

MUNICIPAL YEAR 2014/2015.

MEETING TITLE AND DATE
Health and Wellbeing Board
Thursday 17 July 2014

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Services
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Agenda - Part: 1	Item: 6
Subject: The Children & Families Act 2014: The SEND Reforms	
Wards: All	
Cabinet Member consulted: Cllr Ayfer Orhan	
Approved by: Andrew Fraser, Director of Schools and Children's Services	

1. EXECUTIVE SUMMARY

This report provides:

- a summary of the Special Educational Needs & Disability (SEND) Reforms which form part of the Children & Families Act 2014, and;
- an update on implementation progress in Enfield.

The Children & Families Act introduces the biggest changes to the SEND system for 30 years for children/young people and their families, Local Authorities, Health and Schools. The new system will be implemented from September 2014 when the reforms will be statutory. The Local Authority and its partners are not expected to take a "big bang" approach with everything changing on 1st September. There are 3 years to fully implement and embed the changes.

The main aim of the new reforms is to put children, young people and their families at the heart of the system giving them greater choice and control. The paradigm shift required is the biggest challenge of all. We must move away from a system that tells families what they need, to a system that works with them, listening to, and respecting their views and opinions. Professionals, parents/carers and children and young people must work together to agree and reach consensus about what services and support are required to enable the child/young person to achieve their outcomes.

There is a greater emphasis on integrated working, particularly around the joint commissioning of services and how this must change over time, where appropriate, to reflect the introduction of personal budgets.

Enfield has been selected by the DfE as a Champion, working in partnership with Bexley and Bromley Local Authorities. As a Champion Enfield will be expected to provide support to other London Boroughs.

2. RECOMMENDATIONS

The Health & Wellbeing Board are asked to:

- Note the content of the Children & Families Act in relation to SEND;
- Note the progress to-date in Enfield towards implementation of these reforms;
- Note the requirements around joint commissioning and personal budgets and support the implementation in Enfield;
- Consider how parents/carers can contribute to the work of the Health & Wellbeing Board.

3. BACKGROUND

The Children & Families Act introduces the biggest changes to the Special Educational Needs and Disability (SEND) system for 30 years for children/young people and their families, Local Authorities, Health and Schools. The new system will be implemented from September 2014 when the reforms will be statutory.

The main aim of the new reforms is to put children, young people and their families at the heart of the system giving them greater choice and control. The main changes to affect families are:

- **Replacing Statements of Special Educational Need with the new statutory Education, Health & Care Plans (EHCP) from September 2014**

An EHCP is written in partnership with parents and children and describes the additional specialist support a child requires to do well at school, to stay healthy and safe, to enjoy themselves with friends and to develop independent skills leading to longer term opportunities including higher education and employment. The child's EHCP will be reviewed at least annually. The new reforms mean that support can continue up until the age of 25 for those who go on to Further Education or Sixth Form Colleges, including preparation for employment and independent living.

All children who currently have a Statement of SEN will continue to have their needs met through their Statement. This remains a statutory document. Arrangements will be made with families to transfer their Statement to a Plan, where appropriate, over the next 2 – 3 years.

- **A new SEN Code of Practice**

The Code provides practical advice on how to carry out statutory duties to identify, assess and make provision for children and young people with special educational needs and disability (SEND). The Code was laid before Parliament on 11 June 2014, and once approved will come into

force. The Code can be viewed at <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

- **Personal Budgets**

For families whose child has an EHCP, they will have the right to ask for a personal budget. This option will be discussed with the family as part of the EHCP planning process. There is no automatic right to “be given” a personal budget.

- **The Local Offer**

Local Authorities have a duty to publish a “Local Offer”. The Local Offer brings together in one place all the support available to disabled/SEN children and young people and their families - not just those with an EHCP. It includes Education, Health, Social Care and Voluntary Sector services available to support families.

- **Mediation for Disputes**

Mediation for disputes will be introduced. Since going to a Tribunal is very stressful & costly for all involved, prior to this, there will be an opportunity for families to meet and discuss concerns in order to try and resolve these more quickly and effectively.

- **Expressing a Preference**

There will be a new legal right for children and young people with an EHCP to express a preference for state academies, free schools and further education (FE) colleges. This is currently limited to maintained mainstream and special schools.

Piloting the New Reforms

31 Local Authorities and over 2,000 families have been piloting the new reforms over the last 18 months, and it is reported that parents are happier than ever with the support available and have much more control over the services they are receiving. Findings from the pilots show that:

- parents feel more empowered and supported and are happier with the services they are receiving, with 88% saying their views had been taken into consideration.
- professionals are overwhelmingly supportive of the new approaches and feel they bring about a more family-centred way of working.

What’s Happening in Enfield?

Governance

Key to implementation success is partnership working, and therefore this is reflected in our governance arrangements.

Janet Leach, Head of the Joint Service for Disabled Children is overall Project Lead. She is working closely with Claire Wright, Head of Children’s Commissioning at Enfield CCG, Gillian Douglas, Manager of SEN Services and Judith Gordon, Primary SEN Consultant to deliver this agenda. Central to this reform agenda is “co-production” with parents and carers. Members of our local parent carer forum, Our Voice, are members of the Project Steering Group and are contributing to all the different work streams.

Sarah McLean has been appointed as the Project Manager to co-ordinate the changes in Enfield.

There is an overall Project Steering Group who is responsible for implementing the changes, whose membership includes parents, colleagues from Social Care, Education, Health, Schools, and the Voluntary Sector. The Project Steering Group report to the SCS DMT and the Clinical Commissioning Group.

Several Work Streams have been set up to look at how different aspects of the reforms will be implemented in Enfield.

Work Stream	Progress
Finance, Joint Commissioning and Personal Budgets	<p>This Work Stream is chaired by Claire Wright from Enfield Clinical Commissioning Group.</p> <p>The Reforms introduce the option for parents of a child/young person with an EHCP to request a personal budget to support achievement of some or all of their outcomes in their Plan. Personal Budgets can be funded from education, health, social care or schools. The Work Stream is currently working on the proposals for what services can and can’t be offered as part of a personal budget from September 2014. This information must be included in the Local Offer. The Code of Practice notes “Local authority commissioners and their partners should seek to align funding streams for inclusion in Personal Budgets and are encouraged to establish arrangements that will allow the development of a single integrated fund from which a single Personal Budget, covering all three areas of additional and individual support, can be made available”.</p> <p>Joint commissioning of children’s services already exists in Enfield, and commitment to this has been demonstrated through the establishment of a Section 75 Agreement. However, this needs to be developed further over the next 3 years. The SEN Code of Practice states that partners should:</p> <p>“identify how the new joint commissioning strategies will support greater choice and control year-on-year, as the market is developed and funding streams are freed from existing contractual arrangements” and,</p> <p>“as an integral part of this, partners should ensure children, young people and families are involved in the decision-making</p>

Work Stream	Progress
The Local Offer	<p>processes at both an individual and a strategic level”.</p> <p>All partners have contributed to this piece of work, ensuring that accurate information is provided.</p> <p>Parents and professionals were consulted on Enfield’s Consultation Draft Local Offer between 24 February 2014 and 7 April 2014. Over 150 parents engaged in various consultation events. Children and Young People are currently being asked their views on the draft Local Offer. The Local Offer will be revised as result of the feedback received during the consultation and published by 1st September 2014.</p> <p>Two feedback events have been held in order that parents can be advised about the outcome of the consultation and how the Local Offer will change as a result.</p> <p>A new SEND Website is being developed which will in effect be the Local Offer and this will be live by 1st September 2014.</p> <p>The Local Offer is expected to inform decisions about joint commissioning for children and young people with SEND.</p>
The School’s Local Offer and Individual Support Plan	<p>Schools are required to publish, under the Special Educational Needs (Information) Regulations, more detailed information about their arrangements for identifying, assessing and making provision for pupils/students with SEN.</p> <p>Judith Gordon, Primary SEN Consultant has been working with schools through SENCo networks and conferences, to understand the impact of the new reforms. A template is being produced with a set of questions that schools should answer and this will be the starting point for the school’s own Local Offer.</p>
EHCP Pilot	<p>Twelve schools have volunteered to participate in a short pilot project running from 22 April 2014 – 30 June 2014. The aim of the Pilot is to see how the EHCP will work in practice. The schools, families and professionals involved in the pilot will be asked to feedback their experience, and this will be used to inform the design of the process and documentation that will be implemented from 1st September 2014. Early feedback has indicated that parents feel positive about the experience, they feel listened to, and welcome the opportunity to participate in a multi-agency meeting to discuss their child/young person’s outcomes and needs.</p> <p>A full evaluation report will be available following the evaluation and feedback day on 30 June 2014.</p>
EHCP	<p>The EHCP work stream is led by Gillian Douglas, SEN Manager, and has been working to design Enfield’s EHCP, and it is being piloted as described above.</p>

Work Stream	Progress
	<p>An EHCP must be drawn up in partnership with the child/young people and their parents, taking into account their views and ideas. In particular, an EHCP must focus on the child/young person's aspirations and what outcomes they would like to achieve. There will be a much greater focus on preparing for adulthood.</p> <p>In addition, the LA will be investigating the possibility of having electronic EHCPs in the future.</p>
The Co-ordinated Assessment Process	<p>This work stream is led by Gillian Douglas, SEN Manager. Partners have contributed and helped to design a process that meets the needs of all concerned. The statutory requirement is for an EHCP to be produced within 20 weeks (currently 26 weeks), and this undoubtedly puts additional pressure on all professionals to meet this requirement. The new process must in place for 1st September 2014.</p>
Partnership Development and Training	<p>There is a specific work stream looking at this area, led by Judith Gordon, Primary SEN Consultant.</p> <p>The Reforms require a complete cultural change. Children/Young People, Parents and Professionals need to understand and embrace this change. This will involve new skills such as working in a person-centred way, structured conversations and understanding what is an outcome.</p> <p>The Partnership Development and Training work stream has undertaken an analysis of all the different groups that will require training across Education, Health, Social Care, Voluntary Sector and parents. They are now starting to look at specific training needs of the groups and will be developing and implementing a comprehensive training programme that will be rolled out across Enfield.</p>
Transition of Statements to EHCP	<p>Currently there are approximately 1400 Statements of SEN in Enfield. These will all need to be transferred to an EHCP if appropriate to do so. The LA has 3 years to move all children and young people with a Statement to an EHCP, and 2 years to move all young people post 16 with a Learning Difficulties Assessment to an EHCP.</p> <p>The DfE are currently consulting on the transitional arrangements and further guidance will be issue following the consultation. Gillian Douglas will work with the SEN Team to draw up a plan to ensure that the transition takes places as efficiently as possible and within the timescale. It is likely that children and young people who will be moving to secondary school or FE in the first instance will be prioritised.</p>
Communication	The Communication & Engagement Work Stream led by Janet

Work Stream	Progress
<p>& Engagement</p>	<p>Leach have a Strategy and Action Plan to ensure that information about the Reforms is communicated appropriately to all stakeholders. Communications so far have included:</p> <ul style="list-style-type: none"> • Headteacher and SENCo Conference • SENCo Networks and Conferences • Two Parent Consultation Evenings • Local Offer Consultation • Briefings at School Coffee Mornings • Articles in “Our Voice” and “Parent Matters”. • Team Brief • Staff Matters • Governors Termly Pack • DMT • HWB <p>Moving forward communications will include:</p> <ul style="list-style-type: none"> • Members • GPs • Practice Managers • Heads of Service
<p>Funding</p>	<p>LAs are being supported with additional funding to support implementation of the SEND reforms. This is being used to deal with the additional responsibilities and transition arrangements.</p>
<p>Independent Support</p>	<p>The Government is providing £30m for Independent Supporters. This is being led by the Council for Disabled Children (CDC). These will be individuals who will be recruited and managed by the private, voluntary and community sector to provide advice and support for parents of children with SEN, and young people with SEN, through the statutory assessment and EHCP processes.</p> <p>Independent Supporters will help to build resilience in families by offering a range of time-limited support such as liaison across different agencies and advice on personal budgets. CDC suggested it expects to see up to 1,800 Independent Supporters, which equates to around 12, on average, in each LA area.</p>
<p>Champion Status</p>	<p>Enfield, in partnership with Bexley and Bromley has been awarded Champion status. The role of Champions is to share and disseminate good practice. In addition to the prestige of being a Champion there is a small amount of additional funding.</p>

4. ALTERNATIVE OPTIONS CONSIDERED

No alternative options have been considered given the imperative to be ready to deliver the new SEND reforms by September 2014

5. REASONS FOR RECOMMENDATIONS

To allow Children's Services, and others to fulfil their statutory duties imposed by the new legal and judicial framework.

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 Financial Implications

A one-off grant in the sum of £545k has been received in 2014/15 for the implementation of SEND reforms. The grant was not ring-fenced but approval has been given to allocate the grant to SCS and it has been earmarked for staffing, IT and training costs identified for the delivery of the project. Any on-going pressures that may arise in the SEN budget from the introduction of the EHCPs and personal budgets will be assessed and reported through the usual monitoring process and included in future budget setting decisions.

6.2 Legal Implications

The Children and Families Act 2014 received royal assent on 13 March 2014. It will have a major effect on the provision for children and young people with special educational needs.

Non-statutory advice, 'Implementing a new 0-25 special needs system: LAs and partners', has been issued by the Department for Education and the Department of Health which sets out the timescales for implementation of the changes. The timescales are as set out in the report above.

The proposals set out in this report prepare for the implementation of the Act when it comes into force.

7. KEY RISKS

Key risks have been identified as follows. A risk register is being drawn up and will be presented to the SEND Project Steering Group at its next meeting on 14 July.

- Co-ordinated assessment process and the new EHCP are not ready to be implemented from 1 September 2014;
- The Local Offer is not published by 1 September 2014;
- A transparent policy with criteria for accessing a personal budget is not ready by 1 September;
- A system for mediation is not in place for 1 September 2014;

- Inability of LA and Health to agree Joint Commissioning arrangements;
- Professionals do not understand the concept of working in a person-centred way and are not able to access training to support them deliver the reforms;
- Parent/carers and young people are not informed about the reforms.
- Schools are uninformed and not supported to implement the changes.
- Financial impact on costs arising from the new EHCPs and personal budgets.

8. IMPACT ON PRIORITIES OF THE HEALTH AND WELLBEING STRATEGY

The SEND Reforms in their entirety will impact on the priorities of the Health and Well Being Board. They aim to ensure that children and young people are given the support they need to ensure they are able do well at school, to stay healthy and safe, to enjoy themselves with friends and to develop independent skills leading to longer term opportunities including higher education and employment.

- 8.1 Ensuring the best start in life** – the services outlined in the Local Offer will make it easier for families to understand what services there are to support them and how to access them.
- 8.2 Enabling people to be safe, independent and well and delivering high quality health and care services** – commissioning will focus on securing services and support for children and young people with SEND which promote safety, healthy lifestyles and opportunities which promote their independence.
- 8.3 Creating stronger, healthier communities** –disabled children and young people, and their families will be encouraged to be aspirational and start thinking about preparing for adulthood early on.
- 8.4 Reducing health inequalities – narrowing the gap in life expectancy** – the Education, Health & Care Plan will ensure that children and young people are given the support that they require to enable them to progress at school and take part in their local community activities.
- 8.5 Promoting healthy lifestyles** - disabled children and young people will be given the same opportunity as their non-disabled peers to participate in sport and leisure.

9. EQUALITIES IMPACT IMPLICATIONS

The SEND reforms will give children, young people with SEND and their parents/carers greater choice and control about the things that affect their lives. It will improve the provision of information, advice and guidance to families so that they know what their options and choices are. An outcomes focussed system will allow professionals, schools and parents to look at children and young people with SEND in a more holistic way. Children and young people with SEND should be supported to have the same aspirations as any other children and young people.

Background Papers: None