



Department  
for Education

# **Further education: guide to the 0 to 25 SEND code of practice**

**Advice for further education colleges,  
sixth form colleges, 16 to 19 academies,  
and independent specialist colleges  
approved under section 41 of the  
Children and Families Act 2014**

**September 2014**

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## Foreword

Our vision for children and young people with special educational needs and disabilities is the same as for all children and young people – that they achieve well in their early years, at school and in college and make a good transition to adulthood, to lead contented and fulfilled lives.

This hasn't always been the case, but the SEN and disability reforms introduced by the Children and Families Act 2014 aim to change this, with a focus on greater co-operation between education, health and social care and a greater focus on the outcomes which will make a real difference to how a child or young person lives their life.



The further education sector is vitally important in delivering our vision for a new system. Currently, too many young people do not get the support they need and support does not focus sufficiently on helping them to achieve their goals, including paid employment and independent living.

With the right support and high aspirations, the vast majority of young people who have SEN or disabilities can make a successful transition into adulthood, whether into employment, further or higher education or training. The changes being introduced will help support them towards greater independence and employability and can be life-transforming.

For the reforms to achieve a real impact, it's about long-term culture change, about having a workforce which is confident and skilled in delivering tailored study programmes for young people with SEN or disabilities. It's also about young people with SEN or disabilities having a real voice and making decisions about their education and their future.

This guide to the Code will help you understand what your duties are under the Children and Families Act 2014 and help you navigate the full 0-25 SEN and Disability Code of Practice. It will ensure you are doing everything you should be and everything you can, to improve outcomes for this group of children and young people.

A handwritten signature in blue ink, appearing to read 'Edward Timpson'.

**EDWARD TIMPSON**

Parliamentary Under-Secretary of State  
for Children and Families

## About this guide

This guide is for principals and staff at further education colleges, sixth form colleges, 16-19 academies and independent specialist colleges approved under Section 41 of the Children and Families Act 2014. For ease of reference, in this guide 'colleges' is used to mean all of these providers. The guide is designed to help professionals working in further education to understand their statutory duties and responsibilities under the reforms in the Children and Families Act 2014 in relation to students who have or may have special educational needs or disabilities (SEND). It draws out elements of the full 0-25 Special Educational Needs and Disability Code of Practice (0-25 SEND Code of Practice) that relate to further education, as well as wider aspects that all those who work with children and young people with SEN or disabilities and their families should have regard to.

This document is not a substitute for the full Code of Practice and has no statutory basis. It highlights the main duties to which those who work in further education must have regard and gives links to the relevant sections of the Code – it is important that professionals familiarise themselves with the full version of the statutory guidance in addition to reading this advice.

## Expiry or review date

This advice will next be reviewed in April 2015.

## Context

The [Children and Families Act 2014](#) provides, from September 2014, for:

- a clear and transparent 'Local Offer' of services across education, health and social care with children, young people and parents involved in preparing and reviewing it
- services across education, health and care to be jointly commissioned
- Education, Health and Care (EHC) plans to replace statements and Learning Difficulty Assessments (LDAs) with the option of a Personal Budget for families and young people who want one
- new statutory rights for young people in further education, including the right to request a particular institution is named in their EHC plan and the right to appeal to the First-tier Tribunal (SEN and Disability), and
- a stronger focus on preparing for adulthood including better planning for transition into paid employment and independent living and between children's and adults services

From 1 September 2014 transitional arrangements will be in place to support the changeover from the current system in a phased and ordered way, to facilitate the transfer of those with LDAs to EHC plans. The expectation is that young people who are currently receiving support as a result of an LDA and remain in further education or training during the transition period, who request and need an EHC plan, will be issued with one.

A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for him or her. Children and young people who have SEN may also have a disability under the [Equality Act 2010](#). Where a child or young person is covered by SEN and disability legislation, reasonable adjustments and access arrangements should be considered as part of SEN planning and review.

More information on the background to the SEN reforms is given in the Introduction to the [0-25 SEND Code of Practice](#).

## Principles underlying the Code

The 0-25 SEND Code of Practice describes the principles that should be observed by all professionals working with children and young people who have SEN or disabilities.

These include:

- taking into account the views of children, young people and their families
- enabling children, young people and their parents to participate in decision-making
- collaborating with partners in education, health and social care to provide support
- identifying the needs of children and young people
- making high quality provision to meet the needs of children and young people
- focusing on inclusive practices and removing barriers to learning
- helping children and young people to prepare for adulthood

More information on the principles that underpin the Children and Families Act and the guidance is given in Chapter 1, Principles, in the [0-25 SEND Code of Practice](#).

## Working together across education, health and care for joint outcomes

Under Section 25 of the [Children and Families Act 2014](#), local authorities have a duty to ensure integration between educational provision and training provision, health and social care provision where this would promote wellbeing and improve the quality of provision for disabled young people and those with SEN. This requires close co-operation with education, health and social care partners to research, plan, commission and review services.

These duties on local authorities are reciprocal – education, health and social care partners also have a duty to co-operate with the local authority on planning, commissioning and reviewing local services. For colleges, this will involve contributing to the further education provision described in the local authority's Local Offer (see below), and will also involve taking part in wider strategic planning for further education in the local area.

Some post-16 settings may act as commissioners of services for students with SEN or disabilities in their own right. This could include services such as speech and language therapy, pastoral care or counselling services. Joint commissioning arrangements should reflect this local commissioning and should ensure that services commissioned by post-16 settings are suitably supported to deliver positive outcomes for children and young people.

More information about joint commissioning is given in Chapter 3, Working together across education, health and care for joint outcomes, in the [0-25 SEND Code of Practice](#).

## The Local Offer

Local authorities have a duty to publish a Local Offer, setting out in one place information about provision they expect to be available in their area across education, health and social care for children and young people in their area who have SEN or are disabled, including those who do not have EHC plans.

The Local Offer has two key purposes:

- To provide clear, comprehensive, accessible and up-to-date information about the available provision and how to access it, and
- To make provision more responsive to local needs and aspirations by directly involving disabled children and those with SEN and their parents, and disabled young people and those with SEN, and service providers in its development and review

Local authorities and their partner bodies and agencies, including further education colleges and sixth form colleges, must co-operate with each other in the development and review of the Local Offer. This is essential so that the Local Offer provides a comprehensive, transparent and accessible picture of the range of services available.

The Local Offer must include, amongst other information, the following:

- post-16 education and training provision
- apprenticeships, traineeships and supported internships
- information about provision to assist in preparing children and young people for adulthood
- arrangements for travel to and from post-16 institutions

Colleges will need to co-operate with the local authority to include this information about their own provision in the Local Offer. They should also take part in the regular review of the Local Offer that the local authority has a duty to undertake, in order to identify gaps in provision and ensure that the Local Offer is responsive to the needs of local children, young people and their families.

More information about the Local Offer is available from Chapter 4, The Local Offer, in the [0-25 SEND Code of Practice](#).



## Statutory duties on post-16 institutions

Further education colleges, sixth form colleges, 16-19 academies and independent specialist colleges approved under Section 41 of the [Children and Families Act 2014](#) have specific statutory duties.

These duties are:

- The duty to have regard to the 0-25 SEND Code of Practice
- The duty to co-operate with the local authority on arrangements for children and young people with SEN (as described earlier under '[Working together across education, health and care for joint outcomes](#)' and '[The Local Offer](#)')
- The duty to admit a young person if the institution is named in an Education Health and Care (EHC) plan (see later section on 'Education, Health and Care needs assessments and plans')
- The duty to use their best endeavours to secure the special educational provision that the young person needs. Colleges must fulfil this duty for students with SEN whether or not the students have EHC plans. It applies in respect of students with SEN up to age 25 in further education, including those aged 14-16 recruited directly by colleges.
- Duties under the [Equality Act 2010](#). Colleges must not discriminate against, harass or victimise disabled children or young people and must make reasonable adjustments to prevent them being placed at a substantial disadvantage. This duty is anticipatory – it requires thought to be given in advance to what disabled young people might require and what adjustments might need to be made to prevent that disadvantage.

More information about the statutory duties on post-16 institutions is given in Chapter 7, Further education, in the [0-25 SEND Code of Practice](#).

## SEN support in college

Where a student has a learning difficulty or disability that calls for special educational provision, the college must use its best endeavours to put appropriate support in place.

### Identifying SEN

Colleges should be involved in transition planning between school and college so that they can prepare to meet the student's needs and ensure a successful transition into college life. They should give all applicants an opportunity before or at entry and at subsequent points, to declare whether they have a learning need, a disability or a medical condition which will affect their learning. If a student makes a declaration the college should discuss with the student how they will provide support.

Some needs may emerge after a student has begun a programme. Teaching staff should work with specialist support to identify where a student may be having difficulty which may be because of SEN.

### SEN support

Support should be evidence based. This means that colleges should be aware of effective practice in the sector and elsewhere, and personalise it for the individual. They should keep the needs of students with SEN or disabilities under regular review. Colleges should take a cyclical approach to assessing need, planning and providing support, and reviewing and evaluating that support so that it can be adjusted where necessary. They should involve the student and, particularly for those aged 16 to 18, their parents, closely at all stages of the cycle, planning around the individual, and they should ensure that staff have the skills to do this effectively.

The governing bodies of colleges should ensure that all staff interact appropriately and inclusively with students who have SEN or a disability and should ensure that they have appropriate expertise within their workforce. They should also ensure that curriculum staff are able to develop their skills, are aware of effective practice and keep their knowledge up to date. They should ensure that there is a named person in the college with oversight of SEN provision to ensure co-ordination of support, similar to the role of the SEN Co-ordinator (SENCO) in schools. In reviewing and managing support for students with SEN, colleges may find the broad areas of need and support outlined in Chapter 6 of the [0-25 SEND Code of Practice](#) helpful (paragraph 6.28 onwards).

### Expertise within and beyond the college

Colleges should ensure they have access to external specialist services and expertise. These can include, for example, educational psychologists, Child and Adolescent Mental Health Services (CAMHS), specialist teachers and support services, supported

employment services and therapists. They can be involved at any point for help or advice on the best way to support a student with SEN or a disability.

Where, despite the college having taken relevant and purposeful action to identify, assess and meet the needs of the student, the student is still not making the expected progress, the college or young person should consider asking the local authority to carry out an EHC needs assessment (see the later section in this guide on '[Education, Health and Care needs assessments and plans](#)').

Colleges should be ambitious for young people with SEN, whatever their needs and whatever their level of study. They should focus on supporting young people so they can progress and reach positive destinations in life, including higher education or further training or employment, independent living, good health and participating in the community (see the section in this guide on '[Preparing for adulthood](#)' for further details).

## Record keeping

Colleges should keep a student's profile and record of support up to date to inform discussions with the student about their progress and support. This should include accurate information to evidence the SEN support that has been provided over a student's time in college and its effectiveness. They should record details of what additional or different provision they make to meet a student's SEN and their progress towards specified outcomes. This should include information about the student's SEN, interventions and the support of specialists. The information should be used as part of regular discussions with the student and, where appropriate, the family, about the student's progress, the expected outcomes and planned next steps.

## Funding

All school and academy sixth forms, sixth form colleges, further education colleges and 16-19 academies are provided with resources to support students with additional needs, including young people with SEN and disabilities. Colleges are expected to provide appropriate, high quality SEN support using all available resources, and it is for them as part of their normal budget planning, to determine their approach to using their resources to support the progress of young people with SEN. The principal or a senior leader should establish a clear picture of the resources available to the college and consider their strategic approach to meeting SEN in the context of the total resources available.

More information about providing support for students with SEN or disabilities is given in Chapter 7, Further education, in the [0-25 SEND Code of Practice](#).

## **Preparing for adulthood**

Everyone working with children and young people who have SEN or disabilities should support them to prepare for adult life and help them go on to achieve the best outcomes in employment, independent living, health and community participation.

## **Preparing for adulthood reviews**

Preparing for adulthood should form part of the planning for all children and young people with SEN and disabilities, right from the earliest years. However, for teenagers preparation for adult life needs to be a more explicit element of their planning and support. Discussions about their future should focus on what they want to achieve and the best way to support them to achieve it. For children and young people with EHC plans, local authorities must ensure that the EHC plan review at Year 9, and every review thereafter (including when they are at college), includes a focus on preparing for adulthood.

## **Young people's right to make their own decisions**

After compulsory school age (the end of the academic year in which they turn 16) the right to make requests and decisions under the Children and Families Act 2014 applies to young people directly, rather than to their parents. Parents, or other family members, can continue to support young people in making decisions, or act on their behalf, provided that the young person is happy for them to do so, and it is likely that parents will remain closely involved in the great majority of cases.

This is particularly important for young people under 18 and colleges would normally involve parents or family members where they have concerns about a young person's behaviour or welfare. They should also continue to involve parents or family members in discussions about the young person's studies where that is their usual policy. The fact that the Children and Families Act 2014 gives rights directly to young people from the end of compulsory school age does not necessitate any change to a college's safeguarding or welfare policy.

## **Planning the transition into post-16 education and training**

Young people entering post-16 education and training should be accessing provision which supports them to build on their achievements at school and which helps them progress towards adulthood. Young people with EHC plans are likely to need more tailored post-16 pathways.

It is important that information about previous SEN provision is shared with the further education or training provider. Schools should share information before the young person takes up their place, preferably in the spring term prior to the new course, so that the provider can develop a suitable study programme and prepare appropriate support.

Schools and colleges should work in partnership to provide opportunities such as taster courses, link programmes and mentoring which enable young people with SEN to familiarise themselves with the college environment and gain some experience of college life and study.

For children and young people with EHC plans, discussions about post-16 options will be part of the preparing for adulthood focus of EHC plan reviews, which must be included as part of the review from Year 9 (age 13-14). The local authority must ensure these reviews take place, and schools and colleges must co-operate with the local authority in these reviews. If it is clear that a young person wants to attend a different school (sixth form) or a college, then that school or college must co-operate, so that it can help to shape the EHC plan, help to define the outcomes for that young person and start developing a post-16 study programme tailored to their needs.

## **Careers advice for young people**

FE colleges have a duty through their funding agreements to ensure that students are provided with independent careers advice. This duty applies for all students up to and including the age of 18 and also to 19- to 25-year-olds who have EHC plans. Colleges should raise the career aspirations of students with SEN and broaden their employment horizons. They should use a wide range of imaginative approaches, such as taster opportunities, work experience, mentoring, exploring entrepreneurial options, role models and inspiring speakers.

## **High quality study programmes for students with SEN**

All students aged 16-19 (and, where they have an EHC plan, up to the age of 25) should follow a coherent study programme which provides stretch and progression and enables them to achieve the best possible outcomes in adult life. Where appropriate, this should include access to mainstream courses followed by students who do not have SEN or a disability. Colleges are expected to design study programmes which enable students to progress to a higher level of study than their prior attainment, take rigorous, substantial qualifications, study English and maths, and participate in meaningful work experience and non-qualification activity. They should not be repeating learning they have already completed successfully. For students who are not taking qualifications, their study programme should focus on high quality work experience, and on non-qualification activity which prepares them well for employment, independent living, being healthy adults and participating in society. Full guidance about study programmes is available on the [GOV.UK website](https://www.gov.uk).

## **Pathways to employment**

All young people should be helped to develop the skills and experience, and achieve the qualifications they need, to succeed in their careers. The vast majority of young people with SEN are capable of sustainable paid employment with the right preparation and

support. All professionals working with them should share that presumption. Colleges that offer courses which are designed to provide pathways to employment should have a clear focus on preparing students with SEN for work. This includes identifying the skills that employers value, and helping young people to develop them. One of the most effective ways to prepare young people with SEN for employment is to arrange work-based learning that enables them to have first-hand experience of work, such as apprenticeships, traineeships and supported internships.

## **Transition to higher education**

Securing a place in higher education is a positive outcome for many young people with SEN or a disability. Where a young person has this ambition, the right level of provision and support should be provided to help them to achieve that goal, wherever possible.

## **Young people aged 19 to 25**

Colleges must continue to use their best endeavours to secure the special educational provision needed by all young people aged 19 to 25 with SEN attending their institution. Guidance on EHC plans for young people aged 19 to 25 is given in Chapter 9 of the [0-25 SEND Code of Practice](#), paragraphs 9.150 to 9.156.

## **Leaving education or training**

All young people with SEN should be supported to make the transition to life beyond college, whether or not they have an EHC plan. As well as preparing them for adulthood generally, colleges should ensure that young people with SEN have the information they need to make the final steps in this transition. This includes information about local employers, further training, and where to go for further advice or support.

For young people with EHC plans, where it is known that a young person will soon be completing their time in education and training, the annual review prior to ceasing the EHC plan should be used to agree the support and specific steps needed to help the young person to engage with the services and provision they will be accessing once they have left education, and the college should contribute to this review.

More information about helping young people to prepare for adulthood is in Chapter 8, Preparing for adulthood from the earliest years, in the [0-25 SEND Code of Practice](#).

## **Education, health and care needs assessments and plans**

Colleges must co-operate with local authorities in carrying out needs assessments for students, and in the development and review of EHC plans. They also have a duty to admit a young person to the college if it is named in their EHC plan and to provide the educational support specified in the plan.

### **EHC needs assessments**

It is likely that students newly admitted to college who have SEN or a disability will have already been receiving support at school, whether informally or through a statement or an EHC plan. However, if it is subsequently brought to the attention of the college by the student, their parents, or a member of staff that a student may have SEN or a disability, the college can ask the local authority to carry out an EHC needs assessment, with the knowledge and agreement of the student. The student can also ask the local authority for a needs assessment at any point prior to their 25<sup>th</sup> birthday, provided one has not been carried out in the previous six months.

During the course of an EHC needs assessment, the local authority has a duty to gather advice from relevant professionals about the young person's education, health and care needs, desired outcomes and special educational, health and care provision that may be required to meet the identified needs and achieve desired outcomes. The college should co-operate with the local authority in this, by providing the educational advice and information requested.

### **Being named in an EHC plan**

A young person has the right to request a particular college to be named in their EHC plan and the local authority has a duty to consult that college about admitting the young person and to name the college in the EHC plan, unless:

- it would be unsuitable for the age, ability, aptitude or SEN of the young person, or
- the attendance of the young person there would be incompatible with the efficient education of others or the efficient use of resources

The local authority must consider the comments of the college carefully before deciding to name it in an EHC plan. Once the college is named in the EHC plan, it must admit the young person. Colleges have to be named in EHC plans by the end of the March before the September in which the young person starts (end of May for September 2015 starters).

Where appropriate, a young person with an EHC plan can attend a dual placement at an institution within the further education sector and a special post-16 institution. The local

authority should work with the young person, post-16 provider and independent specialist college to commission such a placement where that will achieve the best possible outcome for the young person.

## **Providing the support specified in the EHC plan**

Section F of the EHC plan specifies the special educational provision required by the young person to meet their needs and help them to achieve their desired outcomes. The college will have been involved in the development or review of the EHC plan to determine what can be provided from within the college's own resources and what will require additional external expertise or further funding from the local authority.

Some of the provision specified may be procured by the young person themselves using a Personal Budget, including by a direct payment. Where a direct payment is to be used to deliver provision on the college premises, the local authority must seek the written agreement of the college for this arrangement.

## **Reviewing an EHC plan**

Local authorities have a duty to review EHC plans as a minimum every twelve months, and colleges must co-operate in these reviews. Reviews must focus on the young person's progress towards achieving the outcomes specified in the EHC plan and must also consider whether these outcomes and supporting targets remain appropriate. This is particularly important for young people aged 19 to 25 with SEN or disabilities, who may need more time than students without SEN or disabilities to complete their studies and achieve their outcomes.

Reviews of EHC plans must include a focus on preparing for adulthood and transition planning must be built into the plan. In particular, where a young person is nearing the end of their time in formal education and the plan is likely to be ceased within the next 12 months, the annual review should consider good exit planning.

The local authority may request (but cannot require) that the college convenes and holds the review meeting on their behalf. There may be a requirement on the college to do so as part of the contractual arrangements agreed when the local authority commissioned and funded the placement. Colleges may also be asked to attend review meetings for young people who have EHC plans and are still at school or other pre-college setting, particularly where the young person has expressed a preference for a specific college, in order to help plan their transition to the next phase of education.

More information on EHC plans is given in Chapter 9, Education, Health and Care needs assessments and plans, in the [0-25 SEND Code of Practice](#).



## Resolving disagreements

All colleges should provide students with routes to resolve disagreements and complaints about their course of study. This does not include complaints relating to EHC plans, which students and their families should take up with the local authority that issued the plan.

For complaints which do not relate to EHC plans, students at general further education colleges, sixth form colleges and some other Education Funding Agency (EFA)-funded providers should be able to make complaints informally to the teacher or the Principal, or through the college's formal complaints procedure.

If a complainant at a general further education college is dissatisfied after going through the college's own procedure they can take up their complaint with the Skills Funding Agency. A copy of the Skills Funding Agency's procedure for handling complaints made against colleges is available on their [website](#).

If a complainant at a sixth form college or some other EFA-funded providers is dissatisfied after going through the provider's own procedure they can take up their complaint with the EFA. A copy of the EFA's procedure for handling complaints is available on the [GOV.UK website](#).

If young people or their parents disagree with the local authority about a decision taken in relation to an EHC needs assessment or EHC plan, such as a decision not to carry out a needs assessment or not to issue a plan, the educational provision specified in a plan or the college specified in it, they can appeal to the First-tier Tribunal (Special Educational Needs and Disability). Before appealing to the Tribunal, the young person or their parents must first contact an independent mediation adviser, to discuss whether mediation might be a suitable way of resolving the disagreement (unless the dispute is solely about the college that will be named on the EHC plan, in which case they do not need to contact a mediation adviser). If the disagreement is not resolved by mediation, or the young person or their parent decides not to go to mediation, the mediation adviser will issue them with a certificate which will allow them to proceed with their appeal to the Tribunal.

Further information about complaints, including about mediation and appealing to the Tribunal, is given in Chapter 11, Resolving disagreements, in the [0-25 SEND Code of Practice](#).

## **Useful resources**

### **Legislation and statutory guidance**

[0-25 Special Educational Needs and Disability Code of Practice](#)

[Apprenticeships, Skills and Learning Act 2009](#)

[Children and Families Act 2014](#)

[Education Act 1996](#)

[Equality Act 2010](#)

[Special Educational Needs \(Personal Budgets\) Regulations 2014](#)

[Special Educational Needs and Disability Regulations 2014](#)

### **Other Government information**

[16 to 19 funding guidance](#)

[16 to 19 study programmes: advice for further education colleges](#)

[Complaints to the EFA](#)

[Complaints to the SFA](#)

[Early Support](#)

[Education Funding Agency \(EFA\)](#)

[FE implementation pack](#)

[First-tier Tribunal \(Special Educational Needs and Disability\)](#)

[Higher Education Funding Council for England \(HEFCE\)](#)

[Participation of young people in education, employment and training \(DfE guidance\)](#)

[Pathfinder information packs](#)

[Preparing for Adulthood](#)

[Skills Funding Agency \(SFA\)](#)

[Supported internships – DfE advice \(2014\)](#)

### **Best practice examples/websites**

[AoC case studies and presentations](#)

[Association of National Specialist Colleges \(Natspec\)](#) – learning resources and policy briefs

[Autism Education Trust](#)

[Communication Trust](#)

[Council for Disabled Children](#)

[Dyslexia SpLD Trust](#)

Education and Training Foundation SEN platform on their [Excellence Gateway](#)

[National Network of Parent Carer Forums](#)



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