

Southend-on-Sea Borough Council

**Report of the Corporate Director of Department for
People
to
Health and Wellbeing Board
on
3rd December 2014**

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**Report on the implementation of the Special Educational Needs and Disability
Reforms and the new Special Educational Needs (SEN) Code of Practice from
September 2014**

1. Purpose of Report

1.1 The purpose of the report is to inform the Health and Wellbeing Board about progress on the implementation of the SEND (Special Educational Needs and Disabilities) reforms within the Children and Families Bill. These took effect from September 2014.

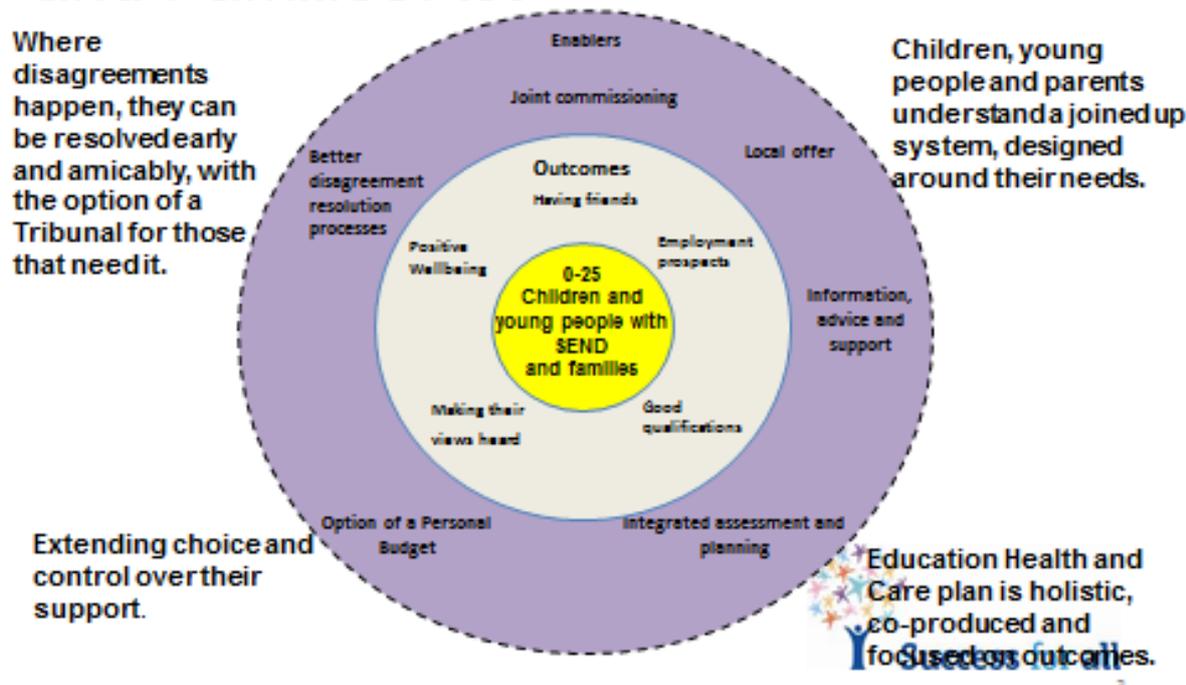
2. Recommendation

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. The Board is also asked to support the establishment of the SEN strategic board reporting to the Success For All group.

3. Background

3.1 The report to the Board in June set out the wide ranging reforms for children and Young people with Special Educational Needs (SEN). The report also set out the various duties for Local Authorities, Social Care, schools, colleges, early years settings and Health partners to collaborate and ensure the right support is available for children and young people with SEND. The final SEN Code of Practice was issued by the DfE in July for full implementation by September 2014. The following diagram gives an overview of the reforms

Overview of the reforms: Children and Families Act



3.2 In summary the reforms include:

- Statements of Special Educational Needs and Learning Difficulty Assessments (LDAs) have been replaced with Education Health and Care Plans (EHCP) for children and young people age 0-25 yrs. A phased transition plan has been published to change existing statements to Education Health and Care Plans by April 2018. In Southend there are 964 statements and approximately 150 LDAs (Learning Difficulty Assessments) that need to be converted to Education Health and Care Plans.
- 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 are available for parents as a step prior to appeal to Tribunal. The overall statutory assessment process will be completed in 20 weeks rather than 26 weeks as previously.
- 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.
- There is a requirement to publish a Local Offer that sets out the support available to all children and young people with SEN from mainstream, targeted and specialist services. This includes 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 help to inform service planning and identify gaps in provision.

Schools, Colleges and other providers are expected to publish their own SEN Information report that sets out the provision each school is able to offer.

- From September 2014 parents 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.
- 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 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.
- 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 will be more closely involved in decision making and have the right to request an assessment for an EHC plan which they can do up to their 25th birthday.

4. Implementation in Southend

- 4.1** Preparation for implementation in Southend has been led by a Strategic Project Board that met monthly and had wide representation from partner organisations including the Commissioning Support Unit, Adult Social Care, parents, Public Health, schools, parents, service providers etc. 7 work streams were established reporting to the Board to take the detailed plans forward and to design and shape the new arrangements including the new Education Health and Care Plan format. There have been regular surveys and monitoring by the DfE on the LA's readiness to implement the reforms as well as an HMI visit. There have also been opportunities to attend joint training days with other local authorities and help from Pathfinder authorities such as Hertfordshire.

In terms of future governance and monitoring of SEN ,an SEN strategic board with all relevant stakeholders at senior level is being established to monitor both the SEN strategy and the implementation of the SEND reforms. The Board will report to the Success for All group.

4.2 Education Health and Care Plans and new ways of working.

This is a significant change project affecting all staff in settings and services who work with children and young people with SEND.

- After wide consultation and trialling, Southend's Education Health and Care Plan (EHCP) and supporting documentation has been finalised and is now fully operational with all of the relevant ICT systems changed to meet the new requirements of the 20 week process. It has also been scrutinised by the DfE. The EHCP needs assessment now focuses on a person centred approach and supporting the child or young person to achieve longer term outcomes rather than targets.

- A new multi agency EHCP panel has been established to manage the decision making process and to quality assure EHCPs. This has representation from the LA, schools, Health and Social Care and meets fortnightly. As of 20th November 14 new EHC Needs Assessments have been initiated.
 - Letters and leaflets have been sent to all parents/carers of children and young people with SEN informing them about the changes. 3 workshops for parents were held in September enabling parents to find out more and ask questions.
 - Briefings for governors and clerks to governors have also been held.
 - A transition plan for the conversion of existing statements and LDAs to Education Health and Care Plans has been published and all parents of children with statements have been informed. The SEN reform grant has enabled temporary staff to be employed in the SEN team to increase capacity for the additional case work over the next 3 year period to complete the conversion of all statements. Conversion reviews are underway and as of 20th November 130 transfer reviews had been initiated and 1 EHCP finalised.
 - The main focus of work to implement the changes since June has been on preparing staff to implement the reforms. The training has been targeted at school and early years SENCOS as well as all staff who work with children and young people with SEN and are involved in the statutory assessment process. The “Planning for Change” training programme has included 4 Phases with 2 further phases planned :
 - Phase 1** June/July 2014 – briefing on the SEN Code of practice and draft systems and processes and documentation- 181 staff
 - Phase 2** June/July– person centred planning and key working functions -116 staff
 - Phase 3** September/October – final documentation and processes, conversion reviews – 172 staff
 - Phase 4** September/October for School Sencos and headteachers- identification of SEN and support at the School based stage of the Code of Practice- 79 staff
 - Phase 5** December 2014- Delivering outcomes and developing criteria for SEN support in schools
 - Phase 6** January 2015- evidenced based SEN provision and the effective allocation of resources
- In addition to the training, two advisory SENCOs have been appointed to support school SENCOs to implement the reforms and to develop SEN practice in schools

4.3 The Local Offer

Southend’s Local Offer is within the SHIP directory (Southend Help and Information Point) and went live in September 2014. The Local Offer steering group which includes 20 parents have developed 8 categories:- Age 0-4, age 5-11, Age 11+, Preparing for Adulthood, SEND information, Health and Social Care, Leisure and Information Advice and Support. Each category will have its own landing page with further information and this reflects all aspects of the SEN Code of Practice. The steering group has developed a new logo for the Local Offer. A system of services updating the directory has been established as well as quality monitoring by the steering group. The Local Offer is able to receive feedback about services and will be particularly helpful in identifying gaps in provision and this will feed into joint commissioning. An event to launch the Local Offer is being planned. Work to support schools and colleges to develop the

SEND information on their own websites has been ongoing and the majority of schools have now successfully completed this.

In terms of ongoing governance and management of SHIP as a key information advice and advocacy service for children and families and adult services, an overarching Board is to be established to ensure that the council is able to deliver its statutory responsibilities of the SEND reforms and the Care Act.

4.4 Personal Budgets

Parents now have the right to request a personal budget – this is an amount identified to deliver parts of the provision set out in the EHC Plan. From September existing personal budgets agreed by Social Care and Health are included in new EHC Plans, for example short breaks. However there is no new funding for Personal budgets within the Education funding streams. The resources for any agreed personal budgets will come from the fund the Local Authority holds to provide top-ups to schools to deliver the support set out in the EHC Plans (formerly statements of SEN). There is no expectation that schools' budgets will be used to fund a personal budget unless the schools chooses to do so. Currently an Education Personal budget is mainly allocated for transport by giving parents an option of a mileage allowance to transport their child.

Work has begun on developing the policy, criteria and monitoring arrangements for Personal budgets and also on identifying the services possible to offer as a personal budget in consultation with schools. 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.

4.5 Joint Commissioning

The Joint Strategic Needs Assessment (JSNA) for Southend is in the process of being updated and will underpin the planning for joint commissioning. Some areas for potential joint commissioning have been identified and include developing a joint Autistic Spectrum Disorder (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. A model for joint commissioning will be agreed. A joint commissioning group for 0-25 has been proposed but has yet to be established.

SBC is an integration national pioneer site which has a dedicated workstream for joint commissioning. Whilst the focus to date has been on integration and joint commissioning for Adults it has been recognised that CYP should become an integral part of the transformational change programme. The joint commissioning workstream is inclusive of the scoping of an integrated health and social care commissioning function which is inclusive of CYPS commissioning. This is currently being progressed with the interviews for the Head of Integrated Commissioning post scheduled.

A community paediatric service has been identified as an area that would benefit from joint commissioning as it would result in consistency in pathways and services delivered.

4.6. Information Advice and Support

An important element of the new SEN Code of Practice is impartial Information Advice and Support for parents, families and children and young people and new services have been put in place. The former Parent Partnership Service has been rebranded to the new title of Information Advice and Support (IAS). This service will continue to provide an impartial service which is confidential and accessible and able to deal with face to face meetings and telephone and email enquiries. The service works closely with the Parent and Carer Forums and also with the Youth Forums. The service provides advice on all matters relating to SEN and Disability including local policy and practice, the Local Offer, personalisation and personal budgets, law on SEN and disability, health and social care in relation to EHC Plans and information on resolving disagreements.

A grant from the Council for Disabled Children has enabled an additional part time member of staff and 3 volunteers who will offer time limited Independent Support for those parents and children and young people going through the EHC process and Conversion reviews. The support will include for example liaison across agencies and advice on personal budgets. Staff and volunteers have completed the accredited training for this role. 12 families have been supported since September 2014. Independent Support is also being offered in Southend by SCOPE and the IAS service and SCOPE are working jointly to ensure a consistent approach is offered to young people and parents.

4.7 Mediation and Disagreement Resolution

New independent mediation arrangements have been commissioned from an approved DfE provider to enable parents access to an independent service where agreement cannot be reached through other means such as normal complaints procedures. Mediation is an essential step before proceeding to appeal to the SEN tribunal against decisions the Local Authority will have made through the EHCP process such as decision not to assess or decision not to issue an EHCPan.

Disagreement resolution is now also available for children and young people with SEN not just for those going through the EHCP process and can resolve disagreements about any aspects of SEN even if waiting for a tribunal. It can be about the performance of duties or about SEN provision in a school or social care and health provision if they have an EHCPan or are under assessment.

4.8 Preparing for Adulthood

Southend has a proven track record of success in its co-ordinated approach to transition planning for young people moving from children's services into adult services. Frontline practitioners from health, social care and education meet regularly to ensure that the correct pathways of support are identified well before

a young person reaches their 18th birthday. Clear mapping of learners' needs and identified funding streams enable realistic forecasting for receiving services.

Joint training has taken place across children's and adult services in the implementation of the reforms in the Children and Families Act and the Care Act, and emphasis given to joining up processes where there are links between them. A group of young people aged 18 – 25 will be entitled to support through both pieces of legislation and training has been given to a range of stakeholders in relation to a lifespan approach to outcomes.

Work is currently being undertaken in relation to preparation for the implementation of the Care Act in April 2015. It will be important to ensure that there is no duplication of assessment for families across children's and adult social care. An example of this is that the carer's assessment will be the same regardless of the age of the child or young person.

ICT systems have been updated to reflect the system of support, required by the Children and Families Act 2014, which extends educational provision from birth to 25 for some students.

Preparation for Adulthood is now one of the categories featured on the Southend Local Offer with information provided on a range of topics.

4.9 The new role of Designated Medical Officer

Partners are required to have in place a Designated Medical Officer (DMO) or Designated Clinical Officer (DCO) to support the CCG in meeting its statutory responsibilities for children and young people with SEN or disabilities between the ages of 0 to 25. This is a non-statutory role which would usually be carried out by a paediatrician, but the role can be undertaken by a suitably competent qualified and experienced nurse or other health professional.

It is the role of the DMO to agree the SEND panel requests (only for the health input) which is currently projected to be 2-3 new referrals each week. The health needs of the child must be agreed by the DMO and signed off for panel oversight.

The Clinical Lead for CYPS is currently undertaking this function on a temporary basis until a selection process for interested clinicians has been undertaken by SCCG.

4.10 SEND Reform Grant

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

- 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 and purchase of the website module
- Stakeholder communication and engagement
- Mediation and disagreement resolution commissioned service

A further grant of £164,000 will enable the additional necessary capacity to continue to be funded in 2015/16 and beyond given that there are 3 years to complete the transition to EHCPlans.

5. Reasons for Recommendation

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 came into force on September 2014. The same legal arrangements and parental rights of appeal apply to Education Health and Care Plans as previously 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. This service has been commissioned on a needs led basis.

6.4 People Implications

Staff in schools and services have been trained in order to meet the new requirements of changes to the Education Health and Care Plans and the new Code of Practice. On-going advice and support is available from the SEN team and from 2 advisory SENCOs.

6.5 Property Implications

None

6.6 Consultation

Extensive consultation with stakeholders regarding the changes is on-going. 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 Strategic Joint Needs Assessment (JSNA) is underway and will inform the future joint commissioning of services to ensure that provision is in place to meet needs. Criteria and eligibility for statutory EHC needs assessment is regularly monitored to ensure it is being applied fairly. Moderation arrangements across schools to ensure effective identification of SEN will be established.

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 was mitigated with the establishment of the project board at senior level with accountability to this board from the workstreams. There will be a new SEN strategic Board established that reports to the Success for All group. Other risks associated with making progress on joint commissioning will be addressed once the arrangements for commissioning in health have 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 Special Educational Needs Code of Practice 0-25 years July 2014

8. Appendices

None