

Private and Confidential

Date: 10 May 2021
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Dear Parents/Carers,

Position Statement - Funding for Year 11 students with EHC Plans to continue with support until the end of the Summer Term

At the present time, all Year 11 students have an entitlement to continue to attend their school until they have finished their last exam or they cease to be of compulsory school age (CSA) at the end of June. However, a number of parents who have children with an EHC Plan have requested that PaCC ask the Local Authority to investigate whether their children should be allowed to remain at their school until the end of the summer term. This would mean that all Year 11 students with EHC Plans would be able to access their education in their mainstream school with the support recommended within their EHC Plan until the start of the school summer holidays.

The advice from the Legal Team at Brighton & Hove City Council is as follows:

There is no legislative provision which actively prevents SEND students from remaining in school until the end of the summer term. The relevant legislation - Education Act 1996 - talks in terms of when a pupil ceases to be of compulsory school age (CSA). However, whilst this sets out when pupils no longer have to attend school it does not say that pupils cannot continue to attend school after this date.

BHCC advice would therefore be that the school are obliged to make the educational provision at least until the students cease to be of CSA i.e. until the end of June. The position is less clear once the students cease to be of CSA. Whilst there could be an argument that the students have the school named in the EHC Plan and are therefore entitled to receive education until the end of term, this would need to be on the proviso that the school receives top up funding for the final few weeks of the summer term.

In response to the advice I have agreed to fund the additional two weeks for those Year 11 students who wish to continue to attend their school until the last day of the Summer Term. However, I do recognise that this may present some planning issues for some of our secondary schools and therefore last year I attended a Secondary Phase Headteacher meeting to discuss the matter.

The Head teachers were supportive of providing an educational offer for the last two weeks of term for Year 11 students with EHC Plans. However, they would like to make parents/carers aware that the timetable for those two weeks is not likely to reflect the usual weekly timetable of lessons, that the Year 11 students would normally attend until the end of June, but will engage the student in meaningful activities that will further enhance the transition into their post 16 arrangements. This is because the SENCo and their team usually use these two weeks to work with the feeder primary schools to ensure that the right support is in place to ensure the smooth transition of Year 6 pupils with SEN into Year 7.

The Heads have asked that parents/carers who wish to take up this offer contact the school's SENCo directly before the end of May so that planning can be put in place for the last two weeks of term. They have also requested that the student concerned also has an opportunity to state whether they would like to take advantage of this opportunity or leave with their peers at the end of June; as without the commitment of the young person it may be difficult to engage them with activities arranged.

In light of the impact of Covid restrictions and the loss of schooling, BHCC and schools recognise the importance of educational catch up for CYP with EHC Plans opting for school attendance in June and July 2021.

I hope this statement clarifies the position of the Local Authority, local Head teachers and the option available for Year 11 students with an EHC Plan who wish to continue to attend school until the end of the summer term.

Yours sincerely



Georgina Clarke-Green
Assistant Director, Health, SEN & Disability