



## Cumbria Parent Carer Forum

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Registered Charity number 1175734

CUMBRIA PARENT CARER FORUM (CPCF) CHALLENGE TO CUMBRIA COUNTY COUNCIL (CCC) POLICY TO RESTRICT SEND STUDENTS TO 3 DAYS PER WEEK EDUCATION AT FURTHER EDUCATION (FE) COLLEGES

CPCF have repeatedly challenged Cumbria Council on their decision to review this educational provision. It is clear the council should only apply this decision to those students with mild needs who can get by with only 3 days educational provision, but those SEND students with moderate to severe needs will need 4 or 5 days provision. The only sure concession to date that the council has made is to reverse their decision to change the educational provision to 3 days per week for those students who had already started at FE college. If this is not the case for any parent carer member's child, please let CPCF know as a matter of urgency.

It is the view of CPCF that many SEND students are legally entitled to 5 days educational provision at FE college, and this entitlement lasts until the young person is 25 provided the educational outcomes in Section F of their EHCP have not yet been met.

The Council tell us "only 4 people complained". If this policy affected you, please let us know; there is strength in numbers. CPCF represents you, the parent carers. Please give us your concerns and your feedback.

### **TIMELINE**

**March 2017.** Decision made by Children's Services to cease provision of education over 5 days per week at FE colleges, and implement instead education over 3 days only with the other 2 days (if assessed as necessary) to be spent in the community, undertaking independent travel or to stay at home with support from Adult Social Care. NOTE: the Council must consult by law with parents and students and should consult with CPCF before deciding on reviewing education provision, but it appears no such consultations took place with anyone.

**28<sup>th</sup> November 2017.** A letter was sent by Mary Mulligan, Senior Manager at Children's Services, to parents that all education placements will be based on 3 days per week as from

September 2018. This is the first that our parent carer members or the steering group at CPCF had heard of this new policy.

**5<sup>th</sup> December 2017.** Following on from our request to the Council for information, CPCF were sent the council's response which gave details and background as to the decision taken in March 2017, as above.

**18<sup>th</sup> December 2017.** CPCF had requested and now met with Dan Barton, the recently appointed Assistant Director of Children's Services. CPCF gave the AD our representations on the new education policy of provision. These challenged several aspects of the new policy, including the legality of the blanket policy that all education placements will be based on 3 days, and the legality of changing the education provision stated in students' EHCPs without a review.

**14<sup>th</sup> February 2018.** A written response was received from Dan Barton dismissing CPCF's challenge and claiming CCC have met the legal requirements.

**22<sup>nd</sup> February 2018.** CPCF published an open letter to the Council, restating our challenge and quoting the law that Cumbria Council was not meeting.

**13<sup>th</sup> March 2018.** Advice was received from Cumbria Council's Special Educational Needs and Disabilities Support Service (SENDIASS) which confirmed the views held on this matter by CPCF are correct.

**15<sup>th</sup> March 2018.** CPCF had requested and now met with John Macilwraith, Corporate Director of Children's Services. We gave the Director a list of 17 questions which he agreed would be answered in writing. **The list of questions is reproduced below.**

**5<sup>th</sup> May 2018.** We are still waiting for the written response. NOTE: CPCF have asked CCC to investigate the issue of parents experiencing delays of hearing from the Council about placements with FE colleges being confirmed; we are presently looking to expand this to ask the council to set reasonable response times when dealing with requests and queries.

**The list of questions asked of John Macilwraith on 15<sup>th</sup> March is reproduced below.** Other documents referred to in this timeline should be on our website, but please let us know if you cannot find them. CPCF is determined to be transparent and open in what we do, and what we say to, and hear from, the local authorities.



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NOTES AND QUESTIONS FOR CPCF MEETING WITH JOHN MACILWRAITH ON 15<sup>TH</sup> MARCH 2018

1. How many students at FE either first or second year due as at September 2018?
2. Has each of these students been assessed on an individual basis to determine whether they need more than 3 days per week at FE?
3. How many students have been assessed as needing only 3 days FE, how many for 4 days and how many for 5 days?
4. Does the Council accept there should not be a blanket policy stating SEND students have 3 days at FE?
5. Does the Council accept each student should be assessed individually?
6. Will the Council confirm to CPCF in writing that this is so?
7. What will happen to all those students who have EHCPs which state 5 days pw at FE but have been sent letters saying as from September 2018 they will only have 3 days pw at FE?
8. Does the Council agree it was not in accordance with the SEND Guide to amend the EHCP provision without a review?
9. The Council suggested in Mr Barton's letter of 14<sup>th</sup> February that other activities should come from Adult Social Services, whereas the DfE states in their Funding Guidance for Young People (Annex B), which does apply to SEND students at FE,

that the ESFA does fund "non qualification hours" type activities that are provided by FE colleges (eg independent living skills, work experience and voluntary or community work) but not by other providers (such as Adult Social Services).

10. CPCF cannot concern itself as to where funding comes from or which Council department deals with meeting SEND young people's needs; but CPCF does concern itself where the Council does not have a joined up policy between those departments in meeting those needs.
11. With regards to students who are not awarded 5 days at FE, will the Council take the lead in arranging other suitable activities for those students?
12. If not, has the Council taken into account the needs of the parents (see SEND Guide para 3.57 "5 day offer")?
13. Will those other suitable activities outside of FE be those as listed in paragraph 8.40 of the SEND Guide such as volunteering, work experience and development of skills for transition to adulthood and development of friendships?
14. Will the Council ensure the details of such provision contained within a package under paragraph 8.39 of the SEND Guide, including hours, are shown in section F of EHCPs?
15. Will the Council give CPCF assurances as to consultation strictly in accordance with CPCF's request in our representations given to Dan Barton on 18<sup>th</sup>

December? The wording is:

Cumbria Council must give assurances to CPCF that the council will no longer make or review relevant strategic decisions without consulting with CPCF, and that prior to any meetings, properly referenced and evidenced rationale for any LA proposals will be provided to CPCF, in order to enable CPCF to carry out their function in the consultation, with sufficient time allowed and resources provided to CPCF to survey and consult with parents as necessary.

16. If not, please specify exactly what assurances the Council will give to CPCF as to consultations, and whether there will be any safeguards or not?

17. Will the Council seek to consult with students as to their wishes and views?