

## Schools Forum

**Date of meeting:** 21st October 2014

**Report prepared by:** Jane Harvey, Early Years and Complex Needs Manager

**Report presented by:** Jane Harvey, Early Years and Complex Needs Manager

**Subject:** SEN Reform Implementation

### **1. Purpose of the report**

1.1 This report is intended to:

- Update Schools Forum on the progress made in the implementation of the requirements of the Children and Families Act Part 3 – Children and Young People with Special Educational Needs and Disabilities.
- Update Schools Forum on next steps for the reform.

### **2. Decisions**

2.1 Schools Forum are asked to note the progress made towards implementation and next steps.

2.2 Schools Forum is asked to note the next steps for work on personal budgets.

### **3. The Children and Families Act Part 3**

3.1 Part 3 of the Children and Families Act has introduced significant changes to the system for children and young people with special educational needs (SEN) and disabilities and their families. These changes are generally known as SEN reform.

3.2 The key points of the legislation are:

- Education, Health and Care Plans (EHC plans) have replaced statements of special educational needs and Learning Difficulty Assessments (LDAs) for children and young people aged 0-25.
- There is an option of a personal budget for children and young people with an EHC Plan
- There is one category of special educational need for children and young people in education settings who do not have an EHC plan – this is known as SEN Support.
- The Local Authority has to publish a Local Offer setting out information about services available for children and young people with special educational needs and disabilities and their families.
- Local Authorities and Clinical Commissioning Groups (CCGs) must make joint commissioning arrangements for education, health and care provision for children and young people with special educational needs or disabilities (SEND).

3.2 There is a Special Educational Needs and Disability Code of Practice: 0-25 years which is the statutory guidance underpinning the legislation. Local Authorities must have regard to this. There are also a number of guides to the Code of Practice including ones for schools and alternative provision settings, early years settings, further education providers, social care professionals and health professionals.

#### **4. SEN Support and Education Health and Care Plans - background**

**4.1** Most children and young people with special educational needs (SEN) will have their needs met in local mainstream early years settings, schools or colleges. These children and young people will be supported through the graduated approach known as SEN support.

SEN support replaces school action/school action plus in schools and early years action/early years action plus in early years settings. It is a graduated approach with four stages – assess, plan, do and review.

SEN support should be provided for children and young people with special educational needs before any request is made for an Education Health and Care assessment. It should be provided in early years settings, schools and further education institutions. Though the approach may vary according to the setting, the graduated response should be implemented with the four stages

**4.2** Children and young people with more complex needs may need more detailed assessment and may need an Education Health and Care Plan. The Education Health and Care Plan will replace statements of special educational need and Learning Difficulty Assessments.

An assessment might be needed in order for the Local Authority to decide whether it needs to make provision in accordance with a plan. This means that a child or young person may need a more intensive level of specialist help that cannot be met from the resources normally available to schools and other settings to provide SEN support.

An assessment may not always mean a child or young person receives an Education Health and Care Plan but it can provide extra information to help the education provider meet their needs.

In Stockton-on-Tees it would be expected that a child or young person would need an Education Health and Care assessment and an Education, Health and Care Plan if they needed to attend a special school or specialist setting (e.g. the Early Support Nursery), or if they are over 19 and need special educational provision. It would not necessarily be expected that a child or young person would need an assessment or a plan to receive high needs top up funding in mainstream education including further education or to access a place in one of Stockton-on-Tees' additionally resourced provisions in mainstream schools.

#### **5. Progress in implementing requirements of the reform**

**5.1** The Local Authority is now considering applications for Education Health and Care assessments and as of 13th October there are 16 cases undergoing the new process. The format for the Stockton EHC plan has been deemed compliant with the Code of Practice by the DfE. An EHC plan panel has been set up to oversee the process and inform decisions.

**5.2** The plan for transition from statements and LDAs to EHC plans, which is based on statutory guidance, has been finalised, published and distributed. The LA has to transfer all statements to EHC plans by April 2018 and all LDAs by September 2016. The plan sets out how we plan to do this including front loading transfers in the first year, September 2014 to 2015. Included in this is the transfer of all Looked After

Children in the first year. Until a statement is replaced by an EHC plan it retains its legal status.

**5.3** An EHCP transition team has been set up to deliver the plan for transfer of statements and LDAs, led by an experienced SENCO who has been seconded to the LA for a year.

**5.4** The Education Improvement Team have led work on supporting schools and settings to implement SEN Support for children and young people who do not have statements or EHC plans. This has included supporting schools to develop and publish their school offer on their websites.

**5.5** The Local Offer website is now in place and accessible. Initial content has been uploaded. Guidance for LAs issued in July 2014 indicates that it is expected that September 2014 will be the start of an ongoing process with local offers developed and revised over time through regular review and consultation.

**5.6** Arrangements for dispute resolution and mediation are in place. They have been commissioned for a year in the first instance from the existing provider. Following review of the demand for the service in the first year there will be a further commissioning process for a further two years.

**5.7** Over the last year a series of briefings and training events have been held within the LA, with education providers and with partners. Towards the end of the summer term this culminated in a series of training sessions for education providers on SEN support and school requirements for publication of information, as well as on EHC plans. Training has also been provided for LA staff who may take on the coordination role for EHC assessments. It is recognised that further training is required for all professionals who may be involved in the process.

**5.8** The LA has received grants from the government to support the implementation of the legislation as follows:

- SEN reform grant £317 159
- SEND Implementation Grant £182 782

Proposals for the use of these grants have been taken to Children's Board and agreed there. They are being used to cover the following broad areas:

- Staff capacity to deliver the implementation of the reforms – particularly in respect of the transition plan, the Local Offer and information advice and support.
- Mediation and dispute resolution
- IT back up for the reforms (EHC plans and Local Offer)
- Implementation of the training required and provision of guidance materials
- Parent participation
- Communications/consultation

The Parent Partnership Service has also secured a grant of £25 000 to support the development of Information Advice and Support services.

**5.9** A report on SEN reform was presented to Cabinet on 4<sup>th</sup> September 2014.

**5.10** An implementation group has been set up to take forward the work on the reform, reporting to SGMT.

**5.11** Schools forum are asked to note the progress made towards implementation.

## **6. Personal budgets**

**6.1** The regulations on personal budgets were approved in June 2014. Information about personal budgets has to be included in the Local Offer including a local policy for personal budgets, developed with parents and young people. This policy should include:

- The services across education, health and social care that currently lend themselves to the use of personal budgets
- How the funding will be made available
- Eligibility criteria
- Decision making processes.

**6.2** LA should work with their partners to:

- Identify and agree funding streams and services for inclusion from September 2014 and develop the necessary infrastructure to support their inclusion.
- Identify and establish information, advice and support about personal budgets
- Develop a pathway for personal budgets
- Identify how joint commissioning strategies will support greater choice and control beyond September 2014.

**6.3** Guidance for LAs issued in summer 2014 states that 'implementation of personal budgets is complex and ...the personal budget offer in September is the start of an ongoing process. The scope and availability of personal budgets will need to be developed and revised over time through regular review and consultation with parents, children and young people and the implementation of joint commissioning strategies.'

**6.4** Parents/carers of children with an EHC plan and young people with a plan can request a personal budget. Work has been focusing on identifying what might be included in a personal budget as part of a plan in the first instance in Stockton-On-Tees.

**6.5** For adults social care services the areas which are available as personal budgets are very clear and therefore more easily identifiable for those with a plan. At present it has been identified that only the following could be part of personal budgets for children's social care and for education;

- Children's social care – short break grants, direct payments
- Education – high needs top up funding

School and colleges can also choose to contribute some of their own funding to a personal budget.

**6.6** From a health point of view where children are eligible for continuing care funding, this can be taken as a personal budget from October 2014.

**6.7** Initial information is being written for the Local Offer which will incorporate the above information.

**6.8** Further work is needed to develop the personal budget offer. This will be overseen by the implementation group described in section 5 with a working group set up to take this forward.

**6.9** Schools Forum is asked to note the next steps for work on personal budgets.

## **7. Implementation – next steps**

**7.1** The implementation of the legislation began in September 2014. Guidance issued in July 2014 includes a useful table about the phasing in of the reform – this is included at Appendix 1.

**7.2** The following are the next steps to be taken in implementing the reform:

- Review and continue development of the new EHC plan process including how different services are involved.
- Undertake further work to develop personal budgets and what may be included in these in Stockton, including a personal budget policy.
- Continued development of the Local Offer including a feedback mechanism
- Develop Information Advice and Support for children, young people, parents and carers
- Deliver further training for LA officers, partners and education providers.
- Deliver further communication with 3 newsletters planned for the current academic year.
- Continue to work with health partners on the development of joint commissioning.

**7.3** Schools Forum is asked to note the next steps for implementation of the reform.