

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

**Governing Body meeting**

**G**

**3 April 2014**

Author(s)/Presenter and title	Dr Margaret Ainger, CCG Lead Children and Families Portfolio Kate Laurance, Senior Commissioning Manager
<b>Key messages</b>	
<ul style="list-style-type: none"> <li>• This paper provides a further update to Governing Body following the briefing presented to them in October 2013.</li> <li>• Progress has been made on development of the partnership project structure and progressing of project plans to deliver the reforms.</li> <li>• The completion of the self-assessment has highlighted key areas for further development.</li> </ul>	
<b>Assurance Framework (AF)</b>	
<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, the local offer and the commissioning framework.</p> <p>Work is underway through the Joint Work Plan to continue self-assessment and ensure the co-production of the local offer in partnership between children, families and education, health and social care.</p>	
<b>Equality/Diversity Impact</b>	
<p>No equality impact assessment has been undertaken at this stage</p>	
<b>Public and Patient Engagement</b>	
<p>The reforms are being undertaken in co-production with parents and carers from Sheffield Parent Forum.</p> <p>This means that parents are integral to the whole project structure and are equal partners within all aspects of the project.</p>	
<b>Recommendations</b>	
<p>The Governing Body is asked to:</p> <ul style="list-style-type: none"> <li>• Note the progress to date</li> <li>• Discuss implications for the CCG</li> <li>• Receive a further update in August 2014 following the evaluation of the pilot project, the development of the core offer and when work has progressed on the commissioning framework.</li> </ul>	

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

### **Governing Body meeting**

**3 April 2014**

#### **1. Introduction / Background**

- 1.1. Part 3 of the Children and Families Bill takes forward recommendations from the Green Paper 'Support and Aspiration' which was published in March 2011.
- 1.2. The new legislation has a focus on improving outcomes for children and young people with special educational needs and/or disabilities.
- 1.3. It will bring in one legislative framework for children and young people with SEN from birth through to age 25. A key aim of the 0 to 25 age range for the legislation is to remove some of the existing transition points and stages and where they remain, to make them smoother.
- 1.4. The legislation will apply to young people with special educational needs up to the age of 25 while they remain in education or training, including apprenticeships.
- 1.5. The statutory agencies, education, health and social care must work together and with the voluntary sector, parents/carers, children and young people.
- 1.6. Parents/carers and professionals will be equal partners and local arrangements to implement the reforms must be 'co-produced' between them. 'Co-production' is the term that the government uses to place emphasis on equal partnership between parents/carers, children and young people and professionals.
- 1.7. Local arrangements must include: a governance system to oversee the changes; the implementation of Education, Health and Care (EHC) Plans to replace Statements of SEN; a 'Local Offer' of services available for children and young people with SEN; 'and Joint Commissioning' of provision between the Local Authority and Health along with the offer of Personal Budgets.
- 1.8. The Bill has just completed its' passage through the Lords and is now back in the Commons to consider the Lords' amendments. The Government is still intending for the Act to be introduced from September 2014.
- 1.9. The purpose of this paper is to update the governing body on the progress made locally to implement the reforms and highlight key challenges raised in the self-assessment in terms of the duties placed upon commissioners.

#### **2. Progress on implementation of the reforms within Sheffield**

- 2.1 A multi-agency strategic group - 'Future Shape SEN' - has been established. The group is chaired by the Interim Director of Inclusion and Learning Services. The group reports to the Children's Health and Wellbeing Partnership Board and through that to the Health and Wellbeing Board and to Children's Joint Commissioning.
- 2.2 The strategic group has developed three main work streams through which the reforms will be implemented within Sheffield.
  - Co-ordinated Assessments and Education, Health and Care (EHC) Plans
  - The Local Offer
  - Joint Commissioning, including Personal Budgets

- 2.3 The Co-ordinated Assessments/Education Health Care Plans and The Local Offer are well established.
- 2.4 The Joint Commissioning Work stream has recently been established.
- 2.5 The Strategic group is also working with the Communication Team to develop a Communication Strategy which is being developed in partnership with NHSS CCG.
- 2.6 Recent Self-Assessment undertaken by members of the strategic group and work-stream leads highlighted strengths in co-production, development of partnership governance and strengths in the progress on the development of EHC Plans and the Local Offer. The assessment showed further work was needed to engage all providers and work on the development of a joint commissioning framework and implementation of new ways of commissioning across education, health (in children's and adults) and social care.
- 2.7 It should be noted, that the implementation of the reform is being led from education in children's services within the Local Authority, and that engagement with Adult Social Care and an understanding of NHS provision and NHS commissioning arrangements for adults is not fully developed. Steps are being taken to address this and ensure that adult services in the Local Authority and providers are better engaged in the coming months.
- 2.8 There has been a national financial allocated made to Local Authorities to support in funding the implementation of the reforms.

### **3. Progress on Co-ordinated Assessments and Education Health and Care (EHC) Plans**

- 3.1 An Education Health and Care Plan Steering Group was established approximately 18 months ago. Membership of the Group is drawn from Education, Health and Social Care. Parent and carer views are also represented on the group through the Parent/Carer Forum and the Parent Partnership Service.
- 3.2 The group has developed a co-ordinated approach to the formal assessment process building on innovative practice already existing within the city.
- 3.3 A draft Education Health Care (EHC) Plan has been developed taking into account learning from the Pathfinder Authorities.
  - The plan has been further developed through co-production with parents at a number of events for parents and carers during January and February 2014.
  - Pilots of the Co-ordinated Assessments and Education Health and Care Plans will take place between now and the end of July, with one pilot focussing on the Co-ordinated Assessment and Planning process and one on the transition from Statements of SEN to Education, Health and Care Plans.
  - Families and schools have been recruited for the pilots. A range of needs and age groups are represented within the pilots.
  - Approaches to workforce development will be trialled during the pilots, with a particular emphasis on person centred planning, key working, working with children and defining outcomes.
  - An evaluation of the pilots will be undertaken in July/August 2014.
  - Work is underway with the Children's Involvement Team to develop effective methods of securing the child/young person's voice during the assessment and planning stage.
  - Initial discussions have taken place around data and information sharing across Agencies and consideration is being given to suitable IT platforms which could be used across all three agencies.

#### **4. Progress on The Local Offer**

4.1 A Project Board has been established with representation from across the Local Authority and Health. Parents and carers views are also represented on the Board through membership from the Parent Partnership Service and Sheffield Parent/Carer Forum.

- A mapping exercise has been carried out of services currently provided within Sheffield to children and young people with SEND.
- Workshops were held in January 2014 to consult with parents, carers, children and young people on the development of the Local Offer.
- Templates are being developed to capture as much information as possible from providers, both educational and non-educational about their organisations and the services they provide for children and young people with SEND. This will be collated and published as part of the Local Offer.
- Parent, carers, children and young people's views have been sought on the development of the Local Offer website and the Transformation Team are supporting the Project Board with the development of a website.

#### **5. Duties on Commissioners**

5.1 The duties on commissioners are set out clearly in Clauses 25 and 26 of the Bill. Commissioners must not only ensure the integration of special educational provision with health and social care provision where this will promote the wellbeing of children and young people with SEN, but must also make arrangements about the education, health and social care provision to be secured for children and young people with SEN for whom the Local Authority is responsible. This Clause further specifies that provision means

- Special educational provision
- Health care provision
- Social care provision

5.2 Recent Joint Commissioning Challenges were considered at the Children's Joint Commissioning Group where it was recognised that the integration agenda was integral to this work. It seems likely that an integrated commissioning approach will be necessary to ensure a) a single assessment planning process with children and families and b) an integrated local offer. Therefore, when the local offer has been defined and the resource needed to commission it identified, it may be appropriate to establish a pooled budget, or include the local offer within the pooled budget planned to be established to support integrated commissioning more generally between Sheffield City Council and the CCG.

#### **6. Recommendations**

The Governing Body is asked to:

- Note the progress to date
- Discuss implications for the CCG
- Receive a further update in August 2014 following the evaluation of the pilot project, the development of the core offer and when work has progressed on the commissioning framework.

Paper prepared by Kate Laurance Senior Commissioning Manager  
On behalf of Dr Margaret Ainger CCG Children's Portfolio Lead  
March 2014