

# Support and aspiration: Implementing the SEN and Disability Reforms



Department  
for Education

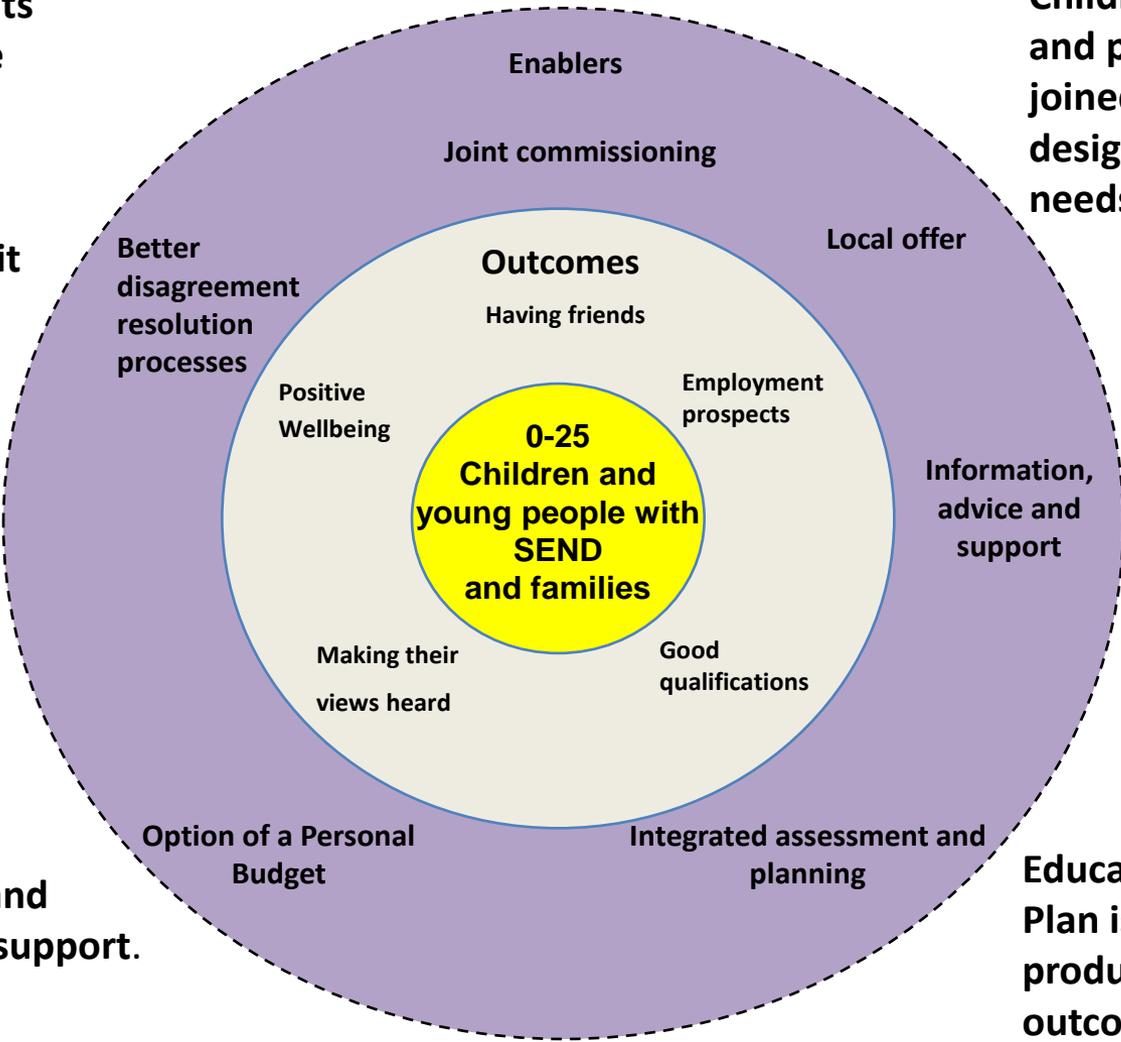


Department  
of Health

# The SEND reforms: putting children and young people at the centre

Where disagreements happen, they can be resolved early and amicably, with the option of a Tribunal for those that need it

Children, young people and parents understand a joined up system, designed around their needs



Extending choice and control over their support.

Education Health and Care Plan is holistic, co-produced, focused on outcomes, and is delivered



# For local authorities

## What:

By September 2014, all LAs will need to have:

- Established local partnerships with children, young people and parents and education, health and social care.
- Developed plans for **joint commissioning across education, health and care services, 0-25;**
- Published the **local offer**, fully involving parents and young people;
- Developed processes for **co-ordinated assessment, planning and EHC plans;**
- Set out a co-produced local policy for **personal budgets;**
- Planned provision of local **information, advice and support** (with users)
- Reviewed and developed local **mediation and disagreement resolution** arrangements

# For Clinical Commissioning Groups

## What:

From September 2014 CCGs **must** work with LAs to:

- commission services jointly for 0-25 year old children and young people with disabilities and SEN, including those with Education Health and Care plans;
- ensure that procedures are in place to agree a plan of action to secure provision which meets a child or young person's reasonable health need in **every** case;
- work with the local authority to contribute to the local offer;
- ensure that mechanisms are in place to ensure practitioners and clinicians will support the integrated Education Health and Care Assessment within a 20 week maximum;
- agree personal budgets under section 49.

## For clinicians and therapists:

### What:

Health services for children, young people and families provide:

- early identification
- assessment and diagnosis
- intervention and review for children and young people with long term and disabling conditions

Services are delivered by health professionals including paediatricians, GPs, nurses, and allied health professionals, occupational therapists, speech and language therapists, physiotherapists and psychologists. commissioning duty.

“I have found the new process really positive. The live documents we have generated with the parents capture a much better description of the child. Their personality really shines through and parents feel that this provides a truer reflection of their child.”

Lead professional and consultant paediatrician in Cornwall

## For early years settings

### What:

Early Years providers are required to:

- follow the standards set out in the Early Years Foundation Stage framework, which includes supporting children with SEND;
- they are no longer required to record **on early years action / early years action plus**;
- work in partnership with parents/carers to develop a plan of support;
- admit a child, where the nursery is named in their EHC plan;
- co-operate with the local authority in developing the local offer;
- have a member of staff to act as SENCO;
- Have regard to the new 0-25 SEND Code of Practice.

<http://www.4children.org.uk/>

## For schools:

### What:

The main legal duties on schools will not change, but the way you meet these duties will. Schools must:

- use their 'best endeavours' to meet pupils' SEND. Schools no longer have to record pupils as 'school action' or 'school action plus';
- inform parents when pupils receive support for special educational needs and involve them in reviews of progress;
- admit a young person, where the school is named in an EHC plan
- co-operate with the local authority in developing the local offer;
- appoint a suitably qualified or experienced member of staff as SENCO (National Award);
- have regard to the new 0-25 SEND Code of Practice.

[www.nasen.org.uk](http://www.nasen.org.uk)

# For post-16 settings

## What:

Further Education colleges, Sixth Form colleges and approved Independent Specialist Providers will be under new legal duties from September 2014, which extend comparable rights and protections for young people aged 16-25 in further education as to those found for children/their parents in school.

The key new duties are:

- to use 'best endeavours' for all young people (up to the age of 25) with SEND, regardless of whether or not they have an EHC plan;
- to admit a young person, where the college is named in their EHC plan;
- to co-operate with the local authority, and for them to co-operate in return;
- to have regard to the new 0-25 SEND Code of Practice.

<http://www.preparingforadulthood.org.uk/>

## For social care

### What:

From September 2014, local authority social care teams will be required to co-operate with local authority SEND teams and others in:

- A co-ordinated assessment process leading to an outcomes focused Education, Health and Care (EHC) Plan.
- Preparing a local offer setting out how parents and young people can access services across education, health and social care

LAs should also consider the crucial role that short breaks can play in supporting families.

# Managing transition to the new system

From 1 September 2014:

- no new assessments for statements or Learning Difficulty Assessments (LDAs) will be offered by local authorities;
- children and young people with existing statements transfer to the new system within three and a half years; and young people with existing LDAs transfer within two years;
- transfer will happen through a 'transition review' and local authorities must have regard to the principles set out in the revised 0-25 SEND Code of Practice when writing new EHC plans;
- local authorities must work with children and young people with SEND and their parents to agree how transfer from statements over the proposed three and a half year period will be phased;
- to ensure broadly comparable local plans, national parameters will be established to guide the transfer.

# Amendments made in the Lords:

## Disability

### Disability

- a duty to identify all children and young people who are disabled
- a duty to jointly commission services for children and young people who are disabled
- a duty to provide information and advice to the parents of disabled children and young people who are disabled
- a duty to set out services in the local offer for children and young people who are disabled

### **Adding children to the LA information and advice duties (clause 32)**

- Local authorities are required to provide information and advice to children with SEN and who are disabled, as well as to parents and young people.

### **Adding a requirement to the local offer (clause 30(6))**

- LAs must set out what action they intend to take in response to comments on the local offer, and to develop their action plans with parents, children and young people

# Amendments made in the Lords:

## EHC Plans:

**Health and social care in a plan which is to be classed as education**  
(Clause 21(5))

Defining when health and social care are to be treated as special educational provision in EHC plans

**Social care included in EHC plans** (clause 37)

A requirement on LAs to include the social care services they must deliver under the Chronically Sick and Disabled person's Act 1970 in EHC plans

## Amendments made in the Lords:

### **Having regard to age** (various clauses, including clause 36)

In clause 36, LAs will instead have to have regard to whether a young person requires additional time to complete his or her education or training. In clause 44, LAs will instead have to have regard to whether the educational or training outcomes specified in the plan have been achieved.

### **Young offenders** (various additional clauses)

Young offenders are included in assessment and planning duties that are broadly similar to those in the Bill for other children and young people.

### **Redress** (various clauses)

Scope of disagreement resolution arrangements and mediation extended to cover health and social care as well as education

# Joint commissioning

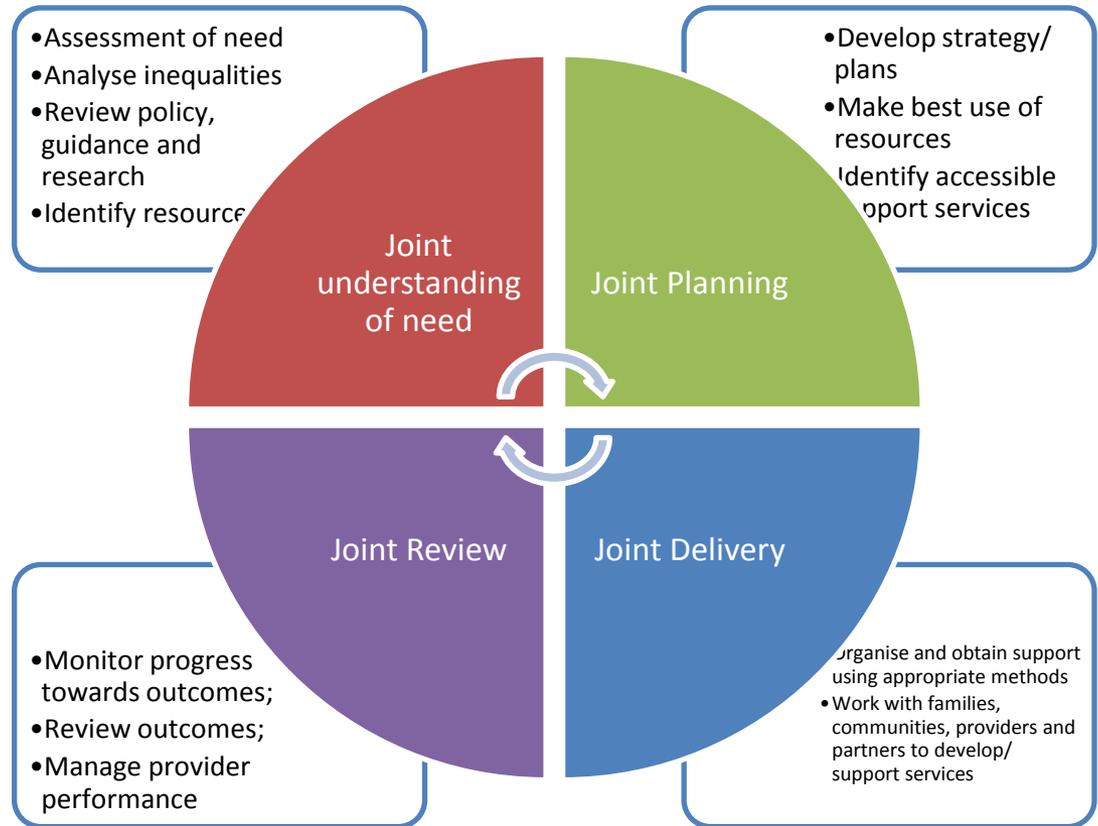
Joint commissioning is how partners agree how they will work together, to deliver joint outcomes for children and young people with SEND.

Listening and responding to the views of children and young people and their parents, and other partners is fundamental to this process.

Based on a joint understanding of population need, commissioners will design integrated care pathways, which will then be presented publicly as the local offer.

Delivery must be monitored to ensure the offer improves over time.

Ultimately councillors are held to account to ensure this is done, and CCGs will be monitored against the NHS Mandate by NHS England.



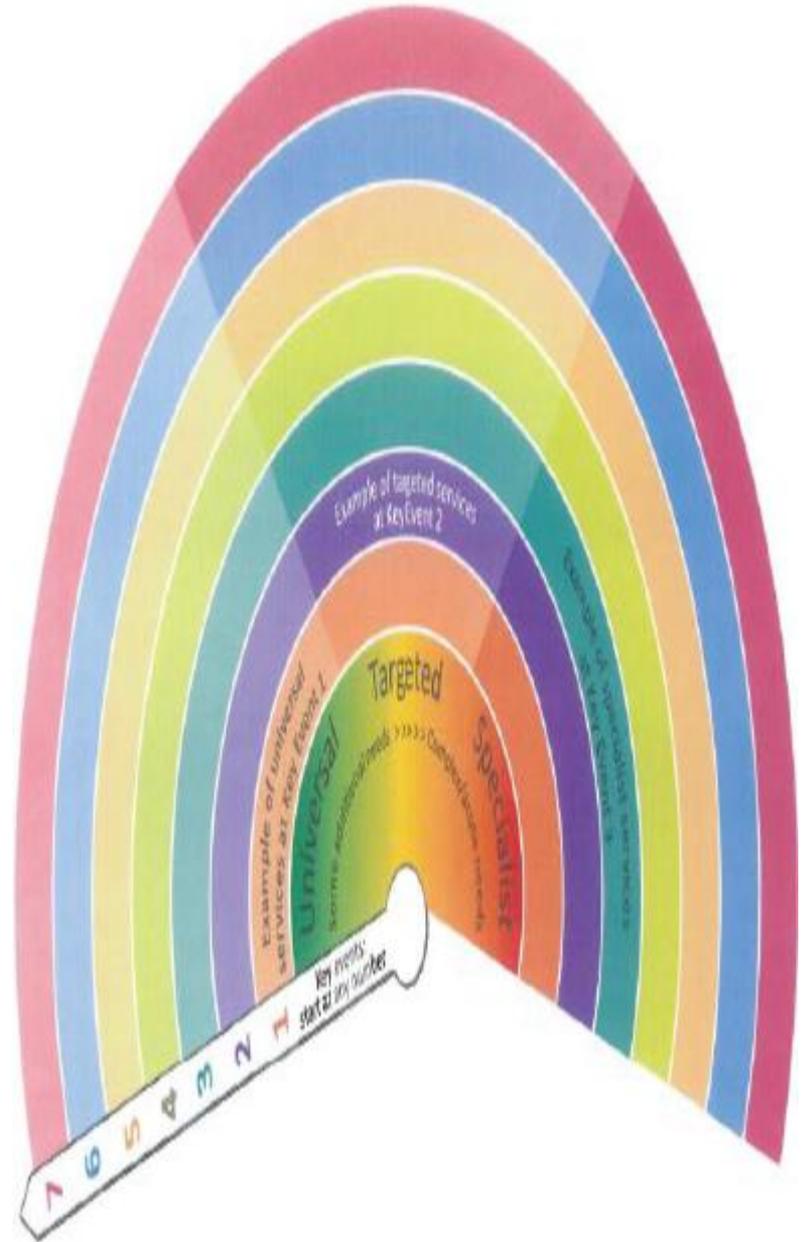
Rochdale's joint commissioning approach

# Local offer overview

**What:** LAs and CCGs must work together to set out in one place information about provision they expect to be available for children and young people in their area who have SEND, including those who do not have EHC plans.

## How it helps:

- Children young people and their parents and carers can shape the local offer – LAs must consult on it and publish what they have done in response to that consultation;
- The local offer will make it much easier for children, young people and their parents to navigate the support available, drawing on information, advice and guidance and key worker support;
- Through the Code of Practice we are updating the four areas of need.



# Working with children and young people and their parents and carers

**Section 19** of the Children and Families Act lays the foundation for working in partnership with children and young people and their parents and carers.

It states that local authorities must have regard to:

- The views, wishes and feelings of the child, young person and their parents;
- The importance of allowing them to participate in decisions relating to themselves (or their child);
- The importance of providing information to enable active participation in decision-making;
- The need to support the child, young person and their parents to facilitate development and enable the best possible outcomes, educational or otherwise.



# Personal Budgets

**What:** As part of their local offer, local authorities should set out a co-produced local policy for personal budgets.

## How

- Identify and agree the funding streams and services for inclusion from September 2014 and develop the necessary infrastructure;
- Identify and establish the information advice and support necessary at an area and individual level to help families consider options for, and to take-up and manage, personal budgets;
- Develop a pathway for personal budgets within the EHC assessment and planning process;
- Identify how the new joint commissioning strategies will support greater choice and control beyond September 2014;
- Maintain the core principles in the Code of Practice at all times, ensuring children, young people and families are involved in the decision making processes at both an individual and strategic level.

In **Hartlepool**, personal budgets are being used to fund work placements. Claire hopes to work with animals in the future and is using her personal budget to fund a 10 week placement at a local charity with a small animal farm. The LA helped Claire and her mum negotiate terms and Claire is now using the personal budget to pay for support from a member of staff from the charity, at a cost of £15 per hour.

## Redress overview

- People will still be able to appeal to the Tribunal but parents and young people will have the opportunity to go to mediation before appealing;
- Before registering an appeal with the Tribunal parents and young people will have to contact an independent mediation adviser for information on mediation;
- Following this they can decide if they want to go to independent mediation – the local authority would have to attend and the mediation would take place within 30 days;
- This gives parents and young people the chance of getting their dispute without the stress of having to go through an appeal at the Tribunal;

DfE are also:

- widening mediation so that it can consider health and social care;
- conducting a review of complaint and appeal arrangements for children and young people with SEND and;
- conducting pilots looking at the Tribunal being able to make recommendations about the health and social care aspects of EHC plans.

# Preparing for Adulthood

- A **single system** from 0-25 for EHC plans, removing the current 'cliff edge' at 16;
- Focus on outcomes and **preparing for adulthood** – employment, health, independent living and community inclusion.
- Local authorities to involve **training providers** when reviewing their special educational provision and developing their local offer;
- Role for local authorities in commissioning **post-16 provision**, to deliver outcomes for young people, including supported internships, study programmes and specialist provision;
- Young people with EHC plans can **remain in the SEN system** between age 19 and 25, where the extra time will allow them to consolidate their learning.