

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

Item 15g

Governing Body meeting

3 March 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; however at this stage they are not quantified, as the impact on changes in pathways is not yet agreed.	
<b>Audit Requirement</b>	
<b><u>CCG Objectives</u></b>	
<b><i>Which of the CCG's objectives does this paper support?</i></b>	
2. To improve the quality and equity of healthcare in Sheffield	
<b><u>Equality impact assessment</u></b>	
<b><i>Have you carried out an Equality Impact Assessment and is it attached?</i></b> No	
<b><i>If not, why not?</i></b>	
Not applicable at this stage	
<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 at all stages. A SEND co-production group has been formed as part of the programme of work; 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 June 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 October 2015. 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 weeks. DfE have been actively monitoring Sheffield's performance through regular visits and target settings.

A SEND Health task group has been established to progress the work to engage health services and develop a pathway for health involvement in the process of developing EHC Plans.

A data matching exercise between the Local Authority, Sheffield Children's FT and Sheffield Health and Social Care FT was completed during the summer time which provided some useful information around the level of health involvement in the SEN statement population which were converting to EHC Plans. This data has been used by the Task Group to inform the pathway development.

A joint CQC and OFSTED inspection framework was published for consultation towards the end of 2015 and the final version is expected to be confirmed soon. The inspection regime is expected to commence in May and Sheffield is likely to be one of the first areas inspected. A SEND Inspection Readiness Group is being established and a self-evaluation framework is being compiled over the coming weeks to prepare for this.

Further work has been completed on the 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.

The governance arrangements have changed with the SEND programme board in the local authority being stood down and the forming of a new inclusion board which covers the further implementation of the reforms.

Implementation of the SEND reforms continues to be a risk for the CCG 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 finalised and approved.

### **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.

#### **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 have been meeting since 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 almost completed development of the 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 is reviewing the purpose and use of medicals undertaken by community paediatricians in relation to EHC plans. This work may lead to a commissioning change during 2016/17.

The pathway will be completed by April 2016.

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

The role of the DMO has been finalised, Dr Harrower Consultant Paediatrician from SC NHS FT is in post and providing this function commissioned by the CCG. Dr Harrower has plays a key role on the Health Task and Finish Group.

#### **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. 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 also 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. Finalise the health pathway and commence implementation with communications to all services affected. Alongside this will be an activity monitoring plans to support evaluation of the pathway.
- 3.2. Prepare for the inspection through completion of self-evaluation framework in partnership with the Local Authority and providers.
- 3.3. Further develop the plans around joint commissioning of provision for SEND groups.

#### **4. Recommendations**

The Governing Body is asked to:

- Note the progress made in delivering the reforms and next steps
- Receive an update in June 2016 which will particularly focus on preparedness for inspection.

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