

**Update on the Implementation of the Special Educational Needs and Disability Reforms (SEND)**

Item 22k

Governing Body meeting

7 July 2016

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<b>Is your report for Approval / Consideration / Noting</b>	
For information.	
<b>Are there any Resource Implications (including Financial, Staffing etc)?</b>	
There are anticipated resource implications through the newly established EHC Single Point of Access Team within SCHFT. This is being tested with temporary funding provided by the DfE SEND Grant and will be specified on an ongoing basis in SCHFT contract from 2017/18.	
<b>Audit Requirement</b>	
<b><u>CCG Objectives</u></b>	
<b><i>Which of the CCG's objectives does this paper support?</i></b> Objective 2. To improve the quality and equity of healthcare in Sheffield	
<b><u>Equality impact assessment</u></b>	
An EIA is in development.	
<b><u>PPE Activity</u></b>	
<b><i>How does your paper support involving patients, carers and the public?</i></b> Development of the SEND reforms has involved the Parent Carer Forum. The programme of work is led by Sheffield City Council but is joint in some areas, which includes the engagement and communication work.	
<b>Recommendations</b>	
The Governing Body is asked to: <ul style="list-style-type: none"> <li>• Note the progress made in delivering the reforms and next steps</li> <li>• Receive a further update in October 2016</li> </ul>	

## **Update on the Implementation of the Special Educational Needs and Disability Reforms (SEND)**

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#### **1. Background**

1.1. The Children and Families Act 2014 became statute on 1 September 2014 and reforms the process by which Local authorities, NHS and partners assess and support children and young people with a special educational need and disability.

1.2. The main changes are:

- Changes to the statutory assessment process
- Introduction of Education and Health Care (EHC) Plans to replace SEN statements
- Publication of an online Local Offer provision
- Developing joint commissioning arrangements for children and young people 0-25 years old with an SEN or disability between statutory commissioners
- Strengthening parental rights and decision making

1.3. The Act provides CCGs with a duty to cooperate with the Local Authority in commissioning integrated, personalised services and designing the Local Offer. The CCG has a duty to ensure that clinicians and providers:

- Support the identification of children and young people with SEN
- Respond to requests for advice for an EHC plan within required time limits
- Make available health care provision specified in the EHC plan as per their commissioning role
- Contribute to regular reviews of children and young people with EHC plans
- Contribute to the Local Offer to include information about health care provision

1.4. The CCG's key responsibilities are:

- 1) To contribute to the development of the Local Offer website to ensure it reflects relevant child and adult health services
- 2) To support the planning process for EHC Plans and redesign of the health workforce to support the new assessment and review process
- 3) To establish a Designated Medical Officer (DMO) function
- 4) To support the development of joint commissioning arrangements for this population.

1.5. The last update on the delivery of the reforms was provided at the Governing Body meeting in June 2016. This paper provides an update on the overall timeframes to date in meeting our statutory duties, as well as the next steps required to ensure compliance and reduce risks in delivery.

## **2. Progress to date**

Sheffield continues to perform poorly in relation to statutory timescales for production of EHC plans within the statutory timeframes, however improvements have been seen in recent months, particularly the SEN statement to EHC Plan conversions which the Local Authority are prioritising. DfE continue to actively monitor Sheffield's performance through regular visits and target settings.

A joint CQC and OFSTED inspection framework was published April 2016 and became operational in May. Sheffield is likely to be one of the earlier areas to be inspected due to performance. We know inspections have commenced and are seeking feedback from those involved. Local areas will be given five working days' notice and inspections will not take place over school holiday period. All providers have been briefed and the CCG has a contact flowchart to ensure the relevant people are informed on notification of the inspection.

A SEND Inspection Readiness Group has been established by the Local Authority which the CCG and all providers are invited to attend to jointly prepare. Sheffield Self-Evaluation Framework is being completed which was developed against the Inspection Framework. In addition, The Council for Disabled Children was commissioned to develop an audit tool for CCG's to record how they are delivering their statutory duties as part of the SEND reforms; this has been completed for Sheffield and submitted to NHS England. The audit tool will be fed into the Sheffield Self-Evaluation Framework.

The SEND Health task group has now been closed and replaced with a SEND review group. The task group completed the design of a pathway for health involvement in the EHC Plan process for which it was established and the CCG is now working with providers to ensure operational plans are developed and implemented.

The Children's Joint Commissioning Group recently approved a project plan for the Children with Complex Needs programme which will see further roll out of integrated assessment and commissioning of services for this group of children. This programme includes development of a pathway for joint placement monitoring and funding approval as part of the EHC pathway. This will enable health, social care and education services to plan and make decisions together around the needs of children and young people with special educational needs.

Implementation of the SEND reforms continues to be a risk for the CGG and has been identified on the CCG risk register due to the financial and reputational risk of not being able to confirm the health input within required statutory timescales which may result in a judicial review. It is recommended that this remains on the risk register until the health pathway has been implemented in full.

### **2.1. CCG's responsibility**

Key progress against the CCG's responsibilities is as follows:

#### **2.1.1. Local Offer**

The Local Offer provides details of a number of health services provided by SCH FT; SHSC FT and the CCG and has recently been reviewed and there are pending plans to update it. Further work is needed to develop and expand the local offer following the review of its content, in particular guidance is needed around PHBs and role of private providers in the EHC Plan Pathway.

### **2.1.2. EHC Plan Process**

An interim health EHC assessment and planning process is in place, to enable the short term management of conversions and new requests.

A Health Task and Finish Group was established in November 2015 to develop a new pathway from April 2016. This group has involved representation from a range of health services from Sheffield Children's FT and Sheffield Health and Social Care Trust and is chaired by the CCG's Clinical Director for Children, Young People and Maternity.

The group has completed development of a new pathway which will be tested and reviewed over a 12 month period. The keys areas of changes include:

- A single point of access within health services to gather information required in relation to the EHCP Process. This will provide a central point of contact within health for individual cases and a single point to monitor the collection of health data to support the plan.
- A template for the collection of essential information at key stages in the process; this will ensure the right information is provided in a useful format for the Council's SEN Team.
- Agreement has been reached that health professionals do not need to be present at the request-to-assess stage.
- The CCG will not commission medical assessments by community paediatricians as a standard part of the EHC plans. This will be required for those children and young people new to city and where the school, family or professionals working with the child/young person believe there are health needs not being met will a medical assessment take place. For all other children and young people input will be sought from those health professionals already working with the child.

The role of GPs in this process is likely to be required in only a small number of cases and the details are yet to be finalised and negotiated with the LMC.

### **2.1.3. Designated Medical Officer (DMO) Function**

The role of the DMO has been agreed, Dr Harrower Consultant Paediatrician from SC NHS FT is in post and providing this function commissioned by the CCG. Dr Harrower plays a key role on the Health Task and Finish Group and his role will be reviewed once the new pathway has been implemented.

### **2.1.4. Joint commissioning**

Work is commencing to bring together the assessment and decision-making function for children and young people requiring additional packages of support required via CHC, EHC plans and social care placements. This programme is being overseen by the Children's Joint Commissioning Group. It is hoped that this will facilitate improved joint planning for Children and young people with complex needs, speedier decision-making and a reduction in out-of-city placements. As part of this, a placement monitoring panel has been established to enable review of specialist placements and provision to be monitored jointly.

Further work is planned to review the change in needs of provision as the process of EHC plans is embedded this will inform next stage plans for joint commissioning in regards to joining up the pathways for PHB and direct payments.

### **3. Next Steps**

- 3.1. Agree an operational plan with providers for full implementation of the new pathway. Alongside this will be an activity monitoring plans to support evaluation of the pathway.
- 3.2. Finalise and agree the role of GPs in the EHC Plan process with the LMC.
- 3.3. Continue to work in partnership with the local authority and providers to prepare for the joint CQC/Ofsted inspection.
- 3.4. Further develop the plans around joint commissioning of provision for SEND groups.

### **Recommendations**

The Governing Body is asked to:

- Note the progress made in delivering the reforms and next steps
- Receive an update in October 2016.

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