# **Post-16 SEND Options & Rights: A Complete Guide for Parents and Carers**

### Supporting Young People with EHCPs Beyond School

## **Why This Guide Matters**

For many families of children with SEND, the move beyond school is a time of major uncertainty. Parents often ask:

* *“Will my child keep their EHCP after age 16?”*
* *“What education or training options are available?”*
* *“How do we plan for adult life?”*

The truth is: **young people with SEND have legal rights that continue well beyond age 16** — including access to education, tailored support, and meaningful transition planning.

This guide walks you through everything you need to know about **post-16 education and SEND**, so you can confidently support your child’s journey into adulthood.

## **Section 1: Your Child’s Rights After 16**

### **Key Fact:**

A young person **can keep their EHCP up to age 25**, as long as:

* They are in **education or training** (not employment alone)
* They still have **SEND requiring special educational provision**

This applies to:

* Colleges
* Sixth forms
* Specialist post-16 institutions
* Training centres
* Supported internships
* (Even some home education or blended settings, depending on provision)

### **Who Holds Legal Responsibility?**

From age 16, the **EHCP becomes the legal property of the young person**, not the parent — unless the young person:

* Lacks mental capacity to make decisions (in which case, a parent can still act on their behalf), or
* Provides written consent for their parent/carer to continue handling matters

## **Section 2: Post-16 Pathways Available for Young People with SEND**

There is **no single right path** — your child’s goals, support needs, and preferences should shape the route they take.

### **1. Further Education (FE) Colleges**

* Offer academic, vocational, and life skills courses
* Many have dedicated SEND departments or Inclusion Teams
* EHCPs must still be delivered in full

Courses include:

* Entry Level – Level 3 (GCSEs, A Levels, BTECs, Functional Skills)
* Supported learning or preparation for work/life courses

*Tip: Ask the college about their experience delivering EHCP provision and how they meet needs in a mainstream environment.*

### **2. Specialist Post-16 Institutions**

* Specifically for students with SEND
* Smaller class sizes, specialist staff, and highly tailored curriculum
* Can include independent specialist colleges (ISCs), often funded via EHCP

*Note: You can request one of these be named in Section I of the EHCP, but your LA may need to agree to funding.*

### **3. Supported Internships**

* For ages 16–24 with EHCPs
* Combines work experience and skills training
* Includes job coaching, transport support, and learning in a real-world setting
* Internships are typically unpaid but lead to better chances of employment

### **4. Traineeships & Apprenticeships**

* Government-supported programmes for young people who are not yet ready for full employment
* Must still provide SEND support if the young person has an EHCP
* Can include part-time study (e.g. one day per week at a college)

### **5. Life Skills & Independent Living Programmes**

* Focus on social communication, daily living, and community participation
* Delivered by colleges or specialist centres
* These should be fully reflected in the EHCP if they are part of the young person's outcomes

## **Section 3: What Happens to the EHCP After 16?**

The EHCP doesn’t stop — but **it must evolve** to meet the young person’s changing needs.

### **Annual Reviews Still Happen**

* You should have a **transition-focused review at Year 11**
* From then on, **every annual review must consider “Preparing for Adulthood”**  
   (as per Chapter 8 of the SEND Code of Practice)

### **The EHCP Must Now Include:**

#### **Section E – Outcomes:**

* Employment goals
* Independent living skills
* Community participation
* Health and wellbeing

#### **Section F – Provision:**

* Support must reflect post-16 needs:
  + Travel training
  + Job coaching
  + Therapeutic input (e.g. SALT or OT)
  + 1:1 support at college or work setting

*Important: The provision must still be specific, detailed, and quantified — vague phrases like “access to support” are not lawful.*

## **Section 4: Choosing and Naming a Post-16 Placement**

You have the right to request that a particular placement (college, sixth form, ISC, etc.) be **named in Section I of the EHCP**.

The local authority **must agree** to this unless they can prove that:

* The placement is unsuitable, or
* It would be an inefficient use of public funds

*You can appeal if they refuse to name your preferred placement.*

## **Section 5: Common Issues Post-16 — and What to Do**

### **Problem 1: “The college says they can’t meet the EHCP.”**

**Action**: Contact the LA and remind them that **the duty to deliver Section F lies with the LA, not the setting.** The LA must find or fund appropriate support.

### **Problem 2: “The LA wants to cease the EHCP at 18.”**

**Action**: Legally, the LA must provide evidence that:

* The young person has achieved their outcomes, or
* Education or training is no longer necessary

You have the right to appeal this decision via SENDIST.

### **Problem 3: “There’s no ‘Preparing for Adulthood’ in the EHCP.”**

**Action**: Use the annual review to update Section E and F. Refer to Chapter 8 of the Code of Practice and request outcomes in each adulthood area.

## **Section 6: Timeline – What to Do and When**

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| **Age** | **What to Focus On** |
| 13–14 | Start “Preparing for Adulthood” planning at annual review |
| 15 | Explore post-16 options; visit open days |
| 16 | EHCP becomes young person’s legal document; name next placement |
| 17–19 | Continue annual reviews; update provision as needed |
| 20–25 | EHCP can continue if in education/training and outcomes not yet met |

## **Final Advice for Parents & Carers**

* **Start early**: Begin exploring options at least a year before any transition
* **Involve your child**: Their views matter and must be included in reviews
* **Document everything**: Always keep copies of reports, emails, and review paperwork
* **Challenge decisions**: You can appeal refusals, cease notices, or unsuitable provision

## **How SEND Empowerment Advocacy Can Help**

We offer:

* Guidance on post-16 EHCP updates
* Review of draft or final plans
* Help understanding legal rights
* Support with appeals, complaints, or mediation

**Contact us** today if you're unsure about the next step — you don’t have to do this alone.

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