Protocol to ensure we meet the educational needs of Looked After Children (LAC) who are being assessed for an Education Health & Care Plan (EHCP) or already have an EHCP or Statement of Special Educational Need (SSEN)

This protocol applies to the joint working between Cambridgeshire’s Virtual School, SAT (formerly START), ART and Social Care. Coordination will be through operational and strategic team meetings made up of representatives from the above departments.

SAT will allocate a Team Leader or Casework officer to be the link between SAT and the Virtual School.

As soon as a child/young person who already has a SSEN/EHCP becomes LAC, SAT must be informed by the Virtual School either directly to Julie Rutterford or via the generic SAT email copying in the Team Leader within 10 days. The Team Leader will then confirm the child’s named SEN Casework Officer to The Virtual School, ART and social worker within 48 hours.

LAC in the EHC Needs Assessment process

The logging and processing of requests for EHC Needs Assessment for LAC will be prioritised by the Virtual School, Social Care, SAT, and Health.

A checklist of requirements for the successful processing of the EHC request (a tick list) will be provided by SAT.

The school SENCo will ensure all paperwork is completed in a timely manner. The VS Teacher will liaise with the SEN Casework Officer and Social worker (who will have discussed with everyone with Parental Responsibility) regarding the pre-submission (PEP) meeting, in which evidence will be collated, ready to submit to panel.

The pre-submission (PEP) meeting will ensure all papers are in place in line with the ‘tick list’ provided by SAT. The SENCO will submit the EHCP application to SAT.

The statutory timeframe for the assessment process is 20 weeks. EHC assessment requests for LAC will be prioritised and will always be considered at the next available EHC Needs Assessment Panel, which happen weekly. LAC will be prioritised at all stages of the process to accelerate the process and minimize drift.

The process can be accelerated as soon as the casework officer has received all relevant paperwork.

Where a request for an EHC Needs Assessment is declined, a ‘next steps’ meeting will be held within 15 working days. Consideration will be given to the reasons why the request was not agreed and then, if it is appropriate, it will be possible to re-submit the EHC request or alternative support strategies identified.
**LAC with an EHCP or SSEN**

**Meetings:**
SEN Casework Officers (CWO) and Virtual School Teachers (VST) must be invited, by the DT/SENCo, to any meetings about the education of LAC with an EHCP or SSEN. Although they may not always be able to attend they will prioritise meetings where the home or education placement is at risk.

The CWO and VST will ensure a representative attends or provide relevant information to facilitate decision making.

The Virtual School will remind Units and Teams to send a copy of all Personal Education Plans (PEPs) to SAT (SEN Case worker). SAT will send copies of EHCP or Statements of SEN / and Statutory Annual Reviews to the Virtual School, Preparing for Adulthood Additional Needs Advisor if applicable and the Social Worker.

**Placement needs:**
The Social Worker must inform SEN Casework Officer and Virtual School of any issues that may arise/proposed changes to the care and education provision.

Resourcing/placement decisions for LAC with EHCP or a Statement of SEN/ will be prioritised and will always go to the next available panel as a priority. Casework officers will notify Virtual School by general email of panel outcomes.

**CCC LAC with an EHCP or SSEN placed out of County.**

Immediate notification, from Social Care of CCC LAC with an EHCP or SSEN, to Virtual School, SAT and Education Transport regarding change of provision, placement and confirmation of education requirement.

Social Care or Virtual School Teachers to notify CCC ART (CFA.AccessToResources@cambridgeshire.gov.uk) of concerns regarding out of County provision and proposed provision being sourced.

**LAC with a Statement of SEN / EHCP not in full time education**

On a weekly basis the Virtual School Head (VSH) will provide SENDs, services, SAT, Social Care, Heads of Service, and ART with a list of LAC with a SSEN / EHCP not currently in full time education. The SAT team will be responsible for providing appropriate provision for LAC pupils not in full time provision. In identifying the requirements for education, the Virtual School Teacher, Social Care and other professionals will support SAT to address issues preventing access to full time education or appropriate education hours based on need. SEN Casework Officers will update the weekly list, via a Team Leader, and detail the actions that have been taken during the last week, with the intention to provide adequate full time education within 24 hours dependent on the child’s needs and then provide with suitable permanent education within 20 days. This information is shared with the Virtual School and circulated wider within CFA on a weekly basis.

Each half term the operational protocol meeting will take place to review the list of LAC out of 25 hours education in order to support a positive outcome and learn lessons to improve practice.
If LAC with a SSEN / EHCP are out of school they should be in receipt of a full time education package (the exact number of hours delivered will depend on the age of the child and/or their specific needs) this will be arranged by SAT as appropriate, in discussion with the VS Teacher and the social worker. This is the case for Cambridgeshire LAC both within and out of county.

**Sharing of data between VS, SAT, County Resource Panel and Social Care**

VSH to share monthly list of LAC with a SSEN or EHCP with SAT Team leader and Resource Panel. Data to include One ID, D.O.B, County where educated, Year group and named Social Worker information.

SAT casework officer to notify VS of outcome of panel/funding decisions, the same day notification is sent to settings/Social Care/Carers.

**Liaison between VS, SAT, Childrens Commissioning and Social Care.**

Half Termly operational meetings will be held with the Deputy Manager of the Virtual School, SAT Team leader and Lead VS Teacher, County Resource Panel rep and LAC Social Care and disability social care to attend.

Termly strategic meetings will be held between Head of the Virtual School, SEND divisional manager, Head of Looked After Children’s Service and Head of County Resources Panel.

SAT and the Virtual School to provide ongoing training opportunities for Social Workers both formally and informally.

The lead VS Teacher liaises with the VS Team, the SAT Team leader liaises with SAT team, the CRP liaises within their team to ensure the protocol is adhered to. Awareness of the protocol to be promoted throughout all of the teams and then reviewed in operational meetings each half term. Immediate escalation to team managers and finally the strategic team if the protocol is not followed. Links to the protocol to be on all websites.

**Finance of SSEN/EHCP out of County.**

The agreement exists between all counties that funding is recouped from the child’s home county in the case of SEND pupils. There should be no delay in providing support because of funding.

SAT and ART will notify the OLA school the need for them to invoice CCC START for the monies associated with the SSEN/EHCP to Teresa Wallis at send.resources@cambridgeshire.gov.uk SAT will then pay the funding directly to the school.

**Young People resident OOC with additional needs but without an EHCP**

Additional funding may be provided by Cambridgeshire County Council for Cambridgeshire Looked After Children, resident in local authorities, where they operate a tiered funding system (high needs funding tariff), in order to ensure that the YP receives appropriate provision as quickly as possible.
If a young person presents with additional needs, which are over and above those which would usually be accommodated within the school, but does not have an EHCP, the school should discuss this with the Virtual School link.

The VS teacher will provide a standard letter for the local authority’s panel where the child is resident, requesting they consider the additional need in line with their standard policy. The panel will be asked to make a recommendation for possible funding to the VS teacher. The VS teacher will then apply to April Dolby via the County Resources Panel, copying in the Head of the Virtual School, with the panel’s recommendation, so that Cambridgeshire can consider appropriate funding, outside of the standard EHCP process. This will be reviewed through the PEP process and through the standard arrangements of the local authority, where the child is resident.

**LAC Transport**

In and Out of County: Social Worker to complete a SOC978c to arrange transport if appropriate. From the 1st November 2017 the SOC form will be processed through the Education transport team.

**Post 18 young people**

Once the young person turns 18, the key link organisation will be the SAT team and no longer the Virtual School. The systems and structures remain the same as outlined above.

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**Education Health and Care Plan (EHCP)**

*On 1 September 2014 the Children and Families Act becomes law. From this date Statements of Special Educational Need (SEN) and Learning Difficulty Assessments (LDA) will be replaced by a single Education Health and Care Plan.*

This new way of working will ensure that the child or young person and their parents/carers are placed at the centre of a collaborative planning process and will apply to children and young people with Special Educational Needs from age 0-25. It will deliver a coordinated assessment within 20 weeks from the date the referral is received.

The main difference between the previous method of assessment and the new EHCP is that there will be a more integrated approach which focuses on individual outcomes and which takes place within a shorter timescale. The same right to appeal will remain and parents/carers/youth will also have access to a Disagreement Resolution and Mediation service.

From September 2014 all existing Statements of Special Educational Need and Learning Difficulty Assessments will gradually be transferred to EHCP Plans over a three year period. The new EHCP Plan will provide the same statutory protection as the current Statement of Special Educational Need.

From September 2014 new requests will not be for Statements but for EHCP Plans. Parents/carers, the young person (if he/she is over the age of 16), or a professional who identifies the need for further support (with parental consent) can make a request.

**The assessment and planning process is shown in the flow chart below.**

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**New requests**

The request will be acknowledged and information provided regarding the process. A decision will be made by the Local Authority about whether or not your child is eligible for an EHCP. You will then be advised of the decision and what will happen next.

**Your views**

If a Plan is agreed you will be asked for further information and views about your child’s needs, including what works well and what doesn’t, and about your hopes for the future.

**The plan**

A multi-agency meeting will be held to agree what is required in order to meet identified needs and to achieve desired outcomes. This Plan will be co-produced with you, your son or daughter, and the professionals who are providing support.

**Meeting needs**

There will be a number of options to make best use of any funding identified. You could, for example, manage part of the funding yourself; this is called a personal budget. You could also request that someone manages this on your behalf.

**Next steps**

Having finalised the EHCP plan support will be available to help your child achieve the outcomes described in the Plan.

**Annual review**

The EHCP Plan will be reviewed annually to keep it up to date. It can be reviewed more frequently if needed.

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At the annual review your child will be able to tell his/her story, the Plan will be discussed, and funding may be updated to reflect statutory responsibility, progression and changing need.