

CHILDREN AND LEARNING OVERVIEW AND SCRUTINY SUB-COMMITTEE

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| 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 Children and Families Act 2014 (the Act) came into force in September 2014. This represented the biggest reform of support across Education, Health and Social Care for children with special educational needs and disability for many years. A Code of Practice accompanies the legislation and outlines the requirements for Local Authorities and CCGs to deliver the reforms outlined in the Act.

This report summarises the key aspects of the legislation, progress by the Local Authority to date in meeting these 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.

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| REPORT DETAIL |
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1. Overview

The legislation covers many aspects relating to SEND, some seek to bring about a cultural shift towards person centred approaches, greater inclusion of children and their families and some specific tasks and functions that must be acted upon. There has been acknowledgement that these reforms will take time and transitional guidance was given by government which enables authorities to work to a 3 year implementation plan ending in March 2018.

For the sake of clarity, this report follows the main category headings used in the Code of Practice.

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

The Local Offer has been developed and is published on the Havering Website. It was developed in close collaboration with parent representatives to ensure that the information was presented in an easy-to-use and appealing format. This can be found at www.havering.gov.uk/directory.

The Local Offer Panel & Steering Group was established in the set up stage and continues to meet to oversee the future updating and development of the local offer.

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 review of the Local Offer is to be undertaken to identify areas for development and plan actions to deliver these improvements.

3. Co-ordinated Assessment Process and EHC Plans

3.1. Requirements

Education, Health and Care (EHC) plans have replaced Statements of SEN and Learning Difficulty Assessments (LDA). No new Statements or LDAs have been carried out since September 2014, only EHC assessments and plans. The new 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.

3.2. Progress

The process of assessment and EHC planning has commenced for all new arrangements and work is underway to convert all existing statements to new EHC plans. Training and support has been provided by the Children and Adults Disability Service to schools and colleges on how to contribute to the EHC plan process.

Representation from all partners has been secured at the established LA EHC Panel, which makes the final decisions relating to the EHC Plans, including colleagues from the CAD service, 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 Service 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. This will have a significant impact on how we are able to achieve the changes within the time frame available.

The EHC plans are successful in varying degrees at demonstrating joined up thinking and planning across Education, Health and Social Care. More work needs to be done to ensure plans truly reflect the commitment to provide support that is centred around the child and is joint to provide better outcomes.

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

A Personal Budgets policy has been drafted and is to be discussed with stakeholders including parents.

4.3. Next steps

Continue to develop the policy and liaise with colleagues in Adult Social Care. We also aim to explore the possibility of a pilot with the Clinical Commissioning Group, linking the education and social care provision with the personal health budgets providing Continuing Health Care funding. This will allow us to offer a more coordinated response to children and young people with the most complex needs. Crucial in the success of Personal budgets/direct payments is having the range of options that people wish to purchase. The CAD Team are working closely with Adult Social Care and health colleagues to develop the market for short break provision 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 full co-production.

6.2. Progress

Various groups of parents have been involved since the start of planning and implementation of reforms under the Children and Families Act. Positive Parents are Havering's official parent forum, representing parents and carers of children and young people with SEND. Parent representatives continue to be included in 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 format of regular events with parents to inform them of priorities and progress has been established, and commitment given to the continuation of involving parents in all working groups in the model of co-production. An example of this is the work currently starting to re-commission the Short Breaks offer.

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. Further work has been commissioned with Children's and Young Peoples Service to establish Children's Voice forums and also CAD have been involved in reviewing the on line tools of MOMO (Mind of My Own) and

Viewpoint to ensure that they can meet the needs of disabled children and young people. This will provide us with different options to capture the voice and views of the children and young people in Havering.

6.3. Next steps

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.

Establishing and ensuring recognised pathways to review what children and their families are telling us and feeding this into on-going service development. Ensuring that there is a robust feedback loop, incorporated on the Local Offer.

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.

A multi-agency Transitions Protocol has been established and this will form the basis of developing smooth transitions in to Adulthood.

7.3. Next steps

A commitment has been given to establishing targeted support team within CAD and with the new manager having taken up post in April this work area will now develop at pace.

Priorities will be to review current forums where transition issues are discussed to streamline and focus on achieving better outcomes for children/young transitioning to adulthood.

To establish the Preparation to Adulthood steering group to ensure compliance across the Children and Families and Care Acts, has been established with colleagues from the CAD Team, Adult Services and 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.

To establish robust tracking methods to ensure data is available for planning future needs and also ensuring timely assessment and where appropriate support plans are in place.

IMPLICATIONS AND RISKS

Implications of noncompliance would be the possibility of complaints and potential judicial review. There is also a new SEND Inspection Framework due for launch in May 2016 by OFSTED. To be inspected by OFSTED and found to be non-compliant or lacking in areas of the reforms would be damaging to local and national reputation of LB Havering and also reduce confidence in local support.

BACKGROUND PAPERS

None