

<b>CREATING OPPORTUNITIES AND TACKLING INEQUALITIES SCRUTINY COMMITTEE</b>	<b>Agenda Item No. 7</b>
<b>9 MARCH 2015</b>	<b>Public Report</b>

## **Report of the Corporate Director for People and Communities**

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### **SPECIAL EDUCATIONAL NEEDS AND DISABILITIES REFORMS UPDATE**

#### **1. PURPOSE**

- 1.1 This report provides an update on progress made towards implementing the Special Educational Needs and Disabilities (SEND) reforms in Peterborough.

#### **2. RECOMMENDATIONS**

- 2.1 That the Committee notes the content of this report and scrutinises the progress being made towards implementation of the SEND reforms in Peterborough.

#### **3. LINKS TO THE SUSTAINABLE COMMUNITY STRATEGY**

- 2.2 The SEND reforms support children, young people and families who are affected by special educational needs or disabilities, and are designed to ensure everyone can access information and services that are the most relevant, meaningful and helpful. Supporting all of our citizens to play a full and active part in society is a fundamental principle of the Sustainable Community Strategy, and these reforms therefore contribute towards this principle.

#### **4. BACKGROUND**

- 2.3 The Children and Families Act 2014 introduced far reaching changes in the way that children and young people with special educational needs and/or disabilities and their families are to be supported. The implementation date for most of the changes under this piece of legislation and the associated codes of practice was the 1<sup>st</sup> of September 2014.
- 2.4 Officers provided a comprehensive report to this Committee in September 2014 which gave context and background to the new legislation, and set out the ways in which its implementation was being carried out in Peterborough.
- 2.5 By way of reminder, the Act was introduced to help to deal with some of the deficiencies of the previous system, which was experienced by many parents and families as confusing and often adversarial. Parents reported that they often felt that they had to fight in order to obtain support for their child, and that they were rarely offered choice about the support that they could access. The transition between children's and adult services was also reportedly experienced as highly traumatic for many families.
- 2.6 In response to these challenges, the Act established a number of underpinning principles, including:
- family centred assessments and planning, placing children, young parents and their families at the centre
  - the expectation that children, young people and their families know what is available locally to support them and that they are able to exercise choice and control over how they use these services

- the principle of transparency so that parents and their children understand what support is offered by schools, health and council services and any associated eligibility criteria
- the principle that assessment and care planning for children and young people is carried out in an integrated way in genuine partnership, and meets the needs of children and young people from 0-25
- the principle that as far as is possible, parents and their children can opt to receive a personal budget which they can use to plan their own care and support packages
- the highest possible expectations and aspirations for what all children and young people can achieve and a focus on how joint commissioning of services supports these aspirations through focusing on long term outcomes for children and young people

2.7 This report provides an update on implementing the reforms in Peterborough.

## 5. KEY ISSUES

### 2.8 Local Offer

2.8.1 The Local Offer provides information about services, facilities, activities and support available for children, young people and their families across Peterborough and in our adjoining areas.

2.8.2 The legislation sets out what *must* be contained within the Local Offer, as well as what *should* be contained within it. These requirements include information relating to:

- special educational provision
- health services
- social care services
- other educational provision
- training
- travel arrangements for children and young people to schools, colleges and early years education settings
- preparing for adulthood, including housing, employment and leisure opportunities

5.1.3 Peterborough's Local Offer went live on 1<sup>st</sup> September 2014 and can be found by searching the City Council web site. Officers reported previously that the launch of the Local Offer was the first phase of ongoing work to create a more dynamic and interactive version. This work has been the focus of this workstream since September, and we are now close to launching the second and final version of the Local Offer. Its launch is aligned to the release of the Council's new website which is now expected to be during March 2015.

5.1.4 Alongside this, the content on the Local Offer has continued to be developed and grown, with more and more information being added to it. This process will continue as 'business as usual' activity so that the widest possible range of information is available which is both current and relevant.

5.1.5 Critically, the Local Offer, as with all other aspects of the reforms, continues to be co-produced with Family Voice Peterborough. This relationship will continue in order to ensure the needs of parents and families is utmost in our planning, design and delivery.

### 2.9 Engagement and Participation

2.9.1 A further requirement of the SEND reforms is to ensure that there is a clear and robust mechanism in place to engage with children, young people and their families and to provide opportunities for them to participate in design and decision making across all aspects of the reform agenda and beyond.

2.9.2 The Council is developing an overarching Customer Strategy which will set out the core principles and methodologies for ensuring we are a customer-focussed organisation. With our partners, including Family Voice, we have agreed to develop a SEND-specific engagement

strategy as a subset of the overarching Strategy document. In the interim and as reported last year we have adopted a short Charter which sets out the principles of collaboration with families, and this is modelled on an approach taken by Brighton and Hove Council during the pathfinder phase of the reforms.

## **2.10 Personal Budgets**

- 2.10.1 One of the main elements of the SEND reforms is the expansion in the role of personal budgets in the way that support services are provided to children and young people with special educational needs and disabilities and their families.
- 2.10.2 Since September 2014, any child and their family who is in receipt of services through an EHC [or who has a Statement of Special Educational Needs] can request a personal budget. Personal health care budgets are already available for children and young people who meet continuing healthcare criteria, and this will be extended from April 2015 to include all children and young people with a long term condition who would benefit from a personal health care budget.
- 2.10.3 A personal budget can be funded from budgets associated with providing social care/family support, health care support and funding from the education high needs block. The latter is the budget that funds services to meet the needs of children and young people in education that cannot be met by the schools' delegated funding alone. If the school or college agrees, the base and notional SEN funding for a particular pupil can also be used towards a personal budget. Local authorities are under a duty to prepare a personal budget if requested to do so.
- 2.10.4 Families could, for example, decide that they want to employ their own support workers to provide care and support to their child. With the agreement of the school, this could mean that the child or young person has the same people supporting them in the child and home environments, providing a better continuity of care than is often the case where the school appoints separate support workers who work with children only in the school setting.
- 2.10.5 A workgroup is currently exploring some of the finer details relating to the development of Personal Budgets in Peterborough. This group includes extensive input from Family Voice. It is currently exploring which elements of health services can be included within a personal budget and which of these, if any, could potentially be provided as a direct payment.
- 2.10.6 The group is also working to explore differences between processes within Children's and Adults' services. These discussions include exploring equalising the hourly rates of direct payments for personal care between Children's Services and Adult Services – the rates paid by Adult's Services are currently slightly higher than those paid by Children's Services.

## **2.11 Education, Health and Care Plans**

- 2.11.1 The council has been supporting parents and children through the Education, Health and Care Plan process since the beginning of September.
- 2.11.2 To give a context, during the academic year 2013.2014 there were 151 requests for SEN statement assessments. Of this number, 104 requests proceeded to become statements. Since September 2014 there have been 97 requests for EHC assessments. 64 are proceeding to be assessed under EHC's. Parental feedback has been positive to date and will continue to be monitored. Schools are working well with the changes and we are proposing to arrange further briefings for school staff and other professionals in early May to ensure all fully understand the changes. In addition, we have reviewed the implementation timetable (i.e. where statements move over to EHC's) and have made some changes. The transition needs to take place over the next 3 years. Following consultation with stakeholders, we will publish our new timetable to parents, schools and other settings before the end of March.
- 2.11.3 We are pleased to announce that Sheelagh Sullivan has joined the council as Head of SEN and Inclusion. Her previous employment was at Hertfordshire County Council which has been one of

the SEND pathfinder authorities so brings with her a wealth of knowledge and experience on implementing the SEND reforms.

2.11.4 The authority has received two grants to support the implementation of the SEND reforms – one for implementation process and the other for the new burdens resulting from the change in legislation. We have received a total of £508k for this in 2014-15. To date, the ongoing funding for Peterborough has been announced as £140k. The funding has been spent on a number of different areas including project management, support for our parent forum (Family Voice), independent supporter training, a new system for recording EHC's, additional staff to support the Education, Health and Care Plan process and additional education psychologists. Further expenditure will be made on training and support the ICT costs of operating the Local Offer.

2.11.5 The additional workload as a result of the reforms continues to be monitored as new processes embed.

## **6. IMPLICATIONS**

6.1 The programme to implement all aspects of the SEND reforms continues on target, and there remains a robust governance structure in place to ensure any issues are identified and resolved quickly. Any suggestions or recommendations made by the Committee to further improve or enhance our response to the reforms will be taken through the established programme governance framework.

## **7. CONSULTATION**

7.1 The Council has continued to work closely with a wide range of partner agencies and representatives of parents in the planning and implementation of the SEND reform programme. This approach will continue in order that key aspects of the reforms, for example the Local Offer, continue to evolve and develop to meet the needs of everyone who is affected by them.

## **8. EXPECTED OUTCOMES**

8.1 Work to continue to develop and implement all aspects of the reforms will continue.

## **9. NEXT STEPS**

9.1 The SEND reform programme board and associated working groups will continue to meet to ensure the reforms become appropriately embedded and that children, young people and families are able to access the right services more easily.

## **10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 None

## **11. APPENDICES**

11.1 None