

## **Case study: SENDIASS support obtaining an appropriate educational placement leading to service change / improvements**

**This case study demonstrates how an IAS service late involvement in a case supporting a young person can see lead to a positive change and ensure a good outcome for that person.**

**June 2018** - Aiden is 19 years old and lives at home with his parents and older brother. Aiden has a severe learning disability, autism, pica, Tourettes and challenging behaviour. He is in his final year at an LA maintained special school sixth form having attended a specialist placement throughout his entire education. Due to his lack of capacity around decision-making, his parents Nicola and Aiden act on his behalf with support from Aiden's social worker from the Community Learning Disabilities Team. It is hoped that Aiden can continue his educational career at an appropriate local college that can support him to achieve his outcomes around preparing for adulthood. Aiden's EHC plan was issued in April 2018 naming the local FE college.

Nicola contacted IASS having visited an Independent specialist college social care provision in the local area. Whilst she was there she was made aware that the college also offered post 19 educational provision and she was shown around. She had always had concerns around the safety aspect of the local FE College as Aiden is at risk of absconding. The college named in Aiden's EHCP is located close to several major transport routes. Having looked at the Independent colleges education provision they both felt that Aiden's needs would be best met there and that he would be safe. Another parent at Aiden's school had told Nicola about the support IASS could offer to children, young people and their parents and she asked to meet with us.

From our initial telephone conversation with Nicola, it became clear that timescales were an issue as she was approaching the deadline for appealing the placement decision on the EHCP. IASS made her aware of her rights of appeal, the appeal process and the requirement to consider mediation in most cases. As we were unable to meet with Nicola prior to the deadline, we advised her to contact mediation with a view to either taking part in mediation to resolve the issues around placement or to be issued with a mediation certificate which would extend the appeal deadline to allow us to advise her further. At this time, Nicola gave IASS consent to speak with the Statutory Assessment and Review Service (SARS) to inform them of the parents intention to appeal. IASS suggested that SARA convene a Multi-Agency Meeting to discuss the issues and to attempt to resolve this without the need for a tribunal appeal.

**July 2018** - IASS met with parents to look at Aiden's latest EHCP. Nicola wanted an impartial view on whether she had a viable legal case for securing a placement at the Independent college. At this meeting it became clear that Aiden's EHCP was out of date and there was a lack of up to date information and advice from a number of key professionals. This meant that the FE did not have a clear

picture of Aiden's needs and the provision required to meet those needs when they gave their formal response to the LA, and it was subsequently named on the plan.

IASS attended the Multi-Agency meeting to support Nicola and Aiden. During the meeting there was a detailed discussion regarding the plan including the lack of updated advice which meant needs, provision and Outcomes were no longer relevant to Aiden and that the current EHCP may not be appropriate. IASS encouraged the parents to request a full reassessment and the LA agreed to do this. This gave Aiden's parents further worry as this would mean that potentially Aiden would have no education placement at the start of the September 2018 term. Following the meeting, IASS supported Nicola and Aiden to complete appeal forms and register Aiden's appeal with the tribunal. As the case concerned Education, Health and Social Care elements the case was registered under the National Trial.

**July/August 2018** - Reassessment took place and it became clear that Aiden's EHC plan required significant amendment. There were a number of discussions between the LA about a jointly funded placement which would deliver Outcomes across both Education and Social Care. Nicola kept us informed of any developments.

**August 2018** - Nicola and Aiden were speaking with IASS on an almost daily basis for information and advice the evidence required for tribunal, the tribunal bundle and the working document. IASS supported parent to update their views and the outcomes they wanted for Aiden.

The turning point in the case was when the local FE college were asked to comment on the updated professional advice that had been received as part of the reassessment. They felt that they were unable to meet Aiden's current needs. This meant that the 'public purse' argument that the LA were relying upon no longer applied unless they could identify an appropriate alternative college. This would be tricky for the LA as parents already had a tribunal date and would not consent to an extension.

**September 2018** - The new term began and Aiden had no educational placement however social care had agreed to fund 2 days of provision at the independent college on a temporary basis until the case went to a high needs commissioning panel.

**October 2018** - Panel agreed to the placement 2 days before the final evidence was due to be submitted to tribunal and the parents were informed that a 5-day placement would be funded by the LA.

**November 2018** - Aiden started his 5-day placement at the Independent FE college.

## **Conclusion**

This case study highlights how our extensive and current legal knowledge was applied in practice to assist the parents to secure an appropriate placement for their son. The emotive presentation of the family to begin with, thinking that their son would not be safe and supported, transitioned to a family who felt empowered by the new knowledge they had acquired. The case illustrated the relevance of the EHC plan during phased transfers and the importance of ensuring that the information within it is up to date and complete. It also recognises the importance of a multi-agency approach and person-centred

planning. The feedback from the family at the end of our involvement was extremely positive with the parents saying that they couldn't have managed without our help and support.

## **Summary**

Although this case came through to us at a very late stage nearing the end of the appeal window, it has given us valuable experience in dealing with post-19 issues. This is an area that we haven't dealt with as a service until now. Alongside that, having a relatively new IASS Officer in post, it has enabled them to shadow a more experienced officer through the early stages of the tribunal process and informal dispute resolution. As a result of this case there are a number of actions:

- IASS have arranged to deliver training session for all Connexion's Advisors who will be chairing post-16 and post-19 annual reviews.
- Training has been delivered to Year 11 students in our local MLD specialist provision to give them an awareness of their legal rights in decision-making and choice advice.
- We have provided information on the statutory requirements for updated assessments in the EHC needs assessment process to Education, Health and Social Care.
- We are looking at developing an information sheet for YP to let them know what they should expect to happen during their transition reviews.