**Supporting Learners of Concern with Education, Health & Care Plans.**

**A Guide for Schools, Early Years Settings, and Post 16 Institutions**

**1.0 INTRODUCTION**

1.1 The local authority is committed to the inclusion of children with SEND in our mainstream schools and academies, early years’ settings and post 16 institutions. With close partnership working, early identification and action, it is hoped that concerns relating to learners with EHCP’s can be supported by working together to take steps to problem solve and find workable solutions in the best interests of the learner.

1.2 This guidance is underpinned by section 19 principles (Children & Families Act), of having due regard to the child and his or her parents and/or young person’s wishes, feelings and views, when making decisions about how to best achieve educational outcomes; and the importance of providing accessible information to support and enable their participation in any decision making about their education.

1.3 An Education, Health, and Care (EHC) plan is a legal document that clearly outlines the special educational provision that **must** be provided and names the educational setting that through a school consultation process, has been identified as being able to deliver the necessary educational provision. The school, early years setting or post 16 institution named in the EHC plan is therefore the educational setting that is responsible for delivering education and any special educational provision (SEP) to the child or young person.

1.4 It is recognised that due to the complexity of some children and young people’s needs, schools, early year’s settings, and post 16 institutions may become concerned about their ability to provide the special educational provision which the child or young person requires to meet their outcomes in their EHCP.

Concerns around a settings ability to provide the special educational provision may come about because of several reasons including, but not limited to:

* Poor attendance resulting in the child not being in the setting to access the educational provision required
* Difficulties securing special educational provision: This may be due to changes within the current setting or the availability of support from a further commissioned service
* Safeguarding concerns that may result in the need for additional risk assessments, or wider agency involvement which may lead to a change in provision for the child or young person
* Concerns linked to the home setting relationship which are preventing the setting from providing the educational provision required by the child or young person
* Fixed term or possible permanent exclusions preventing the child from accessing the special education provision detailed in the EHCP
	1. Any of the above should be brought to the local authority’s attention, so that solutions and actions to resolve challenges can be agreed and managed in partnership. Where there is a proposed change to either the pupils need as described in the EHC Plan or the special educational provision this will require to be detailed through an EHC Review.

1.5 Whilst the local authority commission, and support schools, early years settings and post 16 institutions to deliver education and SEP detailed within an EHC plan, the duty to have oversight and ensure that this is delivered remains with the local authority. With this in mind the purpose of this document is to offer guidance and support to Educational Settings around the operational steps that should be taken for all pupils with an Education Health and Care plan in the event of a School, Early Years setting or Post 16 institution identifying that a child or young person’s educational provision may be at risk of not being delivered The document seeks to support and guide educational settings through the early steps that should be taken in partnership with the local authority SEND team to try and address concerns and ensure children and young people consistently receive the special educational provision detailed in the EHC Plan whilst ensuring that statutory compliance with the requirements of the Children and Families Act 2014 and SEND Code of Practice 2015 remain in place at all times.

**2.0 Learner of Concern**

2.1 A ‘Learner of concern’ as used in this document means ~~any~~ learner with an EHCP where schools, early years settings and post 16 institutions are concerned they are unable to provide the special educational provision a child or young person requires as detailed in their EHCP. The setting may be considering or have and/or are using either fixed term exclusions or a reduced timetable to manage the child or young person’s access to their education. Additionally, a learner could be considered a concern when a school, early years setting or post 16 institute finds that the gap between a child or young person and their peers is ‘widening’ or that there is a noticeable change in the presenting SEN, making it increasingly difficult to identify or secure the appropriate special educational provision.

2.2 When a school, early years setting, or post 16 institution considers that they require support to maintain a learners special education provision due to any of the concerns detailed in paragraph 1.4 it is important that they understand the steps that should be taken to ensure (1) best outcomes for the child or young person and (2) ongoing compliance with the Children and Families Act 2014 and SEND Code of Practice 2015

2.3 Should it be felt that significant changes may be necessary to a child or young person’s special education provision (SEP) as detailed in their Education Health and Care (EHC) plan, an *EHC Annual Review* **must** be scheduled and take place. Additionally, any recommended and/or requested change to provision and or request to change placement **must** be supported by evidence and professional reports *(please refer to SENCO Handbook for guidance around EHC annual reviews)*. Whilst an EHC Annual Review meeting is necessary to make requested changes to SEP, the Code of Practice does support interim multi-agency meetings, for the purpose of discussing any short term and time limited support and/or changes that may be considered appropriate to address any instability with a child young person’s education placement.

**3.0 Fixed Term Exclusions**

3.1 When the LA name a school in section I of an EHC plan, they do so with an understanding that the school, early years setting or post 16 institution, will support the child or young person to access their full-time education consistent with their key stage. It is understood that at times a school, early years setting or post 16 institutions may find themselves in a position where they need to issue a fixed term exclusion.

Wherever possible schools, early years, and post 16 settings should alert the local authority SEND Team if they considering that they may need to issue a fixed term exclusion, so that proactive steps and discussions can take place.

Where schools, early years settings and post 16 institutions issue a fixed term exclusion they should make contact with the local authority SEND team to notify them of the actions taken as well as initiating relevant discussions in partnership about what further actions or support may be necessary to mitigate the need for further fixed term exclusions.

**4.0 Permanent Exclusions**

4.1 Permanent exclusions should only ever be in exceptional circumstances. Where a school, early years setting or post 16 institution find themselves in a position where they believe a permanent exclusion is necessary the SEND Assessment and Review team should be contacted.

4.2 Information about permanent exclusions should be sent directly to the SEND Team locality email box and copied to SEND.Management@hullcc.gov.uk.

* North Locality - SENDNorth@hullcc.gov.uk
* East Locality – SENDEast@hullcc.gov.uk
* West Locality - SENDWest@hullcc.gov.uk
* Post 16 - SENDP16@hullcc.gov.uk

Wherever possible contact will be made with the school on the same day but if not possible within no longer than 24 hours to discuss.

**5.0 Reduced Time Timetables**

5.1 In some exceptional circumstances a school, early years setting or post 16 institution may feel that a child or young persons, educational placement can only be supported by the use of a reduced timetable. The use of a reduced timetable should only ever be used as a short-term solution with any such arrangement being time limited with a clearly identified end date by when it is expected that the child or young person will return to their full-time timetable.

5.2 As detailed in paragraph 1.5, the local authority retains overall responsibility for all children and young people with an Education Health and Care Plan and therefore if a school, early years setting or post 16 institution are considering that a reduced timetable may need to be applied, contact should be made with the local authority SEND team, so that relevant discussions can take place together and agreements reached. The former is necessary to agree any further actions or support that may be needed to ensure that the special education provision continues to be delivered appropriately as well as discussions to review its on-going suitability and appropriateness.

5.3 In some instances it is recognised that pupils may have a serious medical condition where recovery becomes the priority outcome. In these instances, a reduced timetable should be part of an agreed ‘medical plan’ which is agreed by health professionals and key stakeholders.

In these exceptional circumstances and if the child or young person has an EHC plan, the local authority SEND Assessment & Review team ask that schools, early settings and post 16 institutions contact them to notify and advise them on the specifics of any such case.

5.4 for additional guidance please refer to *‘protocol of part-time timetables’*

**6.0 Non-Attendance**

6.1 If any pupil with an EHC plan is absent from school for an extended period \*\*or shorter periods of no attendance resulting in an overall attendance of less than 90%, the local authority SEND Assessment and Review Team should be contacted and alerted to this absence. In doing so the SEND Assessment and Review team will be able to discuss with you the reasons for the absence, and work with you to resolve the current challenges with the aim of achieving the successful re-engagement of the child or young person back into their education.

\*\* *Extended period means 5 schools’ days or more. In the case of post-16 settings this means failing to attend on 5 consecutive timetabled days.*

**7.0 Operational Steps**

7.1 The following are the operational steps to be followed should a school, early years setting, or post 16 institution feel a child or young person’s special educational provision may be at risk of not being delivered:

* The educational setting (Usually Head teacher or SENCO) should make contact (Either via email or telephone) with the local authority SEND Assessment & Review Team at the earliest opportunity to notify them of their concerns around the educational placement and the immediate actions they will be taking.
* The Head teacher or SENCO should follow up the contact with the local authority SEND Assessment & Review team by completing the Learner of Concern Notification Form’ and email to the relevant SEND Team locality email inbox and copy to SEND.Management@hullcc.gov.uk. The email should be titled as **Action Required – Notification of Learner of Concern.**
* It is hoped that the Learner of Concern Notification Form’, is self-explanatory. The form should provide where available, the details of strategies and steps taken by the educational setting and over what period to consistently provide the special educational provision and if this has not been possible why. This information will assist the SEND Assessment & Review Team in understanding what guidance should be offered around any next actions to be taken forward.
* On successful receipt of a **Notification of Vulnerable Education Placement** Learner of Concern Notification form, the SEND Assessment and Review team will aim to contact the school, early years setting or post 16 institution within 3 working days to discuss and agree together next actions.

**8.0 post-16 learners**

* 8.1 For learners in school sixth forms, please follow the guidance above.
* 8.2 For learners in other post-16 settings, please complete the Post-16 Learner of Concern notification form at the end of this document if you are concerned for any of the reasons outlined above, or a learner withdraws from your setting.
* 8.3 This replaces the need for an annual review when a learner leaves before their expected course completion date unless a review is due within the next 6 weeks.

**Summary**

As detailed above an Education Health and Care plan is a the legal document that specifies the special educational provision that must be made, and names the educational setting that has been identified as being able to deliver the SEP. Any change to or diversion from the provision as detailed in the EHC plan should have oversight from the local authority, to ensure that appropriate support is provided as well as ensuring on-going compliance with the EHC statutory duties.

