



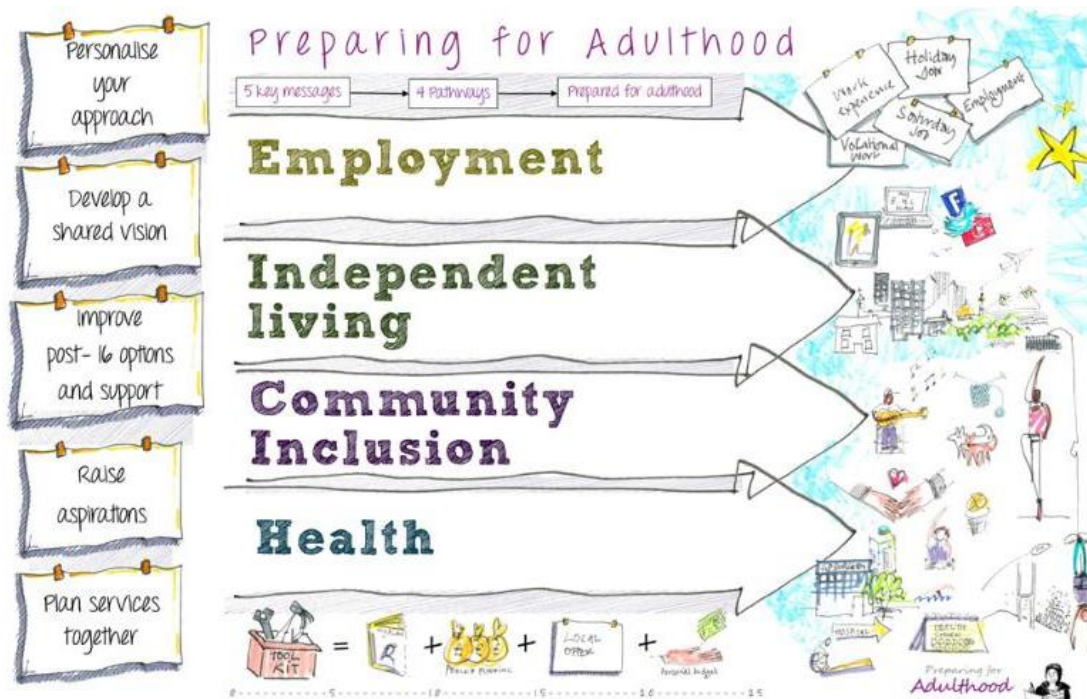
## SEND Code of Practice – Statutory Guidance

Within the [SEND code of practice](#), the word 'must' refers to a statutory requirement under primary legislation, regulations or case law. References to 'should' are not mandatory, but expected unless you can justify otherwise. This document focuses on Chapter 8 (Preparing for Adulthood), Chapter 4 (Local Offer) and a few other helpful sections.

### Chapter 8 – Preparing for Adulthood

Preparing for adulthood means preparing for:

- **Higher education and/or employment** – this includes exploring different employment options, such as support for becoming self-employed and help from supported employment agencies
- **Independent living** – this means young people having choice, control and freedom over their lives and the support they have, their accommodation and living arrangements, included supported living
- Participating in society, including having friends and supportive relationships and participating in, and contributing to, the local **community**
- **Being as healthy as possible** in adult life



Preparing for Adulthood ‘Must Dos’	Paragraph
Local authorities <b>must</b> place children, young people and families at the centre of their planning, and work with them to develop co-ordinated approaches to securing better outcomes, as should clinical commissioning groups (CCGs).	8.3
Maintained nurseries and schools <b>must</b> ensure that, subject to certain conditions, pupils with SEN engage in the activities of the nursery or school together with those who do not have SEN, and are encouraged to participate fully in the life of the nursery or school and in any wider community activity.	8.8
Local authorities <b>must</b> ensure that the EHC plan review at Year 9 and every review thereafter, includes a focus on preparing for adulthood. It can be helpful for EHC reviews before Year 9 to have this focus too.	8.11
Planning <b>must</b> be centred around the individual and explore the child/young person’s aspirations and abilities, what they want to be able to do when they leave post-16 education or training and the support they need to achieve their outcomes.	8.11
Transition planning <b>must</b> be built into the revised EHC plan and should result in clear outcomes being agreed that are ambitious and stretching and which will prepare young people for adulthood.	8.11
<p>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 <b>must</b> be included as part of the review from Year 9 (age 13-14).</p> <p>The local authority <b>must</b> ensure these reviews take place and schools and colleges <b>must</b> 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 the school or college <b>must</b> co-operate, so that it can help to shape the EHC plan, help to define the outcomes for the young person and start developing a post-16 study programme tailored to their needs.</p>	8.26
The local authority <b>must</b> make young people aware through their local offer of the support available to them in higher education and how to claim it, including the Disabled Students Allowance (DSA).	8.46

When a young person with an EHC plan makes a claim for DSA, the local authority <b>must</b> pass a copy of their plan to the relevant DSA assessor, to support and inform the application asap, where they are asked to do so by the young person.	8.47
Local authorities should plan a smooth transition to the higher education (and where applicable, to the new LA area) before ceasing to maintain a young person's EHC plan. Once a young person's place has been confirmed at the HE institution, the local authority <b>must</b> pass a copy of their EHC plan to the relevant person in that institution at the earliest opportunity, where they are asked to by the young person.	8.48
Local authorities <b>must</b> set out in their Local Offer the support and provision that 19–25-year-olds with SEN can access regardless of whether they have an EHC plan.	8.52
Further education colleges <b>must</b> continue to use their best endeavours to secure the special educational provision needed by all young people aged 19-25 when attending their college	8.52
Colleges or training providers <b>must not</b> charge young people (aged 19-25 with EHC plans) tuition fees or such places.	8.53
Colleges are able to charge fees for 19–25-year-olds with SEN but not an EHC plan but <b>must</b> use their best endeavours to secure the necessary special educational provision that they need.	8.55
For young people with EHC plans, the plan should be the basis or co-ordinating the integration of health with other services. Where a young people are moving to adult health services, the local authority and health services <b>must</b> co-operate, working in partnership with each other and the young person to ensure that the EHC plan and the care plan for treatment and management of the young person's health are aligned.  The CCG <b>must</b> co-operate with the local authority in supporting the transition to adult services and <b>must</b> jointly commission services that will help meet the outcomes in the EHC plan.	8.57

Under the Care Act 2014, the local authority <b>must</b> carry out an adult care transition assessment where there is significant benefit to the young person or their carer in doing so and they are likely to have needs for care or support after turning 18. Transition assessments for adult care <b>must</b> take place at the right time for the individual.	8.59
As with EHC plan development in general, transition assessments for adult care and support <b>must</b> involve the young person and anyone they want to involve in the assessment. They <b>must</b> also include the outcomes, views and wishes that matter to the young person – much of which will already be set out in their EHC plan.	8.62
Assessments for adult care or support <b>must</b> consider: <ul style="list-style-type: none"> <li>- Current needs for care and support</li> <li>- Whether the young person is likely to have needs for care and support after they turn 18, and</li> <li>- If so, what those needs are likely to be and which are likely to be eligible needs</li> </ul>	8.63
Local authorities can meet their statutory duties around transition assessment through an annual review of a young person’s EHC plan that includes the above elements. Indeed, EHC plans <b>must</b> include provision to assist in preparing for adulthood from Year 9.	8.64
Having carried out a transition assessment, the local authority <b>must</b> give an indication of which needs are likely to be regarded as eligible needs, so the young person understands the care and support they are likely to receive once children’s services cease. Where a young person’s needs are not eligible for adult services, local authorities <b>must</b> provide information and advice about how those needs may be met and the provision and support that young people can access in their local area.	8.65
Under the Care Act 2014 local authorities <b>must</b> continue to provide a young person with children’s services until they reach a conclusion about their situation as an adult, so there is no gap in provision.	8.68
Local authorities <b>must</b> put in place a statutory care and support plan for young people with eligible needs for adult care and support. Local authorities <b>must</b> meet the needs of the young person set out in their care and support plan.	8.70

<p>The statutory adult care and support plan <b>should</b> form the ‘care’ element of the young person’s EHC plan. While the care part of the EHC plan <b>must</b> meet the requirements of the Care Act 2014 and a copy kept by adult services, it is the EHC plan that <b>should</b> be the overarching plan.</p>	8.71
<p>Local authorities <b>must</b> set out in section H2 of the EHC plan any adult care and support that is reasonably required by the young person’s learning difficulties or disabilities.</p>	8.72
<p>When a transition assessment identifies needs that are likely to be eligible, local authorities <b>should</b> consider providing an indicative Personal Budget so that young people have an idea of how much their care and support will cost when they enter the adult system. This is particularly important if young people with EHC plans are already exercising their statutory right to a Personal Budget as any adult with eligible needs will have a care and support plan which <b>must</b> include a Personal Budget.</p> <p>Local authorities <b>must</b> follow the guidance on Personal Budgets set out in chapter 9 and the Personal Budget guidance for the Care Act 2014.</p>	8.76
<p>The transition <b>should</b> be planned with timescales and clear responsibilities and the young person <b>should</b> know what will happen when their EHC plan ceases. During this planning process, the local authority <b>must</b> continue to maintain the young person’s EHC plan as long as the young person needs it and remains in education or training.</p>	8.80

## Chapter 4 – Local Offer

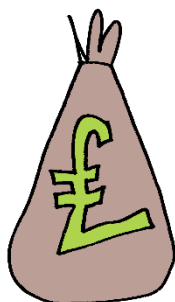
This chapter has lots of points so I have pulled out those particularly relevant for PfA.



Local Offer 'Must Dos'	Paragraph
Local authorities <b>must</b> engage young people directly in developing and reviewing the Local Offer (repeated several times in chapter 4).	4.11
<p>The Local Offer <b>must</b> include information about social care services. This <b>should</b> (<i>note change of terminology</i>) include:</p> <ul style="list-style-type: none"> <li>- Support for young people when moving between social care services for children with social care for children to social care services for adults, including information on how and when the transfer is made</li> <li>- Support for young people living independently and finding appropriate accommodation and employment</li> </ul>	4.42
Under the Care Act 2014 local authorities <b>must</b> provide information and advice service on the adult care and support system.	4.43
The Local Offer must identify training opportunities, supported employment services, apprenticeships, traineeships, supported internships and support available from supported employment services.	4.46

<p>The Local Offer <b>must</b> include information about arrangements for transport, including those up to 25 with an EHC plan and this <b>should</b> include local authorities' policy statements.</p> <p>(Transport – paragraphs 48-51.)</p>	4.48
<p>Local authorities <b>must</b> set out in the Local Offer the support available to help children and young people with SEN or Disabilities move into adulthood.</p> <p>Support <b>should</b> reflect evidence of what works in achieving good outcomes and <b>must</b> include information about preparing for and finding employment, finding somewhere to live and participating in the community.</p>	4.52
<p>Note: the detail that is in subsequent paragraphs says <b>should</b> include information about.</p>	4.53- 55
<p>Local authorities <b>must</b> make their Local Offer widely accessible and on a website. They <b>must</b> publish arrangements for enabling those without access to the internet to get the information. They <b>must</b> also enable access for different groups including disabled people and those with different types of SEN.</p>	4.62

## Other Helpful Sections



Other 'Must Dos'	Paragraph
Partners <b>must</b> set out their joint commissioning arrangements for agreeing Personal Budgets.	3.38
Local authorities <b>must</b> provide information on Personal Budgets as part of the Local Offer	9.96
The Care Act 2014 mandates, for the first time in law, a Personal Budget as part of the care and support plan for people over 18 with eligible care and support needs or where the LA decides to meet needs.	9.118

*Disclaimer: Please note that this is not an exhaustive list of everything in the SEND code of practice but helps to identify some of the key issues. The numbered paragraphs maybe different depending on which version of the statutory guidance is used.*

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