



CHILDREN AND LEARNING OVERVIEW AND SCRUTINY COMMITTEE

Subject Heading:	Implementation of SEND reforms under the Children & Families Act 2014 (a)
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Policy context:	Children and Families Act 2014

SUMMARY

The Special Educational Needs and Disability (SEND) Green Paper ‘Support and Aspiration’ was published in the spring of 2011. The Green Paper represented the most radical reform to special educational needs and disability for 30 years. In autumn 2011, the Department of Health and the Department for Education launched a significant Pathfinder programme to test proposed reforms to the services and systems which underpin support for children and young people with SEND. The Green Paper has now become part of The Children and Families Act 2014 (the Act) which came into force in September 2014 with the support of all political parties. A Code of Practice accompanies the legislation and outlines requirements for Local Authorities and CCGs when bringing in the reforms.

This report aims to summarise the key aspects of the legislation, progress by the Local Authority to date in meeting these new requirements and details of the next steps to be taken.

RECOMMENDATIONS

The purpose of this report is to inform Members of the progress to date in implementing the reforms brought about by the Act in respect of children and young people aged 0-25 with SEND. Members are asked to note the content of the report.

REPORT DETAIL

1. Overview

The legislation covers many aspects relating to SEND. From the outset, it was clear that a Project Team would be required to oversee the various strands of the reforms. This was established in September 2013 and included setting up working groups to develop detailed plans in relation to each work stream.

For the sake of clarity, this report follows the category headings used by the Pathfinder Champions. On-going training and development for staff continues to take place across each of these areas, as required. Some of this has included bespoke events as part of the Pathfinder Champion offer.

2. Local Offer

2.1. Requirements

Local authorities are required to publish in one place a clear and easy-to-understand 'local offer' of education, health and social care services to support children and young people with SEND and their families.

2.2. Progress

A test website was developed during 2013 in close collaboration with parent representatives to ensure that the information was presented in an easy-to-use and appealing format. A decision was subsequently taken to publish the Local Offer on the same platform as the existing Family Services Directory. This can be found at www.havering.gov.uk/directory. The site was upgraded significantly and the format and key elements identified during the test website phase was reflected in the final format.

A working group has been in place since January 2014 and includes representation from NELFT, schools, colleges and parents. Positive Parents – our Parent/Carer Forum – have also set up a sub-group to look at specific aspects of the site and they report their findings into the working group.

A detailed policy has been drafted setting out how requests for inclusion on the Local Offer will be dealt with, as well as identifying where on-going responsibilities (such as responding to feedback) will lie. This includes the establishment of a Stakeholder Panel & Steering Group which will also take over the developmental role of the current working group.

2.3. Next steps

Long-term, constant improvement and development of the Local Offer in co-production with children & young people and parents/carers will continue to

ensure that the Local Offer is responsive and comprehensive. A full self-evaluation will be undertaken to identify areas for development and plan actions. Aspects relating to the 16-25 age range will also be reviewed by the 16-25 Compliance Group which will hold its first meeting in May.

Once the Local Offer policy and terms of reference of the Stakeholder Panel & Steering Group are formally approved, the group will meet quarterly to oversee this work.

3. Co-ordinated Assessment Process and EHC Plans

3.1. Requirements

Education, Health and Care (EHC) plans will replace Statements of SEN and Learning Difficulty Assessments (LDA). No new Statements or LDAs will be offered from 1 September 2014. The statutory assessment process must be co-ordinated across education, health and care. It is vital that the EHC plans reflect the views, interests and aspirations of children, young people, and their parents.

Local Authorities have until 2018 to convert existing Statements and LDAs to EHC Plans. The Conversion Plan has been agreed with the DfE and is being implemented at present.

3.2. Progress

The initial working group evolved into the EHC Development Group in October 2014. The membership of this includes representatives from Positive Parents, the Children and Adults with Disabilities (CAD) Team, Prospects – our commissioned independent advice and guidance adviser, NELFT and early years and school SENCOs.

A template EHC Plan has been developed in conjunction with parents. Detailed information about how to apply for an EHC assessment and a clear flowchart of the assessment process are published on the Local Offer, as well as the phased plan for converting existing Statements and LDAs.

Training and support has been provided by the CAD Team to schools and colleges. In respect of conversions, detailed quality assurance has taken place to provide feedback to schools/settings on good practice.

Representation from all partners has been secured at Panel, which makes the final decisions relating to the EHC Plans, including colleagues from the CAD Team, NELFT and schools.

A well-established person-centred planning model is being used for the EHC process to ensure that the individual's views and aspirations remain central to the creation of the EHC plan.

3.3. Next steps

The documentation and processes will continue to evolve in response to feedback from staff and families. The CAD Team will continue to work closely with children and young people, parents and carers, schools, colleges and health colleagues.

The increase in applications for EHC assessments has been noted across the age ranges. Data relating to this will be closely monitored.

4. **Personal Budgets**

4.1. Requirements

Parents and young people will be able to request a personal budget when the local authority has agreed a statutory EHC assessment and confirmed that it will prepare an EHC plan. They may also request a personal budget during a statutory review of an existing EHC plan.

The aim of this is to enable parents and young people to have more choice and control over the services they need for themselves or their child, and how they are provided. Personal Budgets are intended to show parents how the funding for their child is used, as well as to allow them to have a say in how this is spent. Some may want to have Direct Payments to purchase the services themselves, as is already the case in Children's Social Care and Adult Services. There is a caveat in the Act that this agreement must be within the efficient use of resources.

4.2. Progress

This has been a challenging area for all Local Authorities, due in no small part to the difficulty in calculating unit costs for services.

An attempt was made to carry out a paper exercise to pilot personal budgets with a small group of families. The Local Authority was unsuccessful in establishing the pilot as families felt that bringing up a child with SEND was very challenging already. However, this work did identify that there was an insufficient choice of respite services available. This highlighted the close link with the Joint Commissioning strand of the project (please see 5 below) and the need for market development and a resource allocation system (RAS).

A Personal Budgets policy has been drafted and was reviewed during a bespoke support session offered to Havering as part of the Pathfinder Champion programme. This was helpful in forming the subsequent draft of the policy and also resulted in the establishment of a Personal Budgets Policy working group to finalise this policy and look at its implementation.

4.3. Next steps

Continue to develop the policy and liaise with colleagues in Adult Social Care with regards to the RAS. Also we aim to link the policy with the Clinical Commissioning Group's personal health budgets policy with a long-term view to having a joint policy.

The CAD Team will work closely with Adult Social Care and health colleagues to develop the market for respite in particular.

5. Joint Commissioning

5.1. Requirements

Joint Commissioning is a strategic approach to planning and delivering services in a holistic, joined-up way. It is a means for the different partners commissioning education, health and care provision to deliver positive outcomes for children and young people with SEND. It is a requirement of the Act that there is joint commissioning with health colleagues, in particular the CCG.

5.2. Progress

A Joint Commissioning working group has met regularly since November 2013 and has been instrumental in forging strong links with the Havering Clinical Commissioning Group (CCG). This has been aided by the appointment of a Joint Children's Commissioner in May 2014, working both for the Local Authority and the CCG.

A number of projects and opportunities for re-commissioning have been identified jointly with the CCG. These include Speech & Language Therapy, Special School Nursing and Child & Adolescent Mental Health Services (CAMHS).

5.3. Next steps

Key areas to re-commission and agree together have been identified for the next year. The working group is also discussing how to put key performance indicators into CCG contracts. This will support the development of established pathways for accessing services such as CAMHS and continuing health care.

6. Engagement & Participation of children and young people, parents & carers

6.1. Requirements

Engagement and participation of children, young people and parent carers is central to the reforms and is the driver behind the other work streams. It is

vital that children, young people, parents and carers, are seen as equal partners. There is a marked shift from consultation towards proper co-production.

6.2. Progress

Various groups of parents have been involved and consulted since the project's inception. Positive Parents have been commissioned to be Havering's official parent forum, representing all parents and carers of children and young people with SEND. Parent representatives have been included on several of the work streams and have been invited to training events in relation to the SEND reforms. While they have played an active role to date, the Local Authority recognises that further work is required to ensure that co-production becomes the norm. A co-production event with our Pathfinder Champion was held in March 2015 with CAD Managers and parent representatives. This has started the dialogue about developing the co-production principles for working together in the future.

A parent event was organised by the Local Authority at the Salvation Army in July 2014 to explain more about the reforms. This was well attended with approximately 40 families represented. A further parent engagement event is being facilitated jointly by the CCG and the Local Authority in April 2015 entitled "Priorities for Special Education Needs and Disabilities (SEND) children". This will include a group discussion, inviting ideas from families about how we can improve services for SEND children and young people.

Parent representatives have been involved in co-producing the current offer for 2015/16 in relation to short breaks. The Local Authority continues to work with parents on priorities for short breaks for 2016/17.

Advocacy for All, a charity helping to give young people with SEND a voice, were commissioned in December 2014 to work with young people with SEND in Havering to gather their views about various aspects of the SEND reforms. To date, they have been working primarily with a small cohort of young people from the borough's special schools and the Foundation Skills Centre at Havering College. While this work is very valuable and their report is eagerly awaited, it is recognised that the majority of young people with SEND attend mainstream schools and the Local Authority is committed to working with schools to ensure it reaches this cohort.

6.3. Next steps

The Local Authority is considering extending the contract with Advocacy for All, to include working with mainstream schools. It is also exploring whether a children and young people's SEND forum could be established, perhaps along the lines of the new Children in Care Council.

While the vital role of the official parent forum is acknowledged, the Local Authority will be looking to ensure the widest possible representation of

parent groups to ensure as many families as possible are given the opportunity to participate in shaping services.

7. Preparing for Adulthood

7.1. Requirements

The Act sets out substantial new rights and protections for young people that do not exist in the previous system. These will require a new way of working. In particular, local authorities and their partners will need to work together with young people to help them achieve successful outcomes in the long term, such as getting a job or going into higher education. Planning will begin from an early age and will be done by working together with multiple agencies, providers, parent carers and young people themselves.

This is a key area which cuts across all of the work streams for the reforms.

7.2. Progress

Extensive work is taking place around additional Post-16 SEND provision. The multi-agency approach which has been adopted will support developing personalised pathways. Independence skills, employment opportunities and individualised programmes will be at the heart of this.

7.3. Next steps

A 16-25 Compliance Group, to ensure compliance across the Children and Families and Care Acts, has been established with colleagues from the CAD Team, Adult Services, CCG and the Care Act hub. The group will be looking at a variety of aspects ranging from the Local Offer to Commissioning to the development of additional Post-16 provision. The opportunity for these teams to work more closely together will offer enormous scope for jointly developing pathways and services for this age range.

The Local Authority will be exploring the potential to work with other organisations to engage more young people and enable the 'learner voice' to be heard.

IMPLICATIONS AND RISKS

The financial, legal and human resources implications and risks are not set out here as no specific actions are recommended in this report. Such implications and risks of non-compliance with the Act would require separate detailed analysis, should Members require this.

An Equality Analysis in respect of the SEND Project was completed in November 2013 and a copy is attached to this report.

BACKGROUND PAPERS

APPENDIX A – EQUALITY ANALYSIS