

# Procedure for managing students with Education, Health and Care Plans

## INTRODUCTION:

East Kent College is committed to providing fair and equal opportunities for all students so that they have the best possible opportunities to achieve their educational outcomes in a suitable, safe and nurturing environment.

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

As a guiding principle the College will endeavour to ensure that the College is suitable for the age, ability, aptitude or special educational needs of students with EHCPs, that the attendance of a student is not incompatible with the provision of efficient education for others or the efficient use of resources and that all reasonable steps have been taken to prevent any such incompatibility. At all times, the College 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 When the College considers that a student requires special educational provision in order to meet their needs and progress (in addition to what the College is able to provide without the implementation of an EHCP), the College may ask the Local Authority (LA) to conduct an Education, Health and Care needs assessment in relation to them. This will be with the knowledge and agreement of the student or their parent/guardian.
- 1.2 LAs are responsible for drafting EHCPs, in consultation with parents, carers, students, medical professionals or other experts and relevant education providers. Kent County Council is the College's LA, although it is also possible for the College to be consulted about being named in EHCPs by other LAs seeking to place students at the College from out of County.
- 1.3 If a child's parent or the young person requests the College as the educational institution to be named in the EHCP, or the LA is considering naming the College in the EHCP, the LA is required to send the draft EHCP to the College for consultation. The College is required to review the EHCP and provide their comments to the LA within the consultation period, which is usually 15 days. Consultation normally happens during terms 2 and 3 of the academic year prior to the student's proposed admission. EHCPs may also be received from the LA at any time during the academic year for admission at any time for the following academic year. The purpose of the consultation is to determine if the College can meet the young person's needs, the outcomes they want to achieve and the aspirations they are aiming for (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 review to one campus at one time or if a student has significant complex needs, the College will seek an extension period from the LA in order to ensure that it has the resources to fully research each case and be able to come to an informed decision as to whether a student's needs and outcomes can be met. In seeking an extension, the College will be mindful of the timescales in which the LA is required to produce a finalised EHCP, which in most cases is within 20 weeks of the LA receiving a request for an EHC needs assessment.
- 1.5 During the consultation period, the College will collate and review information from the student's school and other sources to inform the final decision as to whether the student's needs, outcomes and special educational provision can be met. This will include documents such as risk assessments, therapist/medical reports, behaviour plans etc. Whilst we would expect schools to share fully all information that would assist student 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 phone the school Designated Officer and the Social Worker to share information and to request the handover of the student's safeguarding file should the student progress to College. The College cannot make an informed decision on out of date information that may no longer be relevant to the student's case so it recommends that documentation should be dated within the last 12 months.
- 1.6 Wherever possible, College staff will meet with the student (and their parent/carer/guardian where appropriate) to ensure that their support needs and curriculum interests and level of academic study can be met.
- 1.7 In addition to the formal EHCP consultation process, during terms 1 and 2 of the academic year prior to the proposed admission, the College meets with schools and attends review meetings to determine which students are likely to progress to College the following academic year and what their needs are. This helps to inform the formal consultation process and enables the College to identify and plan for any additional resources that may be needed to support students in the event that the College is ultimately named in the EHCP.
- 1.8 The College 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 done:
  - College writes to LA advising that it is able to meet the student's needs, outcomes and special educational provision (letter – appendix 2). At this point the College will seek formal confirmation from the LA that the correct level of funding will be assigned and that any further costs associated with adjustments, equipment or other specialised support will be met by the LA.
  - College inputs pending enrolment onto the student record system
  - Following the issuing of the final EHCP naming the College as the relevant education institution, the College arranges personalised transition activities for the students to include familiarisation/orientation visits to the college, meetings with staff and taster sessions. These activities will normally take place in terms 5 and 6 of the academic year prior to the student's expected start.
  - Student enrolls and student/parent/carer/guardian completes all pertinent documentation (course details form, data protection privacy statement, image release form, medical form, work experience consent form etc.)
  - College publishes student's EHCP and other relevant support information on the student's electronic record as part of the Individual Learning Plan (ILP). This is available for the student, parent/ carer/guardian and College staff to view and is a valuable collaborative tool to enable assessment of the student's progress.
- 1.10 Where, during the consultation period, the College determines that it cannot meet the student's needs, outcomes and/or special educational provision, it will write to the LA (letter – appendix 1), setting out the reasons. The College will submit the following evidence to clearly illustrate its decision: a risk assessment, cost analysis (where appropriate) and a summary of the reasons why the College is incompatible with the student's needs and outcomes.

- 1.11 Where the LA names the College in a student's EHCP and the College has already advised the LA following consultation that it cannot meet the student's need and outcomes, the College will again write to the LA, reiterating its original decision but acknowledging that it has a duty to admit the student (letter – appendix 3).
- 1.12 Where a student is moving from school to the College 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/guardians of its final decision and amend the EHCP.
- 1.13 As far as possible, the College asks that it is given at least 3 months' notice of a student with an EHCP enrolling at the College, to enable sufficient time for suitable arrangements to be made.

## **2. EHCP students on programme**

- 2.1 When a student with an EHCP has been enrolled, the SAS (Student Assessment and Support), ALS (Additional Learning Support) Manager 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 student's outcomes and planning the activities that are required to support the attainment of the outcomes.
- 2.2 The SAS/ALS Manager is responsible for arranging two informal reviews during the academic year as well as the formal EHCP Annual Review, which must be undertaken by the LA every 12 months. This will involve a review of the Provision Plan (Section F) and outcomes within the EHCP. The College has a discrete process in place for the organisation and management of the EHCP reviews which adhere to the expected timelines for notification of the review.
- 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 student's next steps are. The review will focus on the student's progress towards achieving the outcomes specified in the EHCP and whether these outcomes and supporting targets remain appropriate. Either the student's needs will remain the same or proposed changes will be documented in the provision plan. Discussions include consideration of progression opportunities into either employment 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/carer/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 student with an EHCP**

- 3.1 Where a student's behaviour or needs significantly impede or threaten their own or other's safety, wellbeing and education (usually part of the student's inherent condition) and where it is not appropriate to follow the College's student disciplinary process, the SAS/ALS Manager will notify the Campus 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 personnel and colleagues from the LA and would include an analysis of risk to the student 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 Campus Principal, Deputy Campus Principal/Assistant Principal and Head of High Needs will make a decision as to whether it is appropriate for the student to continue on programme. The Campus Principal will communicate the decision to the student and their parent/carer/guardian. This may include a decision that the student is no longer able to continue with their current course (but is able to consider an alternative course) or that the student is permanently excluded from the College.

- 3.2 The College will invoke the student disciplinary procedure in cases where a student's behaviour is of significant concern (where appropriate). Parents/carers/guardians and other professionals such as Social Workers may be engaged in the investigation.
- 3.3 In considering whether to temporarily or permanently exclude a student who is the subject of an EHCP, or to remove them from a particular course, the College will take into account 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 student. Where all reasonable adjustments have been made and reasonable alternative courses of action have been exhausted, but the student continues to pose an unacceptable risk to themselves, staff or other students and/or their education and the day-to-day operation of the College, the student may be permanently excluded and the LA advised that a review of the EHCP will be undertaken with or without the student and parents attending and a "change of placement" notification sent to the LA (letter – appendix 4). That a review of the EHCP will be undertaken with or without the student and parents attending, "Change Of Placement notification sent to the LA. Exclusion applies to all campuses in the East Kent Colleges' Partnership group so if a student has been excluded from one campus, they cannot transfer to another campus.
- 3.4 In all instance of the College being concerned about a student's suitability for College the SAS/ALS Manager will keep the LA informed of the concern. Similarly, if the LA has any concerns about the student's progress, they will communicate this to the College via the SAS/ALS Manager. All parties will seek to work collaboratively to ensure the student'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:**

Jo Campbell, Head of High Needs

E: [jo.campbell@eastkent.ac.uk](mailto:jo.campbell@eastkent.ac.uk)