

Appendix 1

How to phase implementation of the SEND reforms for local authorities (bold text shows 'musts', lighter text shows 'shoulds' or best practice)

| LEGAL DUTY                                | By September 2014  | After September 2014  |
|---|--|---|
| <b>THE PRINCIPLES: S19 WELLBEING DUTY</b> | Under S19, you must work with children, young people and parents – with individual families to improve outcomes for individual children and young people, and strategically to ensure operational arrangements and services delivery better reflects their needs. This will be an ongoing process which will deliver both cultural and procedural change.  |   |
| LOCAL OFFER                               | You must publish an initial, accessible, local offer. This offer must have been developed in partnership with children and young people with SEN or Disability and their parents, and education, health and care partners. It should cover the support available for those with and without EHC plans and from birth to 25 years, including SEN Support.   | You must develop and improve the local offer over time.   |
| <b>INFORMATION ADVICE AND SUPPORT</b>     | By September, you must ensure there is a source of independent information, advice and support for parents, and children and young people with SEN and disabilities, across education, health and care. This should include, but not be limited to, independent supporters.  | You should continue to develop the information advice and support offer as needed.  |
| <b>SEN SUPPORT (BEST ENDEAVOURS DUTY)</b> | <p>LAs should reassure themselves that early years settings, schools and FE colleges/ have:</p> <ul style="list-style-type: none"> <li>▪ Reviewed the 0-25 SEND Code of Practice to ensure their provision will meet the requirements on teaching, curriculum and wider policies.</li> <li>▪ Engaged with children and young people with SEND and their families and put in place arrangements (or structures) on how they would regularly engage and discuss progress;</li> <li>▪ Explored how they will monitor and track the progress and development of children and young people with SEN and identify and deliver any training needed by staff;</li> <li>▪ Contributed to the development of the local offer and engaging with the LA in relation to delegated funding, joint commissioning, EHC plans and implications of personal budgets</li> <li>▪ For schools: Have arrangements in place to support pupils with medical conditions</li> <li>▪ For schools: Published the annual SEN information report.</li> </ul> | <p>As part of their ongoing review of support for children and young people with SEN, education settings should:</p> <ul style="list-style-type: none"> <li>▪ Review children and young people currently on SA/ SA+ (and equivalents) and put in place SEN Support. This will include setting clear targets for progress, agreeing what support should be provided and track how it is working. School pupils and those in the early years should have transferred to SEN support by the end of the spring term 2015.</li> <li>▪ Support new children and young people using your best endeavours using SEN Support, using person centred approaches, and working with families.</li> <li>▪ Record all those who need special educational provision in the school census.</li> <li>▪ Develop partnerships with early years/ post-16 providers and adult services (including employment) to smooth transition between stages.</li> </ul> |

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|---|---|--|
| <b>TRANSITIONAL ARRANGEMENTS PLANNING</b> | You should have published a plan, produced with parents and young people, setting out how you will go about transferring young people who receive support as a result of an Learning Difficulty Assessment (LDA) and children and young with statements to EHC Plans by 1 April 2018.   | <p>You should implement your plan to ensure that:</p> <ul style="list-style-type: none"> <li>• all young people who currently receive support as a result of a LDA who request an EHC plan and need one are issued with one;</li> <li>• all young people who currently receive support as a result of an LDA who continue in further education or training beyond 1 September 2016 have an EHC plan where one is needed;</li> <li>• all children and young people with statements are transferred to EHC plans by 1 April 2018.</li> </ul> <p>For individuals with a statement, the transfer process must be completed within a maximum of 14 weeks.</p> |
| <b>EHC ASSESSMENT AND PLANNING</b>        | <p>By September you must have a co-ordinated education health and care assessment process in place which can be used to issue a final EHC plans within a maximum of 20 weeks, where children and young people need one.</p> <p>There should be an EHC Plan template in place which should ideally have been tested out with children and young people with SEN and their parents.</p> | <p>You must work with new entrants to the system to assess and issue EHC plans within 20 weeks where one is needed.</p> <p>You should work with those with existing statements and LDA begin transition to EHC plans in stages (page 11 in document).</p>  |
| <b>PERSONAL BUDGETS</b>                   | You must have a clear policy in place setting out the scope of the personal budget offer to families in September, and should be ready to respond to requests for personal budgets from families that have been assessed as needing an EHC plan.  | You should use joint commissioning arrangements and the local offer to deliver a year-on-year increase in the scope and availability of personal budgets.  |
| <b>MEDIATION</b>                          | You must have commissioned access to high quality mediation for those who need it.  | You must make mediation available for those who want it, issuing a certificate for those who want to go straight to Tribunal.  |
| <b>JOINT COMMISSIONING</b>                | LAs and CCGs must work together with partners and parents at strategic level to develop the systems set out above.  | Over time, you must use those relationships to review, plan and jointly commission services.   |