

Background Information for the Consultation on New Placement Criteria for Residential Provision in Surrey's Maintained Special Schools

Which schools are affected?

There are currently 5 maintained special schools in Surrey which offer residential education placements. They are:

- Sunnydown
- Linden Bridge
- Limpsfield Grange
- Chart Wood
- Wishmore Cross Academy

Surrey County Council is proposing to change the way that children are placed in this residential provision. It is not proposed to change how they are placed in the schools themselves, just the way decisions are made about which children are offered residential accommodation at the school.

Why is this change being proposed?

The reason for this change is that the current situation does not comply with the way the law says placements should be made. An external consultant working with stakeholders has also advised us that the current process is not really fit for purpose. The section below explains this in more detail.

The current situation

Surrey's current criteria for residential placement date back to 2006. They are set out in the SEN Placement Criteria document and are as follows:

1. To support the achievement of educational outcomes.

2. Where the day placement is appropriate but home circumstances are far from satisfactory and the child's needs cannot be met in the community.

3. Distance from home to school is such that travel times are unsustainable.

4. If spare places, a fixed term placement may be negotiated.

However, custom and practice has supported a high level of autonomous decision-making by headteachers of schools with residential provision. In other words, there is not currently any central or Local Authority-led decision making process for applying these criteria. Children are placed in the schools through a Local Authority forum or similar decision-making process but the decision about which child is then offered a residential accommodation has been made at school level. Whilst Surrey County Council is confident that decisions have been made in the best interests of the child and family, the Children and Families Act 2014 makes it clear that a different way of decision-making is now necessary. The 2014 Act says that residential accommodation has to be decided as part of the education health and care plan process (EHCP process). This means that Surrey County Council will have to change the way it currently makes its decisions.

In addition, a number of internal reports have indicated that the criteria currently published are no longer fit for process and that more transparency is needed in the decision-making process. To summarise, the reasons for making this change are as follows:

New legislation and changes in context require the current criteria to be updated.
Plus:

- A draft audit report 2012 / 2013 identified the need for greater transparency and clarity of placement criteria.
- A review of residential provision in maintained special schools in Surrey March 2014 concluded that current placement criteria need to be updated.
- The new Children and Families Act 2014 makes it necessary to state on an education health and care plan (EHCP) whether a residential place is required and for what purpose.
- Local authorities have to adhere to the new special educational needs and disability (SEND) code of practice 2015. Although the code of practice says relatively little about 'residential placements', there is a new emphasis on involving the young person and family in a person-centred outcome-focused assessment and planning process, and this necessarily has important implications for residential placement decisions.

What is being proposed?

The proposal is to introduce a new set of criteria and a new process for making decisions about placements in residential accommodation. The proposed new criteria are:

- **if the child or young person by reason of their assessed needs requires the support arrangements provided by a residential place to make**

sufficient educational progress. This includes progress in their wider development and social needs to make a successful transition to adult life.

- **if distance between school and home is such that travel times are overlong or stressful.**

Factors to take into account when making this decision may include:

- is residential accommodation needed to enable the child or young person to experience the consistency and continuity required as part of their support arrangements?

- is residential accommodation needed to provide the child or young person with support arrangements that have sufficient flexibility to meet their needs?

- is residential accommodation needed to enable the child and young person to generalise skills, knowledge and understanding? This must be balanced with the requirement for the child or young person to generalise their learning across and home and community settings.

- is residential accommodation needed to provide the arrangements necessary to enable the child or young person to prepare for adulthood and independence?

These factors may need to be weighed against opportunities provided through an extended school day and so an additional question may need to be addressed:

- are the opportunities provided through an extended school day or community-based early help offer made inaccessible by reason of distance or are they insufficient to meet the child or young person's needs?

The proposed new decision-making process

In addition to these new criteria, it is also proposed to integrate the decision-making process with the current Education Health and Care Plan process. This would bring Surrey's process into line with that followed by other Local Authorities and complies with the new legislation. It is not within the scope of this consultation to plot out the detail of how this will fit into the EHC process but it is to establish the high level expectation that a request for a residential placement, including length, duration and frequency, should be discussed with the relevant area SEND office and that a person-centred outcome-focused process would be followed.

If residential placement decision-making becomes part of the EHC process, there would be four opportunities when a residential place could be considered:

- Initial request for EHCP
- Annual Review
- Transfer Review
- Emergency Review