

Date of meeting:	Thursday, 27 September 2018
Title of report:	Statutory Provision of 600 Hours Education per Academic Year for Post-16 Students with EHCPs
Type of report: Delete as required	For Discussion/ Information
Executive summary: Including reason for submission	The paper proposed moving to study programmes of 600 planned hours per academic year in line with national guidance. Proposals are outlined for 16 hours education provision for young people with EHCPs in sixth forms. The report also outlines proposals for post-19 specialist placements in personalised learning pathways (PLPs), Specialist Provision Institutions (SPIs) and Individual Learning Pathways (ILPs). The report proposes that the measures are subject to consultation with school, carers and parents.
Budget / Risk implications:	The report proposes savings options up to £1,259k which would be phased over a period of time to avoid impact on students in current packages of study.
Recommendations:	That members of the Schools Forum note the contents of the report.
Voting requirements:	None
Appendices: To be attached	Appendix 1: Post-16 600 Hours: Consideration of Approach
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1.0 PURPOSE OF THE REPORT

- 1.1 To highlight existing guidance around post-16 education programmes.
- 1.2 To consider aligning arrangements for provision and funding in line with guidance.

2.0 BACKGROUND

- 2.1 There are two key pieces of guidance and legislation covering post-16 education for young people with EHCPs. The SEND Code of Practice states that: *“Where young people have EHC plans, local authorities should consider the need to provide a full package of provision and support across education, health and care that covers five days a week, where that is appropriate to meet the young person’s needs.”*
- 2.2 Five-day packages of provision and support do not have to be at one provider and could involve amounts of time at different providers and in different settings. It may include periods outside education institutions with appropriate support, including time and support for independent study. A package of provision can include non-educational activities such as:
 - volunteering or community participation
 - work experience
 - opportunities that will equip young people with the skills they need to make a successful transition to adulthood, such as independent travel training, and/or skills for living in semi-supported or independent accommodation, and
 - training to enable a young person to develop and maintain friendships and/or support them to access facilities in the local community.
- 2.3 In terms of post-16 “full time” courses, the guidance updated in June 2018 clarifies that a “full time” education course is at least 540 hours per year. *‘We expect that full time study programmes for 16 and 17 year olds will be 600 planned hours per academic year, and we set the funding rate on this basis. For funding purposes, the minimum threshold for 16 and 17 year olds’ full time programmes is set at 540 planned hours.’*
<https://www.gov.uk/guidance/16-to-19-funding-planned-hours-in-study-programmes#planned-hours-and-funding-allocations>
- 2.4 Typical programmes are around 600 hours depending on the length of the academic year which equates to 3 days or 16 hours per week of education during the academic year.

2.5 **Appendix 1** illustrates the current programmes for post-16 students with EHCPs in North Yorkshire and how these are funding them currently with a recommendation for each group in terms of moving forward towards a fair and consistent offer for post-16 education.

3.0 PROPOSALS

16 hours education provision for young people with EHCPs in school sixth forms

3.1 Currently there are 33 learners in 6th Form with an EHCP. This figure remains roughly static from year-to-year with approximately half leaving at the end of Year 13 and a new, similar-sized intake into Year 12. The total current value of the E3 top-up for the full year is £144k, based upon 25 hours per week.

3.2 This papers proposed bringing the education offer in line with statutory guidance and funding 16 hours per week. The young people in this cohort are actually only receiving the 600 hours of education as their peers receive. Their peers without EHCPs will be already funded for 600 hours.

3.3 The local authority will continue to pay for a 25 hour offer in specialist sixth form provision at this time. Adjusted costs would be £92k providing a saving of **£52k per annum**

Post-19 specialist placements

3.4 Young people may access their continued specialist education in the following types of provision:

- Personalised Learning Programme
- Specialist Post 19 Independent Provision or other Independent Learning Providers
- Supported Internships.*

**Supported Internships need to be 25 hours of learning per week and we are still trying to establish whether there is the opportunity for a top-up from 16 hours through the Department for Work and Pensions.*

3.5 The following examples demonstrate potential savings to the High Needs Block were the current cohort of learners to be on 600 hour programmes:



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PLP, SPIs and ILP (with Supported Internships):

- 3.6 In September 2018 there are 164 learners (although this may alter subject to Tribunal and other placement decisions still awaiting confirmation). The total current value of the placements for the full year is £3,353k, based upon 25 hours per week (8 of these placements are residential). If these were funded for 16 hours per week, the total is £2,146k - a reduction of **£1,207k** to the High Needs Block

OR

PLP, SPIs and ILP (without Supported Internships):

- 3.7 In September 2018 there are 127 learners (although this may alter subject to Tribunal and other placement decisions still awaiting confirmation). The total current value of the placements for the full year is £2,427k based upon 25 hours per week. If these were funded for 16 hours per week, the total is £1,553k - a reduction of **£874k**.

Please note these savings are informed estimates at this stage.

- 3.8 For September 2019, predictions indicate that there will be **41** learners leaving special school post-16 provision who are likely to progress to post-19 provision as described above. This number is subject to change as annual reviews take place and next steps are agreed through their EHCP review.
- 3.9 If average costs are assumed to be the same as current, if we do nothing, these 41 would cost £966k for 25 hours a week for the academic year from September 2019. If we changed to a 600-hour programme, in conjunction with a package from Health & Adult Services, to ensure a 5 day package, these 41 learning packages would cost £618k releasing a saving of **£348k**.

NB: These figures are not actuals and would be dependent on exactly which students moved into this provision and their individual Element 3 top-up.

4.0 RECOMMENDATIONS

- 4.1 That Schools Forum note:
- the intention to apply the national guidance that post-16 study consists of approximately 600 hours per year of education (16 hours / 3 days per week during the academic year) which, for young people with EHCPs, may



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form part of a five-day package which supports the transition into adulthood.

- the plan to remedy the current administrative anomaly which pays 25 hours per week for students in 6th Form with EHCPs when they are receiving 16 hours of study in line with their peers. This will bring this group into line with young people with EHCPs attending FE colleges.
- the proposal to consult with schools, parents, carers in October/ November 2018.

4.2 That Schools Forum note the proposal to also consider Special School post-16 provision at a later stage once the transition work has been completed and provision from Health & Adult Services is in place as part of a five-day package for these young people.

Stuart Carlton
Corporate Director, Children & Young People's Service

Item 2.4c: Statutory Provision of 600 Hours Education per Academic Year for Post-16 Students with EHCPs

Appendix 1: Post 16 – 600 hours consideration of approach

Officers met during August to consider the options around post-16 funding. Subsequent to this, we have had information from Leeds City Council who conceded a Judicial Review regarding a move away from 5 days education for young people with EHCPs and also information from Bristol City Council who were taken to Judicial Review and the judgement went against them in terms of proposed budget reductions and consultation.

As a result, we propose the following:

	CURRENT OFFER		PROPOSED OFFER		IMPACT		RECOMMENDATION
	YP (taught time)	Setting (hours paid)	YP (taught time)	Setting (hours paid)	YP	Setting	
Post-16 and FE colleges Age 16 – 18 2 years funding.	16 hours p/w	16 hours p/w	16 hours p/w	16 hours p/w	No change	No change	No impact on this group – no consultation required.
Post-16 in school 6th form Age 16 – 18 2 years funding.	16 hours p/w	25 hours p/w	16 hours p/w	16 hours p/w	No change	Reduction in budget to 16 hours p/w 18/19 at 25 hours = £144,427, 18/19 at 16 hours = £92,433, a reduction of £51,994.	Relates to 33 young people. PAROs will check their timetables early in September to confirm they are only getting 16 hours direct tuition. EIA to be completed. Letter to be issued in September to advise budget deduction from October half term 2018. Report to, and approval of approach through High Needs Funding Officer Group, High Needs Funding Sub Group, CYPLT and Schools Forum in September.

	CURRENT OFFER		PROPOSED OFFER		IMPACT		RECOMMENDATION
	YP (taught time)	Setting (hours paid)	YP (taught time)	Setting (hours paid)	YP	Setting	
							No consultation required.
<p>Post 16 in special school 6th form (Including Other LA Special & Independent/Non Maintained Special)</p> <p>Age 16 – 19 3 years funding.</p>	25 hours p/w	25 hours p/w	16 hours p/w Remaining hours made up through health/care.	16 hours p/w Additional budget hours from health/care	Possible change to timetable / placement according to “Care” provision and “Education” provision requirements	Possible budget / staffing / curriculum implications. E.g. if parent decides to take up use of personal budget.	<p>Option needs careful consideration to the potential impact on young people. Careful planning with health and care colleagues to understand individual packages and funding arrangements. Young person’s transition to Health & Adult Services and associated funding to be considered.</p> <p>Given Leeds and Bristol Judicial Review outcomes, propose that we do not look to change this and potentially review as a “phase 2” proposal once we have implemented post-19 changes and have implemented transitions work with Health & Adult Services.</p>
<p>Post 19 (and those aged 18 who fit into this category).</p>	25 hrs p/w	25 hrs p/w	“Five day package” – 25 hrs approx.	16 hrs pw from Education + ?? from Health / Care	Possible change to timetable / placement according to “Care” provision and “Education” provision requirements	Possible change to placement according to “Care” provision and “Education” provision requirements.	To analyse impact on Health and Adult Services both in terms of capacity and budget but to work towards a transition for these young people (who will require Health and Adult Services provision post Education already) during this post-19 phase, preparing them for adulthood and meeting their care needs as part of a five day package with 3 days / 16 hours of Education.
<p><i>Supported internships</i></p>	25 hrs p/w	25 hrs p/w	25 hrs p/w	16 hrs/pw.	No change	Budget implications	We must offer a 5 day package.

	CURRENT OFFER		PROPOSED OFFER		IMPACT		RECOMMENDATION
	YP (taught time)	Setting (hours paid)	YP (taught time)	Setting (hours paid)	YP	Setting	
				Additional budget to be source from other options (e.g. DWP).			Explore options available from other funding streams including Department of Work and Pensions.
<i>SPI's</i>	Min 25 hrs p/w	25 hrs+ p/w	25 hrs p/w	16 hrs/pw. Additional budget to be source from other options.	No change if only a funding distribution but may be health / care package elsewhere for 2 days	Budget implications if other 2 days elsewhere	There must be a 5 day package: 8.39 Code of Practice. Health & Adult Services accept principle of 600 hours education for this group and providing this is a co-ordinated transition plan, this would be a better outcome for young person with planned, co-ordinated and seamless transition into adult services.
<i>ILP</i>	25 hrs p/w	25 hrs p/w	25 hrs p/w	Additional budget to be source from other options.	No change	Budget implications	Consistent approach – where we must offer a 5 day package but education are only obliged to pay for 16 hours. Work with Health & Adult Services colleagues to understand and provide clarification to parents and young people on what education pays for, and what Health & Adult Services pays for.
<i>PLP</i>	25 hrs p/w	25 hrs+ p/w	25 hrs p/w	Additional budget to be source from other options.	No change	Budget implications	Consistent approach – where we must offer a 5 day package but education are only obliged to pay for 16 hours. Work with Health and Adult Services colleagues to understand and provide clarification to parents and young people on what

	CURRENT OFFER		PROPOSED OFFER		IMPACT		RECOMMENDATION
	YP (taught time)	Setting (hours paid)	YP (taught time)	Setting (hours paid)	YP	Setting	
							education pays for, and what Health & Adult Services pays for.