

## **Procedure for Managing Education Health and Care Plans**

### **INTRODUCTION:**

EKC Group is committed to providing fair and equal opportunities for all learners so that they have every opportunity to achieve their educational outcomes in a suitable, safe, and nurturing environment.

EKC Group's College and business units operate under the Further and Higher Education Act 1992 and exist to provide further and higher education and training to a diverse community. EKC has a statutory and moral duty to ensure that learners are admitted with integrity and that their admittance is compatible with the efficient use of resources and education of others.

A number of learners who are referred to, and enrol at, an EKC College (here on referred to as 'College') will have an Education, Health, and Care Plan (EHCP) which sets out the special educational provision that is required to enable the learner to develop and progress. The purpose of this procedure is to set out how EKC manages the EHCP process, from the initial consultation with the local authority to the time the learner progresses from the College into social care, supported work, employment, or further/higher education. This information is intended for the use of local authorities, support agencies, learners, parents, and carers to illustrate the robust processes that EKC has in place to meet the needs of individual learners with an EHCP whilst at the same time caring for the health, safety and wellbeing of all EKC learners and staff.

EKC will endeavour to ensure that each of its colleges are suitable for the age, ability, aptitude, or special educational needs of s learners with EHCPs, that a learners attendance is not incompatible with the efficient education and use of resources for others and that all reasonable steps have been taken to prevent any such incompatibility. At all times EKC will balance the statutory requirements of the Children and Families Act 2014, Special Educational Needs and Disability Regulations 2014, the SEND Code of Practice, and the Equality Act 2010 against its obligations under Health and Safety legislation.

### **1. EHCP referral and consultation process**

- 1.1 Should a learner with their parent/carer consider that the needs of the learner require a formal assessment of need, they will notify the LA, who will request that the College completes an Appendix 2 (Application for an EHCP). The College response may be that the universal level of support provided, adequately meets the needs of the learner, or the learner demonstrates a need for support that is beyond that which the College can provide within its existing resources.

- 1.2 LAs are responsible for drafting EHCPs, in consultation with parents, carers, learners, medical professionals, other professionals and relevant education providers. Kent County Council is EKC Group's key LA, although it is possible for the College to be consulted about being named in EHCPs by other LAs seeking to place students at the College.
- 1.3 If a young person and their parent/carer requests the College as the educational institution to be named in the EHCP, or the LA is considering naming EKC in the EHCP, the LA is required to send the draft EHCP to EKC for consultation. EKC must review the EHCP and send an accept or decline response to the LA within the statutory 15 days consultation period. Consultation starts from term 1 of the academic year prior to the student's proposed admission. The purpose of the consultation is to determine if EKC can meet the young person's needs, the outcomes they want to achieve and their aspirations (as outlined in the draft EHCP) and whether any adjustments that would need to be implemented are beyond the bounds of what would be considered 'reasonable'.
- 1.4 If the LA sends a batch of 15 or more EHCPs for consultation at one time or if a learner has significant complex needs, EKC will seek an extension period from the LA in order to fully research each case and be able to come to an informed decision as to whether a learner's needs and outcomes can be met. In seeking an extension, EKC will be mindful of the timescales in which the LA is required to produce the finalised EHCP.
- 1.5 During the consultation period, EKC will collate and review information from the learner's school and other sources to inform the final decision as to whether the student's needs, outcomes, expected strategies, interventions and other special educational provisions can be met. This will include documents; risk assessments, therapist/medical reports, behaviour plans etc. Whilst we would expect schools to share all information that would assist a learner's transition to College, College staff must ask the school if there are any safeguarding concerns and for the contact details of a named Social Worker and the school designated Safeguarding Officer. Should there be any safeguarding concerns, a College Safeguarding Officer will contact the school Designated Officer and the Social Worker to share information and to request the handover of the learner's safeguarding file should the learner progress to college. The College cannot make an informed decision on out-of-date information that may no longer be relevant to the learner's case, it is recommended that documentation should be dated within the last 12 months.
- 1.6 Wherever possible, College staff will meet with the learner (and their parent/carer/) to ensure that their support needs and curriculum interests and level of academic study can be met.
- 1.7 During terms 5 and 6 of the academic year prior to the proposed admission, College staff to meet with schools and where feasible attend annual review meetings to determine which learners are likely to progress to College in year 12 /14. This will inform the formal consultation process and enables the College to identify and plan for any additional resources that may be needed to support learner's in the event that EKC is ultimately named in the final EHCP.
- 1.8 EKC will advise the LA by the end of the consultation period whether it can meet the student's outcomes and the special educational provision outlined in the draft EHCP.
- 1.9 Where the College can meet the needs of the student, the following will be undertaken:

- College writes to the LA advising that it can meet the learner's needs, outcomes, and special educational provision.
- If the College accepts a learner, they are sent an email with a link to then apply for the vocational pathway of their choice and to choose an interview date. This Enterprise Application ensures that the learner is recorded onto the EKC system, thus generating communication as for all students.
- From the 31<sup>st</sup> of March the LA will issue the final EHCP naming EKC as the education provider. The College will then arrange personalised transition activities for the learners to include familiarisation/orientation visits to the college, meetings with staff and taster sessions. These activities will normally take place from term 4 of the academic year prior to the learner's expected start.
- The learner is invited to enrolment and completes Learning Agreement, data protection privacy statement, image release form, medical form, work experience consent form etc.
- College share learner's EHCP and other relevant support information on the learner's electronic record. This is available for the learner, parent/ carer, and College staff to view and is a valuable tool to enable assessment of the learner's progress.

1.10 Where, during the consultation period, the College determines that it cannot meet the learner's needs it will write to the LA setting out the reasons. The College will submit evidence to clearly illustrate its decision to decline and a summary of the reasons why EKC is incompatible with the student's needs, outcomes and strategies and interventions within Section F of the EHCP. Circumstances where EKC is unable to meet a potential learner's needs include:

- Where the learner has a high level of medical need which requires a nurse to be on site. In such cases the LA may pay directly for Continuing Health Care to commission an agency to provide one to one health care support.
- Where the learner has complex behaviours, which require staff to provide restrictive interventions (restraint) EKC provides no form of restraint and therefore no staff are trained to provide restrictive interventions. See EKC Policy, 'Positive Management of Support for Challenging Behaviour'
- Where a vulnerable learner is known to abscond.
- Where there are significant safeguarding concerns such as highly sexualised behaviour, grooming etc.
- Where a learner must be educated in a restricted environment for their own safety and wellbeing

1.11 Where the LA names EKC in a learner's EHCP and EKC has already advised the LA following consultation that it cannot meet the learner's need and outcomes, EKC will again write to the LA, reiterating its original decision but acknowledging that it has a duty to admit the learner.

1.12 Where a learner is moving from school to EKC and the LA has conducted a review of an existing EHCP, the LA has until 31<sup>st</sup> March prior to the academic year that the student is expected to start to inform students/parents/carers of its final decision and amend the EHCP.

As far as possible, EKC asks that it is given at least 3 months' notice of a learner with an EHCP progressing to an EKC College, to enable sufficient time for arrangements to be made to meet the learners' needs i.e., sensory support, physio/speech and language therapy, support for medical care.

## **2. Learners with an EHCP on programme**

- 2.1 When a learner with an EHCP has been enrolled, the Head of Inclusive Learning) or other designated member of staff will ensure that the College's best endeavours are taken to deliver the outcomes and provision as documented in the EHCP. This will involve the staff team meeting to discuss the individual learner's outcomes and planning the activities that are required to support the attainment of outcomes.
- 2.2 The Head of Inclusive Learning or designated deputy is responsible for arranging the formal EHCP Annual Review, which must be undertaken within 10 months of the previous Annual Review or date identified in the Final EHCP.
- 2.3 At the Annual Review, a discussion takes place between the College, the student, their parent/ guardian, and the LA as to what the learner's next steps are. The review will focus on the learner's progress towards achieving the outcomes specified in the EHCP and whether these outcomes and supporting targets remain appropriate. Either the learner's needs will remain the same or proposed changes will be documented in the Annual Review document. Discussions include consideration of progression opportunities into a Supported Internship, Apprenticeship, employment, social care provision, or further/higher education.
- 2.4 If the student is not progressing as anticipated, alternative options are considered at the Annual Review. The College may invite other providers to this meeting to explore all reasonable options. If the College believes that all options for supporting the student have been exhausted, the student's parent/ guardian will be advised prior to the meeting, a change of placement will be discussed, and the respective box completed on the return to the LA. Within four weeks of the review meeting, the LA must decide whether it proposes to keep the EHCP as it is, amend it or cease to maintain it. If the LA decides to amend the existing EHCP, it is required to follow the relevant consultation procedures in relation to the proposed changes.

## **3. Where the College is incompatible with the needs of a learner with an EHCP**

- 3.1 Where a learner's behaviour or needs significantly impede or threaten their own or other's safety, wellbeing, and education (usually part of the learner's inherent condition) and where it is not appropriate to follow EKC's learner disciplinary process, the Head of Inclusive Learning will notify the College Principal and where necessary, conduct an investigation. In such a case ALL reasonable adjustments will have been tried and notice of this will have been emailed to the LA. This may involve other professionals such as safeguarding, and colleagues from the LA and would include an analysis of risk to the learner and to others to evidence that the risk cannot be minimised. Following the investigation and when necessary, information has been gathered, a panel comprising the College Principal,

Deputy Principal/Assistant Principal and Head of Inclusive Learning will decide as to whether it is appropriate for the learner to continue their programme. The College Principal will communicate their decision to the learner and their parent/ carers. This may include a decision that the learner is no longer able to continue with their current programme (but is able to consider an alternative) or that the learner is permanently excluded from the College.

- 3.2 The College will invoke the learner disciplinary procedure in cases where a learner's behaviour is of significant concern (where appropriate). Parents/ carer's, other professionals; Social Workers may be engaged in the investigation.
- 3.3 In considering whether to exclude temporarily or permanently a learner who is the subject of an EHCP, or to remove them from a particular programme, the College will consider the requirements of the Equality Act 2010. This includes whether the exclusion/removal is a proportionate means of achieving a legitimate aim and whether the College has made reasonable adjustments to accommodate the learner. In the most extreme of cases where all reasonable adjustments have been made and reasonable alternative courses of action have been exhausted, but the learner continues to pose an unacceptable risk to themselves, staff, or other learners and/or their education and the day-to-day operation of the College, the learner may be permanently excluded. The LA will be advised that a review of the EHCP will be undertaken with or without the learner and parents/carers attending, and a "change of placement" notification sent to the LA. Exclusion from one college applies to all Colleges and business units within the EKC Group.
- 3.4 In all instances of the College being concerned about a learner's suitability for College the Head of Inclusive Learning will keep the LA informed of the concern and invite the LA to attend related meetings. Similarly, if the LA has any concerns about the learner's progress, they will communicate this to the College via the Head of Inclusive Learning. All parties will seek to work collaboratively to ensure the learner's needs and outcomes are met so far as is reasonably practicable.

### **Supporting Policies and Procedures**

- Additional Learning Support Policy
- EHCP Review Processes
- Student Disciplinary Policy

### **Contact details:**

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