

<b>Item No.</b> 6	<b>Classification:</b> Open	<b>Date:</b> Jan 2015	<b>Meeting Name:</b> Scrutiny
<b>Report title:</b>		Implementation of the SEND provisions of the Children and Families Act 2014	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Merril Haeusler	

## RECOMMENDATION

That committee notes the report on the SEND changes and how Southwark is implementing the requirements of the Children and Families Act and SEN regulations.

## BACKGROUND INFORMATION

1. The Special Educational Needs (SEN) and Disability (D) provisions (SEND) set out in Part 3 of the Children and Families Act 2014, came into force on 1<sup>st</sup> September 2014. They represent the biggest change in SEND legislation for 30 years and have been further clarified by the 0-25 SEN Code of Practice issued in July 2014 and the SEN Regulations issued in August 2014.

The reforms extend provision from birth to 25 years of age and extend rights and protections to young people by introducing a new Education, Health and Care plan replacing SEN statements. Professionals will also provide more tailored support to families, providing help and assistance as appropriate and relevant to needs. The Department of Education has also worked with Mencap to publish easy to read guides for young people with SEND and their parents that explain the reforms to the system.

The key themes arising from this change, and for implementation are:

- To place families, parents and young people at the heart of the changes using a 'person centered' approach;
- A coordinated assessment leading to an outcome focused integrated Education, Health and Care Plan (EHCP) from 0-25 years;
- An EHCP that offers statutory protection for the provision identified and redress to the SEND tribunal from 0-25.
- Jointly commissioned services between the LA (education, social care adults and children's) and health;
- A Local Offer setting out all services available to families, children, parents and young people with SEND from 0-25 and how services are accessed across Education, Health and Social Care.
- The right to request a personal budget for services identified in the EHCP, extending choice and control;
- Bringing all schools, nurseries and FE providers under the same SEND legislation and responsibilities (including academies and free schools)

- Increased access to information, advice and support for parents, carers and young people aged 0-25.
2. Since September 2013 Southwark has been preparing for the implementation of the new provisions. This has been an enormous task and between September 2013-July 2014, the work was led by the SEND Implementation Board, chaired by the Director of Education. A number of work streams were established to focus on the various aspects of the changes and these fed information back into the Board for decision making. This ensured the workload was manageable and all necessary actions were being taken in readiness for the September 2014 start. The majority of the work streams have now completed their tasks but the Board continues to monitor implementation and address them as they emerge.

The workstreams focused on

- Developing a new assessment process and coordinated plan
- The Local Offer and developing the market place
- Personal Budgets
- Developing the life-long pathway (Asd Strategy)
- Preparation for adulthood

At least 2 parent/carers were represented on all workstreams.

### **Consultation with parents and young people.**

3. To prepare for the changes Southwark's Information, Advice and Support (SIAS) Team (formerly known as the parent partnership service) consulted with over 400 parents and young people across the borough to find out what they wanted the Local Offer to look like in Southwark. Parents and Young People attended focus groups and events, completed surveys and took part in working groups to help ensure that services were designed for maximum benefit from September 2014.. The comments, suggestions and views of parents and young people were used as a foundation during the implementation and design phase of the SEND reforms. In addition over 250 young people and parents provided input through on line questionnaires, focus group discussions and through liaison with schools. All Southwark special schools have been visited to discuss changes and needs with the Head Teacher and SENCO's. 16 consultations were held in schools providing opportunity for parents and teachers to add pupil voices and approximately 80 young people contributed to the shaping of the Local Offer.

SIAS is planning regular events to ensure that co-production partnership, planning and delivery is part of our ongoing development of services for children, young people and their families.

Letters were sent to approx 300 parents of children with disabilities, and young people, informing them of the SEND agenda and inviting them to a market place event providing an opportunity for them to meet providers of services for children with disabilities. The purpose of the event was to ensure open communication and clarify any questions parents/carers raised .

## **The Local Offer (LO)**

4. Council's must provide information about all of its services for children and young people with SEND in one accessible place. Southwark's Local Offer is now available [www.localoffer.southwark.gov.uk](http://www.localoffer.southwark.gov.uk). The LO provides information for parents, young people and professionals on all aspects of SEND from 0-25. Information can be found in the following categories:
  - Education (mainstream schools, specialist schools, applying for schools, early years, education funding, specialist services offered by the council, learning choices at 16+, supplementary education, alternative provision, exclusions)
  - Health and wellbeing (emotional wellbeing, support for siblings, sunshine house services, therapy services explained)
  - Care (carers: including young carers, children with disability service, getting a break from caring, social care OT team, transition team)
  - Education, Health and Care Plans (Appeals, FAQ'S, Transfer to EHC, Requesting an EHC, annual reviews)
  - Growing up
  - Transport (transport to school, parking, independent travel training, other useful information)
  - Employment (apprenticeships, employment advice, training, volunteering) Training, drop ins and events (drop ins, parenting programs, training workshops and personal development)
  - Leisure (afterschool and youth clubs, art and music, holiday play and activities, libraries and sport)
  - Housing (advice, independent living)
  - Information, advice and support (advocacy, mediation and disagreement resolution, Disability benefits advice, individual support for families, support groups for parents and young people, personal budgets)
  - Have your say (forums, get involved in the offer, complaints)
5. The SIAS Team has worked with over 800 parents and young people in the first 3 months either by providing 1:1 support at the drop in services or meetings, phone advice, attendance at seminars and information events. The team has held held 32 training sessions for parents and professionals this term focusing on the SEND reforms. There have been 5,092 page visits to our local offer website since it was launched.

Young People indicated that they wanted a separate Local Offer especially for Young People. This work has commenced and Southwark's Youth Offer will be launched in March 2015.

## **School's Information Report (Local Offer)**

6. All Southwark school websites have been audited to check compliance with the SEND Code of Practice, which requires publication of the schools SEN Information report (Local Offer). All schools have had feedback on their publication and support is being offered to those that require it, with a view to having all schools compliant by Easter.

## **The Education, Health & Care Plan (EHCP)**

7. Working with social care, health colleagues and parents, the SEN team designed a new assessment process and EHC plan. It dovetails with assessments carried out by social care and is contributed to by health professionals. The assessment and plan was trialed prior to full implementation in September 2014. Parents designed a leaflet explaining the process for potential new cases, in order to ensure they were familiar with the assessment criteria and what they might expect throughout the assessment process. In addition, 43 consultation sessions were held with parents, carers and young people, involving 513 consultees providing input to the development of the EHC plan and the content of the Local Offer. Sessions also included briefings and information sessions on the new requirements and changes to traditional practice. To date 22 EHC Plans have been finalised within the 20 week period, and 31 are at the last stage of finalisation. Thirty three plans are in the co production stage. Initial feedback from parents on the new process is very positive. The DFE considered Southwark's EHC Plan as a good example when a case study was requested and it has been published on the pathfinder website.
  
8. In addition to the new process, the LA must transfer all existing statements to EHCPs within 3.5 years. A transfer plan has been written and published on the Local Offer (see Appendix 1).. Southwark has over 1,500 statements to transfer. The priority for this year is Year 11, sixth formers moving on and year 5. If there is capacity Year 9 and Year 2 will be the next groups to transfer. In addition many young people with Learning Difficulty Assessments post 16 will also request an EHCP to continue in education. In the first term, Southwark has commenced over 200 transfers with a third of these complete. The new process is significantly more 'person centered' and "labour intensive", requiring the trust of the family throughout the process and in co-producing the EHCP with the family. Meeting the 20 week assessment and plan timeline has been very challenging in our first term of operation. The team is committed to securing well written, consistent plans of high quality, establishing a high standard, and this is the focus of our first year of work.
  
9. The facilitation of SEN Young People Post 16 from school to Further Education and Training has been a major priority. Over 200 young people have been moved in to FE provision in the last 18 months. The Council uses a range of post 16 providers. The local providers are variable in quality but there are also good and outstanding providers that are available locally. The local Independent Specialist College, Orchard Hill is judged 'outstanding' and NASH is judged 'good'. Bromley College is judged 'good' and all are used.
  
10. We have made funding available to support children in the early years who may require additional support but who at this stage do not have an EHC plan. This funding can be applied for by all early years settings including the private and voluntary sectors. In addition the Early Help Service works with families where there are early indicators of a special educational need and can support

families through the EHC assessment process and beyond if required.

### **Personal Budgets (PB)**

11. A personal budget is the total amount of money per year that is allocated to meet the needs of children and young people. A PB offers more flexibility, choice and control about what works best by involving the family at the outset in identifying needs and determining the best individual support. This is done through an individual assessment by a social worker as part of the EHC plan or at any time a Personal Budget is requested. Once the assessment is complete a budget is allocated to the child/young person using a "Resource Allocation System" (RAS), a formulae used to calculate the sum of money rather than the previously used "hours of home care" or "days of day care". Once clear about the amount of money available as a Personal Budget the parent/carer and/or young person is able to complete a support plan, with the help of the social worker, and with reference to services available on the Local Offer.
12. The agreed support plan must meet the identified needs and stated outcomes for the child or young person before the services are put in place. Personal Budgets are paid into a bank account or managed on the child/young person's behalf by the local authority or an agreed managed service. Cash payments are not made.
13. In order to ensure that families being introduced to Personal Budgets feel well informed about the possibilities now open to them a range of activities has taken place:-
  - The Personal Budget workstream that included Education, Health and Social Care professionals, and parents who were part of the Parent Carer's Council, advised on the assessment process and suggested various helpful tools. Parents helped produce a parent's flyer and guide to Personalisation and the Personal Budget Policy.
  - In addition to the various SEND events across the authority the Children with Disabilities service held two information sessions to focus on SEND and Personal Budgets. The events were attended by 32 parents of children receiving care packages. Although these events did not lead to requests for Personal Budgets, 5 parents expressed their interest in support planning training and are currently receiving this with a view to requesting a Personal Budgets for their children. The Local Offer has been highlighted as an important tool for parents and young people as it offers a menu of services providing families with options and suggestions for alternative uses for Personal budgets.
14. The development of personal budgets is well underway. Social Care are the most advanced in this area with personal budgets for health services only being available to those who meet continuing care criteria. Personal budgets for educational services is a very new and developing area. Some families have personal budgets for home to school transport. Personal budgets as part of the EHCP process are beginning to be requested and policy in this area continues to be developed.

15. Social care personal budgets have already been provided in adult social care for three years, and offered by the transition team for young people from 16yrs+ since the team commenced operation in January 2013. Personal budgets are now being offered for children with disabilities and social care needs. The CCG is also offering personal budgets for children and young people who meet the criteria for NHS continuing healthcare

### **Preparing for adulthood**

16. A Preparing for Adulthood programme has been established to ensure aspirations are raised and the system is oriented to support young people with SEND to transition into adulthood successfully and meet their full potential. The council is working with the National Development Team for inclusion (NDTi) who run the national Preparing for Adulthood programme for the Department for Education to assist with the local programme, ensuring Southwark can learn from best practice elsewhere and benefit from external expertise and challenge. The council has identified a small group of 15 young people with SEND who as part of the project with NDTi will be supported to develop person centred transition plans that describe the type of support they need to move into adulthood with the following outcomes:

- Employment
- Housing and support
- Friends relationships and community inclusion
- Health and wellbeing

17. From these plans we will identify what is in place in Southwark to help people achieve independence in adulthood and what is missing. We will then work with post 16 providers eg: colleges and other partners, to develop person centered support that helps young people improve their lives. This approach to changing the local system and culture builds on the learning from the national **Getting a Life** programme, focusing on co-production and partnership with young people and families.

In November the Council held a Preparing for Adulthood Stakeholder Visioning event with parents, young people and professionals from the various agencies and support providers to coproduce a Southwark vision. The vision has been recorded in a video and placed on the Local Offer website, so that it is easily accessible to young people with SEND and their families and local professionals. The first of four workshops has already taken place to address the changes needed to help people achieve the life outcomes, beginning with the employment pathway. Actions arising from these events with stakeholders will be overseen by the Preparing for Adulthood Steering Group, chaired by the Head of Disability and Independent Living in adults services, with parent representatives and professionals, and ensure delivery of better information and stronger community service.

### **Joint Commissioning**

18. There is a new requirement to ensure joint commissioning arrangements for education, health and social care, in particular to:

- Secure the EHC needs assessment
- Secure the provision required as a result of the assessment
- Agree Personal Budgets

Additionally, there is a need to agree how provision will be secured and how disputes between the parties will be resolved.

Southwark Council and NHS Southwark Clinical Commissioning Group (CCG) have a good history of joint working and commissioning. There is already in place a comprehensive s75 agreement which enables joint commissioning, with clear governance and management of the arrangements. It also includes the process for managing any disputes.

This agreement enables us to rapidly set up joint commissioning arrangements for provision that is identified during the EHC process. As more of these assessments are completed, we will be able to identify key areas and outcomes that are being identified and look to strategically commission services to help achieve those outcomes. We will utilise the information we have from our consultation events to identify initial areas to explore joint commissioning in the coming months (e.g.issues with access to and experiences of therapies have been a common theme across our consultation to date, and we will explore joint commissioning opportunities to help address those issues).

## **Workforce Development**

19. Five training sessions have taken place to communicate information about the SEND changes to a range of stakeholders including staff in schools. These sessions briefed staff on the SEND reform as well as providing change management training for staff. There have been information and consultation sessions for Head Teachers, School Governors, FE providers, preschool providers, parents, young people and all professional groups in health, education and social care as well as the voluntary sector. This will continue as there remains an ongoing task of information sharing and cultural change that will take time to embed. Workforce reform remains an ongoing issue and the SEN Team has been undergoing a reorganisation and retraining to align itself better with the new ways of working.
20. SEND briefing sessions have also been delivered to Social Care staff, and 'identifying good outcomes' national training will be delivered in February for key champions who will be expected to cascade this training to professionals within their respective service area.
21. The social workers in the Children with Disabilities service have received personal budget and support planning training as all the children supported by this service will be eligible to receive Personal Budgets. There are currently 142 children with disabilities receiving care packages with nearly half in receipt of direct payments which allows them to procure services in the form of carers for their child. Personal budgets will provide the opportunity to procure other types of services for children and young people within their own communities enabling them to progress, make friends, build relationships and achieve good outcomes. Over the next year the Children with Disabilities service plans to support parents to transfer from direct payments to Personal Budgets.

## Policy implications

22. The SEND changes instigated through Government Policy and the Children's and Families Act reflect the Council's commitment to equality and diversity and are about young people with SEND and their families taking ownership of their lives and having local services available for them to live happy, healthy and fulfilled lives reaching their full educational potential. This fits well the Council's Fairer Future ethos and it is reflected in the Children's Plan.

## Resource Implications

23. In order to implement the new reforms, there have been considerable workforce changes, developing the skills and expertise of staff to work with parent/carers in a different way to that which they have in the past. An increase in the number of Educational Psychologists has been required in order to conduct assessments for transfers from Statements to EHC Plans. A priority has been to skill SENCO's in schools to take increased responsibility for the development of plans and to assist in transfers. This has required additional training and support for school staff.

The DFE has provided a one off Reform grant to assist with preparation of the new requirement (£577,000) and an implementation grant (£302,786) to support Local Authorities for the implementation period. Additionally £100,000 has been allocated by Southwark as Core budget to help implement these changes.

It is expected then, the LA will absorb the new requirements and practice into their traditional budgets.

## APPENDICES

No.	Title
Appendix 1	Transfer Plan
Appendix 2	Quarterly Report for Southwark Information, Advice and Support Team
Appendix 3	



## AUDIT TRAIL

<b>Lead Officer</b>	Merril Haeusler	
<b>Report Author</b>	Merril Haeusler	
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<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Legal Services	No	No
Strategic Director of Finance and Corporate Services	No	No
Other officers:		
Yvonne Ely	Yes	Yes
Peta Smith	Yes	Yes
Alex Laidler	Yes	Yes
Cara Jones	Yes	Yes
<b>Cabinet Member</b>	Yes	No
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