child or young person when there is concern about their health, welfare, behaviour or progress in learning. Therefore it has an important part to play, when available, to feed into the assessment under Section 139A of the Learning and Skills Act 2000. It can inform the transition planning process and provide information on a learner's needs relevant to the planning of post-16 provision. The LSC's Learning for Living and Work (LfLW) framework provides a consistent method of collating this information to inform the planning of the provision required to meet the learning and training needs post-16. In addition, it identifies the agencies that may be required to contribute funding to support a young person. Therefore, where a CAF is available the processes are complementary.

7.4 Those conducting assessments may also use the CAF, assessment tools and other mechanisms to contribute to the assessment. If used, the CAF should identify gaps in the overall understanding of a young person's needs and circumstances and to focus on these. It is important to recognise that young people with learning difficulties and/or disabilities may also face other barriers to making a successful transition and the CAF process will assist with the identification of these.

7.5 The assessment should not be viewed as a separate, one-off event but the culmination of an on-going process of assessment and reviews. The assessment relating to learning difficulties should add to and build on previous assessments and interventions, not duplicate them.

7.6 The assessment needs to be focused on the identification of those various factors which may be supporting or hindering progress in learning. Therefore, it is expected that the local authorities will consider a young person's wider needs when arranging and carrying out a learning difficulty assessment. These could include, for example, whether a young person intending to enter Higher Education requires support from social services if they require personal care or whether a young person requires support with transport to enable them to access their learning course. There should be a strong focus on seeking information from other professionals, so that assessment processes are not duplicated and that specialist services and resources of all relevant agencies are co-ordinated to benefit each young person.

CASE STUDY – Multi-agency working

Regular case conferences are conducted as Transition Planning groups containing relevant professionals including the SENCO, Connexions (PA, social worker, learning support workers, specialist auditory and visual impairment services and others dependent on the individual case. Progress is recorded upon agreement and a lead professional liaises with learner and parent/carer and involves them in the

process placing them at the centre of the process. The process builds to a decision about whether an assessment would benefit a learner and what outcomes are expected, including long-term employment and independent living goals. This also helps define the learning programme to be recommended. The resulting assessment is therefore a product of careful planning, involving the learner and parent/carer and contains no surprises. The lead professional is able to inform the LSC at an early stage what learning placement may be required and alternatives

7.7 We expect the process to raise learner's expectations and particularly of work. In the strategy *Valuing Employment Now*, published in June 2009, we challenge notions that people with learning disabilities cannot work, and expect professionals working with young people with learning disabilities to ensure that they are guided towards work whenever this appropriate. Clear pathways laid out in the assessment that focuses the learner on employment as an outcome will also help identify learning opportunities in Foundation Learning and diploma. It is essential that LLDD are made aware of opportunities and expect to be prepared for these opportunities, and the s139(A) process should identify the outcomes expected.

7.8 Including these wider needs will be essential to identifying the support the young person requires in order to access the most appropriate course, to participate and to achieve. It will also enable the local authority to gain a better understanding of the needs of learners with learning difficulties and/or disabilities within their area and so ensure that services are planned and commissioned effectively to meet these needs. Therefore, the local authority will want to ensure that the relevant links are in place across services. For example, where transport needs are identified that these are communicated to the authority's transport commissioner and to those responsible for 'travel training' and other similar schemes. Local authorities should view the transport needs of learners with LDD as integral to achieving their learning outcomes when commissioning transport for this group of learners. Other examples include where health or care needs of the learner will need to be met to enable learning and assessments should make clear what the health and care needs are to enable specific commissioning from the Primary Care Trust and through Social Services In some areas it may also be beneficial to involve third sector and voluntary organisations.

7.9 Local authorities should consider whether there is a need to ensure that there is effective support and liaison in place in those cases where the person is being educated outside the area where they normally reside and therefore where more than one Connexions provider could be involved.

For an individual with a statement of special educational needs

7.10 Young people with statements relating to their special educational needs, and about to move from schooling to alternative education or training will fall into the group for which the local authority has a duty to arrange an assessment.

Timing

7.11 Section 139A requires that assessments are conducted for young people at some time during their last year of schooling up to the age of 18 (for those young people who remain at school post 16).

7.12 Assessments should take account of person-centred transition planning and the outcomes of the young person's last annual review. The assessment relating to learning difficulties will be the culmination of an ongoing process of assessment and review, geared towards the production of an action plan, which builds on and updates the Transition Plan that has been in place since year 9. Assessments should also take account of any other statutory assessment process which may apply to a young person, for example, in relation to the content of a looked after child's personal education and pathway plans. Wherever possible, reviews should be timetabled to inform the assessment relating to learning difficulties.

7.13 Ideally, the assessment would be in place to support the application process to further education, training, or higher education, and the authority's timetable for delivering the September Guarantee. Therefore, the ideal timeline for the process for young people in Year 11 (or Years 12 or 13 for those who remain in school) would be:

- Annual review in autumn term leading to the completion of assessment relating to learning difficulties,
- Assessment relating to learning difficulties supports application to education and training providers.
- Ideally all assessments should be completed to give an indication of likely numbers requiring possible specialist provision by March, and therefore timely progress towards a successful placement the following September

7.14 An alternative model, for consideration by the LA, would be

- Annual review in spring or summer term of Year 10 informs the completion of assessment relating to learning difficulties in the autumn term of Year 11, 12 or 13;
- Assessment relating to learning difficulties supports application to education and training providers and should be completed wherever possible by March
- Education and training provider interview process is timed to feed the outcome of the application into the Year 11, 12 or 13 reviews.

The second model is preferable in that it gives slightly more planning time. An assessment can always be reviewed and updated so that when a young person moves on the most up to date information goes with them. The second model may have significant implications for caseloads, as personal advisers would not automatically attend reviews in Year 10. However, the best outcomes for the young person should be the basis for deciding at what point to carry out the assessment.

7.15 However, it is important to remember that the duty is to carry out an assessment during a young person's last year of schooling, when the local authorities believes that they will leave school to undertake alternative education or training. The duty applies whether the young person has very clear, fixed, long-term plans (meaning an assessment in Autumn term is possible), or whether the young person makes a decision or changes their mind later in the year, or indeed in late August after receiving exams results. In the latter case, it might be that for practical reasons, the assessment is not carried out until early September, but that does not stop the duty to arrange the assessment from applying.

7.16 Practical advice on transition planning for young people with statements of special educational needs can be found in the SEN Toolkit.³

For an individual without a statement of special educational needs

7.17 Young people with learning difficulties, but without statements relating to their special educational needs, who are planning to undertake further education, training or higher education, will fall into the group for which the local authority has a power to arrange an assessment.

Timing

7.18 For young people who will be moving from school to alternative education or training, the timing of an assessment would be very similar to those young people with statements – the assessment should take place as early in the academic year as possible – and ideally in the autumn term – in order to support applications to college and training. However, there will always be young people who are identified at later stages who require assessments relating to learning difficulties and these should be carried out as the need becomes apparent.

7.19 Some young people who fall into the group for which the local authority has a power to arrange an assessment will not necessarily still be attending school. They might have been in full time employment, and have decided to return to training, or they might already be in education and training, but their circumstances have changed to the extent where an assessment is now deemed necessary when it has not been previously. In these instances the assessment should take place as soon as possible so as to help the young person consider their options for further learning, and give chosen providers the maximum amount of time to arrange appropriate support for the young person.

Ongoing Support

7.20 It is good practice for periodic reviews (frequency of review should be according to client need but be at least every two years) of the assessment to be arranged by the local authority, involving relevant agencies as required, whilst the

³ The SEN Toolkit, along with the SEN Code of Practice can be ordered from DCSF publications centre on 0845 60 222 60 – Code Reference 581/2001, Toolkit Reference 558/2001. Local authorities should already have the Code and the Toolkit. However, they are also available on website www.teachernet.gov.uk/sen

person remains in further education, training or higher education, up to their 25th birthday). This will enable the assessment process to be built upon and remain current.

7.21 Continuity of support for each person is highly beneficial. However, where this is not possible, a local authority may want to ensure early liaison takes place, before the person takes up their place in FE or training, between the person who completed the assessment relating to learning difficulties, the personal adviser who will provide ongoing support and the education /training provider. This liaison would aim to ensure that everyone, in particular the young person, is clear about their role and what can be expected. It would be beneficial to the process to clarify:

- How Connexions will liaise with the college/training provider to ensure that the young person is receiving the support that was identified as being needed through the assessment?
- Which personal adviser will follow up the person when they have taken up their place in college or training?
- How the person will be introduced to the new personal adviser?
- What review processes will be put in place for the learner in their new learning environment?

7.22 The process of assessment and transition planning, which leads to assessments relating to learning difficulties would enable the following to take place if the need is identified:

- Further/specialist assessment; and/or
- a placement with an independent specialist provider to be considered by the Learning and Skills Council.⁴; **or**
- a local FE college/work-based training placement **or**
- If the student has support needs which involve other agencies, it may be appropriate for another agency (in conjunction with Connexions) to take the lead in putting forward the placement request to the LSC.

8. How do I ensure that the assessment report complies with the law?

8.1 The key to this is ensuring that the report is fit for its purpose. The assessment should enable the LSC and education, training and other support service providers to determine that the provision will meet a young person's needs.

⁴ Annex 3 (iii) contains a flow chart on how to apply for funding to attend a Specialist College. This should be identified well before the year 11 review as a number of specialist colleges now have two year waiting lists, although the LSC does not consider placement requests more than a year in advance of the start date of the placement.

8.2 Local authorities will have to satisfy themselves that reports of assessment are compliant with section 139A of the 2000 Act.

8.3 The judgement in the case of *Alloway v London Borough of Bromley* (dated 17 September 2008) includes the requirement that “the assessment must not simply be a set of recommendations in theory but must deal with what actual real provision can be made”.

8.4 The report should be clear where and how the learner’s needs can be met and identify appropriate provision. It should also include support needed to access learning provision, sensory aids, aids to assist movement or manipulation, staff ratios, level of supervision needed, specific professional support e.g. nursing or physiotherapy. Specific consideration should be made of the learner’s travel/transport needs including the recommendation of travel training as an aid towards independence. Travel arrangements should be among the first considerations ensuring that the learner is able to access identified provision and does not spend lengthy periods travelling which may aggravate conditions or mean that the learner is not ready to learn on arrival. Local authorities will be better placed to commission more effective transport if learner needs are widely shared through the assessment process. This requires input from a number of agencies and professionals and should be collated, possibly using the LfLW framework, to allow appropriate provision to be identified and to inform the LSC’s funding decision. When transition planning is carried out effectively the provision is identified at an early stage and the provider will have a good understanding of the learner’s needs and can prepare to accommodate them well in advance.

8.5 It is important that the LSC receives this information in a timely and consistent manner to inform planning and development with providers to ensure the most effective use of funding and the availability of appropriate provision to meet the needs of young people,

8.6 It is expected that reports are produced to a high quality and consistently. To assist this it is good practice to ensure that reports are subject to robust quality assurance systems, which include line management sign-off and checking compliance on a regular basis. Senior managers will want to be assured that assessments conform to organisational standards and there should be regularly updated guidelines available as part of the quality assurance system. Local authorities may wish to consider how they can be assured of high quality assessments which meet learner’s needs and should consider building in quality standards such as expected outcomes in their commissioning process.

CASE STUDIES Active Leadership and Management

Derbyshire Connexions has trained all its team leaders in reflective practice to support PAs completing learning difficulty assessments, and to be able to discuss cases. A senior manager signs off all assessments prior to their submission to the LSC and quality assurance checks are made on a random 20% sample of those submitted to ensure compliance and as part of the continuous improvement process

In Central London Connexions a senior manager makes spot checks on completed s139(A) assessments as part of the quality assurance process, to ensure compliance and consistency. Feedback is also provided to line managers

9. Making difficult judgements

9.1 One of the most challenging aspects of an assessment is synthesising a clear and coherent set of judgements from complex, varying and changing evidence. If an assessment involves conflicting views from more than one professional this can create difficulties for the person conducting the assessment who may be uncertain how far he/she can come to their own view. Those conducting assessments should avoid producing a report that just records the different professional opinions and does not come to an independent view. Otherwise the report may appear ambiguous and may not provide a robust evidence based assessment as to the education and training provision needed.

10. How should the assessment be recorded?

10.1 There is no set format for producing a report of an assessment although it must be in writing. It is important that the person conducting the assessment works with the LSC to agree a format which is appropriate. It is strongly advised that the assessment report is not incorporated into the Action Plan - the assessment report should always be distinguishable as a discrete document. Although for operational purposes it is generally convenient to have the report of assessment and the action plan together it is important to appreciate that the assessment report is an important document which can be subject to legal challenge with consequences for Local Authorities and the LSC. Experience has shown it is very important that there is no confusion over what is, and what is not, part of the assessment.

10.2 All assessments should be recorded on the Client Caseload Information System (CCIS). This will also enable local authorities to make sure that all eligible young people have received an assessment and to identify any that have been missed. Local authorities, through the Children's Trust, should also consider how the information held on CCIS is shared with other local authority services and partner organisations

11. Action planning to implement the assessment

11.1 It is vitally important for the person conducting the assessment to ensure that the assessment report they produce with the person being assessed is thorough, clear and specific about their identified needs and the provision required to meet their needs. This will inform the continued refinement of the Action Plan. To carry out effective action planning activity the assessor will need to have up to date information about education and training provision, relevant support services and of future plans for provision in the local area and, to some extent, nationally. This will inform decisions over the options that should be agreed. Under *Learning for Living and Work* the benefits of such an approach have been proven and continued other agency involvement in achieving learner goals.

12. Use of assessments in strategic planning

12.1 Local authorities should develop mechanisms to share reports of assessments relating to learning difficulties with the LSC with the necessary consent. It will be important that formal mechanisms are developed which ensure that these assessments have a real role in helping the LSC, education and training providers plan to develop provision for students with learning difficulty and to meet the education and support needs of individual students. The outcomes of this process should be fed back to those conducting assessments so that they see the value of the work they undertake. Annex 1 provides an approach to strategic planning in respect of young people with learning difficulties.

13. Where can I get advice on sharing information about young people?

13.1 Information about a person with learning difficulties can be sensitive, complex and detailed, and the effectiveness of support offered to the person in questions will depend upon the extent to which information necessary to provide appropriate support is recorded, used and shared with other agencies.

13.2 The Education (Special Educational Needs) (England) Regulations 2001 at the back of the SEN Code of Practice allow for the disclosure of a young person's Statement to the Connexions Service for the purpose of writing or amending a transition plan, without the young person's consent.

13.3 Guidance on the Client Caseload Information System (CCIS) is also available in the CCIS Specification and the information sharing: Practitioners Guide available on the ECM Website at:

<http://www.everychildmatters.gov.uk/deliveringservices/informationsharing/> . The purpose of this guidance is to help Connexions by:

- advising Connexions of their responsibilities under the Data Protection Act;
- advising Connexions of the appropriate use of the enabling powers (to share information for Connexions purposes) detailed in the Learning and Skills Act 2000 and Education and Skills Act 2008;
- providing guidance on drawing up information sharing agreements; and
- clarifying expectations regarding consent.

13.4 With few exceptions, consent will be needed to share information with other agencies. Consent will be given by the young person if they are judged to be competent to give consent and understand the implications; otherwise, it may be appropriate for consent to be given on their behalf by a parent or carer but local authorities will need to satisfy themselves as to the lawfulness of any information sharing about those being the subject of learning difficulty assessments.

13.5 The *Code of Practice for Connexions PAs* provides guidelines for Connexions Personal Advisers on key ethical issues and general orientation of professional practice. It is intended to be a written point of reference to ensure that practice develops within criteria and standards that have been widely agreed across the professions contributing to Connexions. The Code of Practice for Connexions Personal Advisers (PAs) can be ordered from DCSF publications centre on 0845 60 222 60 – Code reference CXPXCODE

14. Useful resources

14.1 ‘*A Guide to Special Educational Needs*’ has been produced for personal advisers participating in the Connexions training programme. The publication is designed to give an overview of special educational needs and the processes that operate in relation to it, and directs personal advisers to support services that may be available from other agencies.

<http://publications.everychildmatters.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=CNUTM%2fR14>

14.2 SEN Code: paras 8.117 to 8.123 and 9.51 to 9.69.

14.3 The module has been produced as a resource for partnerships on CD ROM for use in developing their own training programmes/courses. The module may be delivered in a way which suits the partnership best, either through Higher Education Institutions (HEIs), training providers or in-house by Connexions trainers. The module has also been designed so that it can contribute towards an academic award and is capable of being accredited by HEIs.

14.4 “<<http://www.transitionsupportprogramme.org.uk/>> (under “Resources”)

A Transition Guide for all Services - an overarching view of all the services that need to work together to ensure appropriate support for disabled children throughout each stage of their life. (Hard copy guide available from Prolog on 0845 60 222 60, quoting 00776-2007DOM-EN.)

Transition: Moving on Well good practice guide on effective transition from children's to adult services for young people with complex health needs.

Future Positive - a resource pack for people working with disabled young people leaving care.

Annex 1 - The Strategic Planning Context

Assessments relating to learning difficulties and/or disabilities provide valuable information which, if gathered at an early stage supports agencies in their strategic planning. The LSC requires information about a young person that provides objective, comprehensive evidence of their educational and support requirements to allow objective and realistic decisions to be made regarding funding for provision.

The Learning for Living and Work Framework

<http://readingroom.lsc.gov.uk/lsc/National/nat-learningforlivingworkFWOCT08-mar09.pdf>

indicates the range of information that is required by the LSC and will assist in complying with section 139A of the Learning and Skills Act. A planning timeline is provided in Appendix 2 of the framework to support strategic planning and is recommended for use from year 9, or earlier. This process could also be valuable to prevent young people from becoming NEET (not in education, employment or training).

The following is a possible approach to strategic planning for local authorities

Year 9

- Collate information about numbers of young people with Statements and their identified special educational need.
- Identify numbers of young people without statements who have been assessed as having SEN and the type and level of need. Identify those who are likely to need an assessment from the group nearest those with statements. Collate this information. (There are a number of ways in which this can be done, e.g. through Partnership Agreement negotiations or meetings in schools to identify the support needs of different year groups).
- Share information with the LSC to inform strategic planning.

Year 10

- Some colleges have said that they would find it helpful to be aware of students with complex support needs who are likely to apply to college for the end of Year 11. In these cases, with the young person's agreement, share the transition plan or outcome of CAF to inform the college's initial planning and assessment for the learner.

Year 11

- With the necessary consent:
-
- Share assessments relating to learning difficulties with colleges to support applications;
- Share assessments relating to learning difficulties with the LSC.
- Ensure that all young people with learning difficulties have an offer of a place in post-16 education or training.

N.B. The processes in Year 10 and 11 can be applied to young people in Years 12, 13 and 14 where they stay on at school beyond Year 11.

This process could help the LSC, Connexions and colleges:

- identify trends and plan to meet them
- plan for funding
- identify and meet staff training and development needs
- consider staff resources needed to support young people with learning difficulty.

Sharing Information

Assessments relating to learning difficulties are designed to support students in future FE, HE and training placements. However, the information they produce will be valuable in planning integrated provision for these young people and would be useful to Social Services, Local Authorities and Voluntary Organisations as well as Connexions Partnerships and LSC. Because of this, it would be helpful if, with young peoples' permission, collated information from learning difficulty assessments were to be fed into appropriate strategic multi agencies which have a responsibility to plan for young people with learning difficulty.

Annex 2 – Specific Cases

- i) Specific cases where there may be doubt as to whether an assessment should be carried out.

These scenarios assume unless otherwise stated that the young person has a statement of special educational needs and is in their final year of compulsory education.	
Scenario	Approach to take
1. The young person has a change of plan which appears to put them outside the scope of the duty. An example would be a young person who decides late in the academic year that rather than FE, they want to stay on in school following the end of compulsory education.	Since the young person is no longer likely to leave school at the end of compulsory schooling an assessment is not required at this point.
2. A young person has a change of plan which appears to put them within the scope of the duty. An example would be a young person who decides late in the academic year that rather than stay on in school, they wish to go on to post 16 education or training or higher education.	Where it is believed that the person will leave school the young person falls within the duty group and therefore requires an assessment.
3. A young person makes it clear in year 10 that they intend to return to school. (They would therefore not have an assessment as it was believed they were not leaving school). However, they change their mind before the start of the new school year and plan to leave school and engage in post-16 education or training (perhaps because their exam results were not as good as they expected),	The young person falls within the duty group and therefore requires an assessment.
4. A young person initially stays on at school to study post-16 but decides part way through the year to leave for alternative education or training.	The young person falls within the duty group and therefore requires an assessment.
5. The young person becomes detained under a court order during the final year of compulsory education.	The duty does not apply under these circumstances. By virtue of section 562 of the Education Act 1996, the provisions of that Act conferring functions on local authorities do not apply to young people who are detained under a court order and therefore the SEN statement automatically lapses thus removing them from the duty group. However a young person in these circumstances may have

	a real need for assessment and could receive assessment if the criteria in section 139A(6) are met. The assessment can take place but subject to the necessary requirements of imprisonment.
6. The young person becomes pregnant or becomes a parent.	<p>The key point here is the impact on the young person's plans. If the young person will be leaving school to pursue post 16 education or training or higher education then s139A(2) applies.</p> <p>If they have no statement, but do have a learning difficulty, are in their last year of schooling or later up to age 24, are receiving or likely to receive post 16 education or training or higher education and would benefit from an assessment then s139A(5) applies .</p>
7. The young person is being educated at home during the period of compulsory education and it is expected that they will go on to post 16 education and training other than at school.	An assessment is needed-see section 139A(2) read with section 139C
8. The young person is being educated at home during the period of compulsory education and it is expected that they will go on to post 16 education in a school.	If a statement of SEN is being maintained into the post 16 period then an assessment would be unnecessary since the young person would be protected by the statement. If there is a learning difficulty but no SEN statement then an assessment may be needed.
9. The young person refuses an assessment.	Local authorities must have taken sufficient and reasonable steps to ensure that the young person or their parent or guardian understands the purpose of the assessment, what is involved and the possible consequences of not having an assessment.
10. The young person is not making himself available for an assessment.	There is no single criterion (e.g. 5 missed appointments) that would be sensible to apply since such an approach would fail to take account of individual circumstances and the range of support that is available to different young people. The decision to give up trying to engage the young person in an assessment should: be seen as reasonable in the light of the resources available to deal with individual

	<p>young people; take account of the support available to the young person to enable them to attend appointments; take account of the level of understanding about the consequences of non assessment that the young person is presumed to have; take account of their general maturity; and reflect the likelihood of adverse consequences arising as a result of non assessment.</p>
<p>11. The parent is refusing assessment - should the person conducting the assessment accept a parent's refusal given on behalf of a young person?</p>	<p>Every reasonable effort should be made to obtain the agreement or otherwise of the young person. Where a parent has a very good understanding of the needs of the young person and the implications for their prospects in post 16 education and training and if there appear to be no adverse consequences likely from the decision not to provide an assessment the parent's refusal will be a highly relevant factor. However, consideration needs to be given to the individual's rights under the Mental Capacity Act (2005) to consent to an assessment if they are deemed to have capacity.</p>

ii) Specific cases where there may be uncertainty over the exercise of the learning difficulty power

<p>1. Young people with a learning difficulty but no statement who have stayed on at school after year 11 but plan to leave at end of year 12 or 13 for post-16 further education, training or higher education, and who have a level of needs which require a learning difficulty assessment</p>	<p>They should receive an assessment.</p>
<p>2. Young people with a learning difficulty under the age of 25 who have left school and gone on to further education, training or higher education, and who have needs which may be equivalent level to a statement</p>	<p>They should receive an assessment if:</p> <ul style="list-style-type: none"> • they are considering leaving their current provision or have already done so or • a new learning difficulty has appeared which may have implications to their learning needs or • further issues related to their learning difficulty have emerged since their last assessment.
<p>3. Young people who have not reached 25 years with a learning difficulty but no statement who enter employment <u>without</u> training, or are not engaged in education or training after leaving school or college, and have needs which may be equivalent to a statement</p>	<p>They should receive an assessment if in the opinion of the authority they are likely to engage in post 16 education and training.</p>

iii) Specific cases where there may be doubt over which area is responsible for the assessment

<p>A young person is being educated outside their home area</p>	<p>The local authority in which the young person receives education or training – the ‘host’ local authority - is responsible for ensuring that an assessment takes place.</p> <p>If there is a statement of SEN being maintained then the area maintaining the statement should be responsible for the assessment. If there is no statement the area where the young person is receiving education should be responsible.</p>
<p>A young person normally residing in Wales but being educated in England</p>	<p>If there is a SEN statement being maintained by Wales it would be the responsibility of Careers Wales to arrange the assessment. If there is no statement then it should be the responsibility of the corresponding local authority in England to arrange the assessment.</p>
<p>A young person normally residing in England but being educated in Wales</p>	<p>If there is a SEN statement being maintained by a local authority in England it will be responsible for arranging the assessment. If there is no statement then it should be Careers Wales that is responsible for the assessment.</p>

Annex 3 - Independent Specialist Providers

i) Procedure for making applications

Please see Learning and Skills Council '*Funding Guidance: Placement for learners with learning difficulties and/or disabilities at Independent Specialist providers 2009/10*' for the policy and criteria for applications for securing LSC funding. Specifically paras 43-49 & Annex A paras 7-9 & 21.

<http://readingroom.lsc.gov.uk/lsc/National/nat-221208BFINALLLDDFundingGuidance200910-dec08.pdf>

ii) Example of an application

Connexions Report (section 139) and supporting information for ISP Placement Request

Name of young person: **John Smith**

Date of birth: **01/04/1990**

Contents

Not all these reports are provided below but the contents list provides a good example of what should be included a report for a placement request.

1. Connexions report and s139 assessment
2. Annex F
3. Statement of SEN
4. Most recent review of statement of SEN
5. Most recent school report
6. Transition Plan
7. Occupational Therapy Report
8. Speech and Language Therapy Report
9. Supporting letter from Speech and Language Therapist
10. Feedback from visit to local provider
11. Assessment Report from RNIB College Loughborough
12. Annex N
13. Local sector college report
14. Information from AB: Guide dogs for the blind
15. Information from adult social services
16. Letter of consent – John Smith
17. Letter of Consent – Parent
18. Supporting letter – Parent

**Assessment of learning needs
Report completed by Connexions XXXX**

Name: John Smith

Date of birth: 01/04/1990

**Address: XXXX
XXXX**

Report completed on: 11/5/2009

Report completed by: James Brown

Background

John and his family moved to XXXX in 2002 in order for John to access specialist education at a local independent sector special school catering for learners with speech, language and communication disorders.

John lives with his Mum and younger brother and travels to school daily using a taxi provided by the local authority. He is currently in year 14, his final year at school.

John is a selective mute with a complex communication disorder and has associated difficulties with literacy and numeracy and delayed social skills. He has Marfans Syndrome and experiences difficulties with coordination and joint laxity. He has severe sight impairment, with no sight in his left eye due to retinal detachment and is registered blind. It is anticipated that he will lose all of his sight at some point in the future. John's mobility is reasonable in day light but is very poor in the dark and in low lighting. He needs support with daily self help skills such as brushing teeth and other personal care tasks; he puts clothes on inside out and frequently knocks things over in the family home.

As a result of his selective mutism John will not say if he is ill or hurt, he does not communicate well with his Mum and does not communicate with wider family or family friends. He is very insular and isolated when at home where he is less communicative than at school. This is very difficult for his Mum and brother.

When he first arrived at Xxxxx school John would not speak at all. He can now interact with a few individuals and will use some non verbal and verbal communication with less familiar and unknown people when he needs to, however

this is extremely limited; his speech is mainly functional, using single words but he can use longer utterances and sentences with encouragement. He has made progress at Xxxxx school and can now initiate interaction with familiar staff and peers. He continues to have difficulties formulating sentences and expressing ideas and he has limited receptive and expressive vocabulary. He rarely asks for help or clarification and is generally quite passive.

John has difficulty sharing and talking about his feelings and emotions particularly negative ones. In difficult situations he will freeze, close down and panic. This behaviour makes John very vulnerable in the community.

John is very sensitive to his difficulties and very self conscious about being different. As a result he will not use a long cane in public. John has a sense of humour, demonstrated by practical jokes including hiding other students' belongings; this can however irritate his friends and wind them up. He enjoys the company of his peers and loves playing football to a point his vision allows.

John is keen to access residential learning and has demonstrated that he benefits from being away from his home environment. He is very aware that his sight may deteriorate further and that he will need to develop independence skills to prepare for this actuality whilst continuing to pursue his education in order to fulfil his potential capabilities.

John is currently undertaking an assessment for having a guide dog. He had initially been reluctant to have a dog as it drew attention to his difficulties. He is now keen to go ahead with this plan as it will provide help and importantly given the nature of his difficulties, companionship. He is very fond of animals and this will be a positive development.

Educational history

Xxxxx School is an independent special school for students with speech language and communication difficulties. It takes students from age 9 to 19 and provides residence to students from different parts of the country. Day students are usually from XXXX or neighbouring counties. Placements are funded by Local Authorities. The post sixteen provision in the school provides informal environment and students have the opportunity to attend a local mainstream FE college as part of their transition. It is an opportunity to sample mainstream but with the continuing specialist support of school enabling a gradual introduction to mainstream education.

Classes are usually very small with groups of no more than 8. Teachers work side by side with speech and language therapists and there is access to Occupational Therapy.

John's family initially identified Xxxxx school primarily because of its speech language and communication specialism as John's main difficulty at the time was the selective mutism. However, his eyesight has deteriorated since starting at the school and has added significantly to the support he now requires. School work in partnership with the local authority visually impaired service and he benefits from low vision aids and adapted classroom materials.

John is following a course that consists of key skills in application of number, communication, ICT, problem solving, working with others and improving his own learning and performance. He is doing an Educe Entry Level Certificate in Life Skills, PSHE, Work Experience and BTEC Introductory Certificate in Art, Design & Media. He is doing the latter at XXX XXX XXXX College for one day each week with a group of three students and one member of staff from school. Support is present at all times including breaks and meal times.

Speech and language therapy support a lifeskills programme that addresses independence, personal safety and daily living skills such as shopping and cooking. PSHE addresses areas of need like self awareness, friendship and relationship skills and assertiveness. John is working at Entry Level 2/3.

John receives individual and group speech and language therapy: one individual lesson per week, backed up by one group lesson. He receives a one hour occupational therapy session per week and OT is built into everyday class and care activities. The focus is on self help, life and organisational skills, social interaction skills, self confidence and self esteem and motor and sensory skills. John is provided with an adapted laptop. There is a holistic approach to supporting John at school with all specialists working together on agreed programme.

Connexions have been involved with John's transition planning and progression since he was in year nine ensuring awareness of all the options available to John when he leaves Xxxxx. John and his family have explored post school options thoroughly, visiting a range of local colleges and specialist residential colleges, including, RNC College in Hereford, Queen Alexandra in Birmingham, Henshaws in Harrogate and RNIB College Loughborough. John and family have been extremely impressed with RNIB Loughborough and are committed to this option.

Education and Training Needs

John has a complex communication disorder, learning difficulties, selective mutism, Marfans Syndrome, dyspraxia, visual impairment. He is registered blind and he has a heart condition. As a consequence John will need direct and regular speech and language therapy in order to access a broad curriculum and to maximise John's academic potential.

John should work with group sizes of six to eight students in small classes where he will be more confident about communicating with both staff and peers. This will also enable safe mobility. All written and pictorial material to be enlarged to a font size of N18 with low vision aids including a dome magnifier as required.

There should be awareness and knowledge of limitations and dangers linked to John's visual impairment. He may bump into things, he may not see notices or be able to read the board.

John should be prompted and encouraged to answer verbally, preferably in sentences but should not be pressurised to do so. The expectation for communication, verbal and non verbal should be reduced in more intimidating or

emotional contexts. John will need time to answer and time to formulate a response, waiting long enough for him to realise that an answer is required. John needs encouragement to ask for clarification, meanings of words etc. He should be given opportunity to go back over work done, revisit new work, information and concepts. He should be provided with support for writing and spelling in the form of a teaching assistant.

John needs to be encouraged to talk about his feelings and concerns. This should be undertaken by familiar staff with counselling skills. John would benefit from being able to live and work with people who have similar difficulties to his own so that he does not feel different and has access to positive role models. He needs a social life, opportunity to develop friendships and relationships, this would contribute towards his self image and positive participation in a wider curriculum.

He needs to develop his independent living skills, personal care and mobility. John should continue to develop his literacy, numeracy, speaking and listening, reading, including use of Braille and touch typing.

John's ambition is to live as independently as possible with support that he chooses and controls and which facilitates access to the community. He wishes to work and have paid employment in a supportive environment. To achieve this potential John will need considerable and complementary support to develop independent living skills, mobility and personal and social skills. These need to be acquired in an environment where ongoing practice of new skills is possible in a realistic setting.

Local Provision

John has visited local college supported by staff from school who were also able to examine the provision thoroughly. They visited the areas that John would need to access if he were to pursue his interest and ambitions in art, ICT and sport. The college were very accommodating and helpful and were prepared to purchase additional specialist support that was not readily available in the mainstream college. However, there are issues and concerns around mobility.

The college is a very expansive environment with narrow corridors, lots of different levels and stairs. There are lots of students around often blocking stairs etc. John would find this environment extremely hard to negotiate and would find it extremely intimidating. John would not be able to ask people to move out of the way or even ask for help. John has huge issues around appearing different in this environment, with very few people with similar difficulties, he would not be able to cope at this stage of his life. He would not use a cane or other aids in front of people and this would restrict his capacity to access a full range of resources or activities which would impact on his development both educationally or socially. John desperately wants friends and to socialise. To be in an environment where there are very few people with similar difficulties would be negative and detrimental to his progress and could even reverse the gains made at Xxxxx.

His visual impairment results in significant difficulties but with additional significant communication difficulties he will require the support of specialist staff and specific strategies and interventions. He will continue to need speech and language therapy

and occupational therapy which the local college will not be able to provide. John could have very limited access to local nhs and adult care therapy services but this would not be integrated into and complement his learning programme. It would not provide sufficient support to enable the progression in learning that John needs and is capable of.

John is likely to lose his sight completely and such a life changing eventuality needs to be addressed when looking at future provision. John needs the opportunity to maximise his learning and his capabilities at this crucial stage of his life.

John's capacity to access and progress in further education will be determined by the level and nature of the support that can be put in place. He will need to learn to manage every day living, independent skills, using specialist equipment, adapted tools and implements. John needs an environment where he feels comfortable and free to use a cane and in the future a guide dog, with all the facilities that this will entail. He will need close monitoring and access to counselling from professionals who have experience of the impact of visual impairment. Local College is not able to deliver the complex package of support needed and it is not therefore considered an appropriate placement for John at this time.

Independent Specialist Provision

For the last two years John and his family have explored specialist provision at some length. They have visited a range of colleges throughout the country including RNC Hereford, Queen Alexandra College in Birmingham, Henshaws in Harrogate and RNIB College in Loughborough. John and his Mum felt RNIB Loughborough College offered the best provision possible at this time and Loughborough would be near enough to his home to make ongoing contact possible and relieve some of the anxieties that John's Mum experiences as she supports John's move to adulthood. As John is likely to lose his sight she feels it is imperative that he receives the best preparation for this eventuality.

RNIB Loughborough provides specialist staff with the skills to support John's difficulties and disabilities. Provision includes speech and language therapy, working in small groups, at a maximum ratio of 1:4, This will allow John to feel more confident about communicating. This will also be a safer environment in terms of mobility. John would be amongst people with similar visual impairments to his own which would help his confidence and enable him to use the aids he needs. At the moment he is reluctant to use a cane in public as he hates to stand out, and this is in turn holding up his progress substantially and it is seen as a major barrier to achieving his full potential.

RNIB Loughborough provides the opportunity to use the latest technology and resources for visually impaired people, taught by staff experienced in using this facility. He will have access to personal tutors, key workers, personal care workers and counselling. He will have the opportunity to learn Braille. He has recently started local training with guide dogs and it is anticipated that he will be able to continue with this at RNIB Loughborough.

John will be able to continue to develop literacy, numeracy, speaking & listening and

reading including use of Braille and touch typing. He will be able to develop his independent living skills, personal care and mobility.

He will benefit greatly from a residential placement that will enable development of social skills, so critical for John if he is to access his community and employment in the future. It would allow the integrated delivery of required skills in an environment that would allow him to practice and develop to achieve his future goals. He would flourish if he were able to develop friendships and relationships and to take part in evening and weekend activities currently very limited as he does not communicate at home. This would lead to increased employment and training opportunities due to the development of interpersonal and social skills.

The college are proposing a programme that will develop John's independence skills, particularly social interaction skills alongside his vocational and education skills. The programme proposed will include literacy, numeracy, Lifeskills, mobility, verbal communication and team enterprise. There will be an opportunity for work experience, enrichment activities including drama, music, sport and extended curriculum activities. They are offering BTEC Entry Level Certificate in Life Skills at entry level 2/3.

Other Agency Involvement

Social Services:

The adult care sensory team are aware of John and would support John in the future to secure accommodation. Discussions have taken place to secure direct payments for activities in college holidays.

Health

John continues to have his heart condition monitored by specialist services.

Conclusion

John is a very isolated young man as a result of communication difficulties and visual impairment. His selective mutism is impacting on the family and is restricting John's development socially and educationally. The progress John has made at Xxxxx could not have been achieved without the specialist support provided within a highly supportive environment. John's progress results from his abilities, determination and the framework of holistic support. It is imperative that a similar programme and model is replicated in his next placement if John is to build on the progress. I believe the programme offered by RNIB Loughborough is appropriate and residential provision will allow the integrated delivery of his curriculum and could be the key to him flourishing.

RNIB Loughborough can provide a comprehensive package of support to develop social, personal and educational skills which will maximise John's potential to achieve. He could in the future he could progress on to a mainstream environment, supported/supportive employment and, initially, living in supported accommodation, but possibly moving to independence at a later stage.

John is developing an interest in art and he is passionate about sport, swimming and football but he is constantly restrained because of his difficulties and disabilities. I feel that given the right support and the right environment he could be free of some of these debilitating constraints and anxieties and achieve his potential. Due to the likely deterioration in his condition John is likely to lose his sight completely, it is therefore critical that he is prepared thoroughly to cope with this. RNIB Loughborough can meet these requirements and the request for funding is supported.