

**Children and Families Bill,
Special Educational Needs and Disability (SEND)**

Governing Body meeting

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3 October 2013

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| Author(s)/Presenter and title | Dr Margaret Ainger - CCG Lead Children and Families Portfolio Kate Laurance - Senior Commissioning Manager Children, Young People and Maternity |
| Sponsor | Dr Margaret Ainger - CCG Lead Children and Families |
| Key messages | |
| <ul style="list-style-type: none"> • The Reform of Provision for Children with Special Education Needs and Disability (SEND) will be instigated by the Children and Families Bill, with implementation from September 2014. The reforms will require substantial change in the way health, education and social care work together to assess, plan and provide services for children with SEND • Statements of Special Educational Needs (SEN) and Learning Disability Assessments will be replaced with a single, simpler 0-25 assessment process and Education, Health and Care Plan (EHCP) There will be statutory protections comparable to those currently associated with a statement of SEN to up to 25 in further education – instead of it being cut off at 16, which will cover aspects of provision detailed within the assessment and plan. • There will be improved cooperation between all the services that support children and their families, particularly requiring local authorities and health authorities to work together, Local authorities and the CCG will be expected to publish a local offer showing the support available to disabled children and young people and those with SEN. | |
| Assurance Framework (AF) | |
| <p>There is potentially a Financial risk to the CCG, at this point we are not able to quantify or assess until further work has developed on the framework and development of the local offer.</p> <p>Work is underway through the Joint Work Plan to undertake a full self-assessment and ensure the co-production of the local offer in partnership between children, families and education, health and social care.</p> | |
| Equality/Diversity Impact | |
| Has an equality impact assessment been undertaken? NO | |
| Public and Patient Engagement | |
| There will be a need for patient and public engagement in development of the local offer. | |

Recommendations

1. The Governing Body is asked to recognise the formal duties on all partners i.e. Health, Education, Social Care and other agencies as set out in the Children and Families Bill and the Indicative SEN Code of Practice.
2. The Governing Body is asked to acknowledge the challenges the new duties and ways of working will pose across Children's and Adult's health services.
3. The Governing Body is asked to receive a further update following the completion of the self-assessment and consider the implications for health services in fuller detail.

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1.1 Introduction and background

The Government published the Children and Families Bill on 5 February 2013, including measures on adoption, care and special educational needs.

The SEN reforms intends to, "transform the system for children with special educational needs (SEN), including those who are disabled, so that services consistently support the best outcomes for them".

The Bill extends the SEN system from birth to 25, giving children, young people and their parents' greater control and choice in decisions and ensuring needs are properly met. It takes forward the reform programme set out in "Support and aspiration: A new approach to special educational needs and disability: Progress and next steps." (DfE 2012)

The Children's and Families Bill and SEN code of practice is currently out for public consultation. Royal assent for the Bill is being sought by the end of 2013 with a view to publication of the regulations and code of practice in Easter 2014. The Children's and Families Bill and SEN code of practice will be implemented from September 2014.

The key components of the reform:

- SEN statements and Learning Disability Assessments will be replaced with a single, simpler 0-25 assessment process and Education, Health and Care Plan (EHCP)
- This assessment and plan will provide statutory protections comparable to those currently associated with a statement of SEN to up to 25 in further education – instead of it being cut off at 16
- There will be improved cooperation between all the services that support children and their families, particularly requiring local authorities and health authorities to work together.
- Local authorities and local CCG's will be required to publish a local offer showing the support available to disabled children and young people and those with SEN, and their families across education, health and care services.
- Parents or young people with Education, Health and Care Plans will have the right to a personal budget to enable them to purchase their own support.

- Mediation provision for disputes and trialling will be put in place, giving children and their families the right to appeal if they are unhappy with their support.
- There will be an extension of SEN Law to cover academies and free schools.

1.2 National Picture

Key Principles for the new approach to SEN were set out in the Green Paper of March 2011:

- Greater integrated working between health, social care and education and any other services through joint planning and commissioning.
- Early identification and assessment of needs and an ongoing focus on person – centred planning.
- Better trained staff to provide the right support for children and young people with SEND and a greater emphasis on educational progress for children and young people with SEND, underpinned by high aspirations and expectations.
- Parents clear about what they can expect from schools, settings, colleges, health provision and services and closer involvement in the decision making for their children
- An integrated assessment between education, health and social care and a single education, health and care plan completed in a shortened timescale for those with the most complex needs.
- Greater control for parents over the services they use and the option of a personal budget and the right to seek a place at any state-funded school, mainstream or special, maintained, academy or free school and greater choice of provision for parents.
- Children and young people at the heart of the system with a greater voice for them and for their parents both individually and collectively.

1.3 Support and Aspiration and the Local Offer

Following the publication of the Green Paper – Support and Aspiration and the completion of the consultation process, the Children and Families Bill is now passing through Parliament. This will lay down the statutory foundations for changes in the law which will draw on the experience of the Pathfinders and build on reforms to the health service. This will ensure services for those with SEND are planned and commissioned jointly and that there is a clearly articulated integrated Local Offer which is not simply a directory of services. The Local Offer should include:

- Arrangements for identification and assessment including how to seek such an assessment.
- Education, health and care provision available locally
- Provision in settings offering training to young people with SEND

- Transport arrangements
- Support to prepare for adulthood
- Where to get advice and support
- What to do if you are not happy with provision

It is expected parents and young people will be active in the development of the Local Offer.

2.1 Outcomes from National Pathfinders

The recent Pathfinder Report (March 2013) has a very different tone from that in October indicating strong progress with Pathfinder developments. Further developments will allow for the completion of the draft Code of Practice. For the first time the report gives concrete examples of how Local Authorities are developing practice in the following areas:

- Multi-agency working
- Engaging with children and young people and their families
- The Local Offer
- Education and healthcare plans
- Person-centred planning and key working
- Personal budgets
- Preparing for Adulthood

The Pathfinder programme has been extended to September 2014 and pathfinder champions will work with non-pathfinder LA's informed by a set of "principles of emerging practice".

3.1 The SEN Code of Practice

The indicative version of the Special Educational Needs Code of Practice (March 2013) emphasises the principles of the Green Paper and will be further developed in line with the emerging evidence from the Pathfinder Programme and the passage of the Bill through Parliament; The Code implies a clear lead role for Special Educational needs teams within Education Services in terms of co-ordinating services and provision for children and young people.

- There will, however, also be implications for all partners, in particular:
- Streamlining of assessment and planning processes
- Sharing of information to facilitate joined up working
- Emphasis on progress and outcomes for children and young people with SEN

- Ensuring positive transition into adulthood
- The use of the content of Education Health Care Plans to inform future commissioning of strategic support and provision within areas

4.1 CCG Implications written within the Code of Practice

Alongside the publication of the Indicative Special Educational Needs Code of Practice, a new legal duty was introduced for Clinical Commissioning Groups. This duty means that Clinical Commissioning Groups will now by law have to secure services and provision set out in individual Education Health Care Plans. This will ensure the full integration of SEN provision across education and health and strengthens the principle of joint planning and commissioning of services as set out in the Green Paper.

5.1 Current Consideration and Local Planning

It is now recognised that to successfully move this work forward it needs to effectively join up across sector, with Families and Young People involved, with Schools, the SEN department, with children's social care and health care, with adult health and social care and with the voluntary sector.

- A briefing paper has been taken to the Future Shape Children's Health Programme Board (Children's Health and Wellbeing) with a proposal for the governance of the work programme to sit there under the child with complex need work stream.
- A briefing paper has also been taken to an extraordinary meeting of the Children's Health and Wellbeing Board and the City Wide learning Board.
- A briefing paper is due to go to the Health and Wellbeing Board.
- A self-assessment of readiness for the SEND reforms is being completed locally by education, health and social care

It is recognised that continued engagement and dialogue is needed with:

- Children's Joint Commissioning Group
- Adult Joint commissioning Group
- Children's Health and Wellbeing Partnership Board
- City wide Learning Board
- Learning Disability Partnership Board
- Communities Portfolio Adult Social Care

A local steering group is being established chaired by the Assistant Director of Education the group has representation from NHS Sheffield Clinical Commissioning Group from the Children's and the MH/LD Portfolio.

6.1 Recommendations

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Paper prepared by Kate Laurance, Senior Commissioning Manager Children, Young People and Maternity

On behalf of Dr Margaret Ainger, CCG Portfolio Lead Children and Families

September 2013