

# **Southend-on-Sea Borough Council**

## **Report of the Corporate Director for People to Health and Wellbeing Board**

**On  
18<sup>th</sup> June 2014**

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and Inclusion

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### **Report on the implementation of the Special Educational Needs and Disability Reforms and the new SEN Code Of Practice September 2014**

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#### **1. Purpose of Report**

- 1.1** The purpose of the report is to inform the Health and Wellbeing Board about the government reforms for children with Special Educational Needs and/or Disabilities that are to be in place from September 2014 and to provide an update about progress on implementation in Southend

#### **2. Recommendation**

- 2.1** Members of the Health and Wellbeing Board are asked to note the report and to support the developments around greater integrated working for children with SEND.

#### **3. Background**

- 3.1** The Children and Families Bill received Royal Assent in March 2014. Section 3 outlines the Special Educational Needs and Disabilities (SEND) reforms that include a new Special Educational Needs Code of Practice for children and young people age 0-25yrs and will come into effect from September 2014.

- 3.2** The reforms are wide ranging and include:

- Statements of Special Educational Needs and Learning Difficulty Assessments ( LDAs) will be replaced with Education Health and Care Plans( EHCP) for children and young people age 0-25 yrs from September 2014. There will be a phased plan to change existing statements to Education Health and Care Plans by April 2018. In Southend there are 964 statements and approximately 150 LDAs that will need to be converted.
- Education Health and Care Plans have a clearer focus on person centred planning through a co-ordinated and integrated assessment process with greater involvement of parents, carers and children and young people in the planning and decision making processes. New mediation

arrangements will be expected to be in place for parents as a step prior to appeal to Tribunal. The overall statutory assessment process should in future be completed in 20 weeks rather than 26 weeks as at present.

- There is new guidance for education and training settings on taking a graduated approach to identifying and supporting pupils with SEN to replace School Action and School Action Plus.
- The publication of a Local Offer that sets out the support available to all children and young people with SEN from mainstream, targeted and specialist services. This will include arrangements for EHC Plans, leisure, health and social care provision and post 16 education, training and apprenticeships. The Local Offer should be more interactive and inform service planning and identify gaps in provision. Schools and other providers are expected to publish their own Local Offer.
- From September 2014 parents will have the right to request a personal budget as part of the EHC Plan and this is linked to the Local Offer. The personal budget is to secure particular provision specified in the plan to achieve the desired outcomes and to give greater choice and control to parents. The EHC Plan should incorporate existing personal budgets from Health and Social Care where these are in place.
- Local Authorities must provide information advice and support for children, young people and their parents and carers. Information advice and support services must be impartial, confidential and accessible. There will be some new roles for Independent Parental Supporters.
- There is a stronger focus on joint planning and commissioning for SEN across Education Health and Social Care to ensure that provision is in place to meet children's needs. The roles and responsibilities of bodies involved in joint commissioning including the role of the Health and Wellbeing Board are summarised in Appendix 1.
- There is a greater focus on transition to adulthood. Local Authorities and Clinical Commissioning Groups (CCGs) must place children, young people and families at the centre of their planning and work with them to develop co-ordinated approaches to ensure there are pathways into employment, independent living, participation in society and good health. Young people should be more closely involved in decision making and will have the right to request an assessment for an EHC plan which they can do up to their 25<sup>th</sup> birthday.

### **3.2** The SEN Code of Practice sets out the duties for Local Authorities, Social Care and schools, colleges and Early Years settings.

- The Local Authority retains its statutory duty to identify and make provision for children and young people with SEND.
- Health organisations have a duty to collaborate and support education and care providers in identifying and meeting the needs of children with SEND. CCGs have a duty to secure services and jointly commission services for children with SEND and contribute to the Local Offer. Where there is provision which has been agreed in the health element of an EHC Plan, Health commissioners must put arrangements in place to secure that provision. There is a new Designated medical Officer (DMO) role to support the CCG in meeting its statutory responsibilities. The DMO is a point of contact for LAs, schools and colleges seeking health advice on children and young people who may have SEN and also as a point of contact for CCGs and health providers. The role is non

statutory and would usually be carried out by a paediatrician but there is local flexibility for an experienced nurse or other health professional.

- Social Care is required to co-operate with the Local Authority SEN teams to bring together existing specialist assessments into the EHC Plans. They should also contribute to the Local Offer
- Schools and Early Years Providers must “ensure their best endeavours” to meet the needs of pupils with SEN. They must appoint a qualified SENCO (Special Educational Needs Co-ordinator), publish an SEN policy and contribute to the Local Offer. Colleges have a duty to co-operate with the Local Authority to identify and meet the needs of young people with SEN.

#### **4. Implementation in Southend**

**4.1** Implementation in Southend is led by a Strategic Project Board that meets monthly and has wide representation from partner organisations including the I Commissioning Support Unit, Adult Social Care, parents, Public Health etc. There is a detailed project plan from April to September. 7 work streams have been established that report to the Board and each of the workstreams is led by a senior manager from a partner agency and with representation from schools, services, parents etc. There are regular DfE surveys on readiness to implement the reforms and Southend has also received an HMI visit. There have been opportunities to attend joint training days with other local authorities and help from Pathfinder authorities such as Hertfordshire. The progress on the workstreams is as follows:

**4.2 Education Health and Care Plans and new ways of working.** This is a significant change project and it affects all staff in settings and services who work with children and young people with SEND. The workstream group has designed the format of the Education Health and Care plans and the rest of the supporting paperwork such as annual review forms as well as conversion reviews for existing statements. There has been consultation on the plan with School SENCOs and some trialling undertaken. The focus on the EHC Plans is on outcomes rather than targets and takes a person centred approach with more contact and meetings with parents. The group has also focused on shaping the school based stage of the Code of Practice and are now working on plans to integrate other review processes such as LAC reviews. Schools will be recording their interventions and provision on an Individual Support Plan (ISPs) that will incorporate health and social care outcomes where appropriate. A comprehensive conversion plan has been produced and each setting will be advised about which children will require conversion to EHC Plan reviews and when. “Planning for Change” training is underway this term and to date 70 people from schools colleges and other settings and services have attended Phase 1 training on systems and processes. Phase 2 training will focus on person centred planning and key working approaches. Further training is planned for September on final documentation, on conversion reviews and on a new system of moderation that will be introduced. The current SEN panel will be extended to become a multi agency panel and will make decisions on whether to undertake statutory assessment, whether to issue an EHC Plan and then the final decision about resources including personal budgets

#### **4.2 The Local Offer-**

Work on Southend's Local Offer is well advanced. The host for the Local Offer will be SHIP ( Southend Help and Information Point ). This is currently the directory that has been developed for Adult services and is being further extended and developed for the Local Offer. There is much functionality on SHIP that can be developed such as feedback loops and customer satisfaction as well as enabling parents who speak other languages to access the information. There have been 5 consultation meetings with parents to help shape and define the Local Offer and views and comments have been collated. A dedicated email address has been established for the Local Offer. Health and other services are contributing. Work has been done with School SENCOs to develop a common format for schools' websites. The next step is to look at the ongoing management of quality control and future governance.

#### **4.3 Personal Budgets**

From September parents have the right to request a personal budget as part of the EHC Plan. From September existing personal budgets agreed by Social Care and Health will be included in new EHC Plans, for example short breaks. Education, Health and Care officers will begin work on identifying and agreeing the funding streams and services possible to offer as a personal budget in consultation with schools. This work will include developing the policy, eligibility criteria and a process for implementation and monitoring arrangements. This will be for implementation by September 2015. A joint working group will be established and ensure that the learning and expertise from Adult and children's social care feed into the development.

#### **4.4 Joint Commissioning**

Some areas for potential joint commissioning have been identified and include developing a joint ASD strategy to feed into the adult ASD strategy. Other areas of joint work identified include Occupational Therapy, Speech and Language Therapy, Communication Aids and Specialist Home Visiting and Specialist School nursing. However much will depend on the future arrangements for health commissioning. A model for joint commissioning should be agreed and a joint needs assessment will be helpful in scoping the work. A joint commissioning group for 0-25 has been proposed but has yet to be established.

#### **4.5. ICT and Information Governance**

The current SEN and statementing arrangements are managed on the Capita ONE system and there are a number of changes that will need to be made to accommodate the new arrangements including the new format of the EHC Plan, and the new timelines to 20 weeks. A revised module from Capita is expected in June to enable these changes and if this is on track then SEN staff will be trained and the system trialled ready for September. Further work is also being done to look at possibilities of sharing reports electronically with colleagues in health and social care who are contributing to the statutory assessment process ensuring that this complies with data protection requirements. This is work in progress but will be helpful in reducing the timescales and bureaucratic burden.

#### **4.6 Preparing for Adulthood**

A workshop is planned for 17th June to bring together all stakeholders, staff, adult services, young people, parents, colleges and other providers to consider the new requirements and to help shape new processes and ways of aligning the

various systems and reviews. Work has been completed to scope the requirements of transferring the existing 150 or so LDAs to Education Health and Care Plans by September 2016.

#### **4.7 Engagement with Stakeholders**

A number of workshops have been held with parents on developing the Local Offer as well as consultation with Special School Councils and the Youth Council. There has been good engagement of staff from schools and services on the workstream groups and in the design and development of the new format for the Education Health and Care Plans. Briefings have been done for headteachers, governors and voluntary sector colleagues. Further workshops and training for school governors will be held in the Autumn and also for elected members

#### **4.8 SEND Reform Grant**

The Local Authority has received an SEND Reform grant for 2014/15 of £220,574. The Project Board has agreed that this will be spent on :

- A contribution to management time to lead and implement the reforms
- Building capacity in the SEN team with additional temporary staff to implement the conversions of existing statements of SEN and LDAs to new Education Health and Care Plans
- Training for staff in schools, Early Years settings, Colleges and services
- ICT changes and training
- Development of the Local Offer
- Stakeholder communication and engagement

Indications are that there may be a further grant for 2015/16

**5. Reasons for Recommendation** From September 2014 there is a statutory requirement for the Local Authority and its partners to implement the SEND reforms and the new SEN Code of Practice and identify and make provision for children and young people with SEND.

#### **6. Corporate Implications**

None

##### **6.1 Contribution to Council's Vision & Corporate Priorities**

The strategy for SEN and the SEND reforms contribute to the Council's Success For All priorities of raising achievement and securing good outcomes for the Borough's children and young people.

##### **6.2 Financial Implications**

The changes are being largely met within existing resources and supplemented by the SEND reform grant to build capacity within the SEN team to manage the changes to Education Health and Care Plans.

##### **6.3 Legal Implications**

The new Code of Practice comes into force on September 2014. The same legal arrangements and parental rights of appeal apply to Education Health and Care Plans as currently for statements of SEN and LDAs. The government has introduced a new compulsory step of mediation arrangements being offered to parents prior to proceeding to appeal. There is scope for this new service to be jointly commissioned

#### **6.4 People Implications**

Staff in schools and services are being trained in order to meet the new requirements of changes to the Education Health and Care Plans and the new Code of Practice

#### **6.5 Property Implications**

None

#### **6.6 Consultation**

Extensive consultation with stakeholders regarding the changes is ongoing. This includes staff in schools, colleges, services, parents, young people, Youth council, schools councils.

#### **6.7 Equalities and Diversity Implications**

SEN data is regularly monitored to ensure there is a match between demand and provision to meet needs that reflects the demography of the population. The joint needs assessment will inform the future joint commissioning of services to ensure that provision is in place to meet needs. Criteria and eligibility for statutory assessment is regularly monitored to ensure it is being applied fairly. Moderation arrangements across schools to ensure effective identification of SEN will be established in September.

#### **6.8 Risk Assessment**

There are a number of risks involved with the implementation of a major project. One is the engagement of stakeholders and this risk has been mitigated with the establishment of the project board at senior level with accountability to this board from the workstreams. All workstreams have good representation and engagement of key stakeholders and parents. Communication and consultation is good and staff are attending training. Other risks associated with making progress on joint commissioning will be addressed once the arrangements for commissioning in health have been determined. All documentation is being developed in line with draft guidance as the new Code of Practice has not yet been finalised.

#### **6.9 Value for Money**

The changes will be implemented largely within existing resources. The SEND reform grant makes a contribution to the management and implementation of the reform recognising the additional workload implications

#### **6.10 Community Safety Implications**

None

#### **6.11 Environmental Impact**

None

### **7. Background Papers**

The Draft Special Educational Needs Code of Practice 0-25 years April 2014

### **8. Appendices**

Appendix 1 – Extract from the SEN Code of Practice 3.69 Local Accountability- Roles and responsibilities of bodies involved in joint commissioning