



REFORMS TO ASSESSMENT AND SERVICE PROVISION FOR CHILDREN & YOUNG PEOPLE WHO HAVE SPECIAL EDUCATIONAL NEEDS AND/OR DISABILITIES RESULTING FROM THE CHILDREN & FAMILIES ACT, 2014

Cllr John Holdich, Cabinet Member for Education, Skills and University

DATE: OCTOBER 2014

Deadline date: N/A

Cabinet portfolio holder:	Councillor John Holdich, Cabinet Member for Education, Skills and University Wendi Ogle-Welbourn; Jonathan Lewis
Responsible Director(s):	
Is this a Key Decision?	NO If yes has it been included on the Forward Plan : Yes/No Unique Key decision Reference from Forward Plan : n/a
Is this decision eligible for call-in?	Yes
Does this Public report have any annex that contains exempt information?	No

R E C O M M E N D A T I O N S

The Cabinet Member is recommended to support the decision to implement the revised statutory duties that apply to the Council under the Children and Families Act 2014, noting the very significant contribution made to the implementation programme by Family Voice Peterborough

1. SUMMARY OF MAIN ISSUES

- 1.1. The Children and Families Act 2014 introduces 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 is from September 2014.
- 1.2. The timeframe for implementing the changes has been very short; the codes of practice associated with the legislation were published during 2014, for example.
- 1.3. In Peterborough, the Director of Communities led an implementation programme, supported by the Cabinet Member for Education, Skills and University. Three work streams have been established and led respectively by the Assistant Director for Learning, the Deputy Director for Communities, and the Assistant Director, Specialist Commissioning. Each of these work-streams has been supported by Family Voice – parent representative group, ensuring co-production of the required changes.
- 1.4. This report summarises the main changes in the 2014 Act and the key actions taken in the City to ensure that the Council and the key partners involved – schools, colleges, health commissioners and providers - are ready for implementation.
- 1.5. The 2014 Act has been enacted in order 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 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 experienced as highly traumatic for many families. Finally, despite almost £5billion being spent on special educational need provision by local authorities alone, children and young people with special educational needs have been far less likely to succeed well in education than their peers. These issues affect a large number of children and families; approximately 20% of all children and young people are currently identified as having some form of special educational need, with just under 3% having the most complex of needs that lead to them being supported through a Statement of Special Educational Needs.
- 1.6. In response to these challenges, the 2014 Act establishes a number of underpinning principles, including:
 - Establishing the principles of 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.
- 1.7. To ensure that all partners are ready for the September implementation date, three principal work-streams were established in March 2014. The first of these has focused on the requirements within the legislation to publicise the support available locally for children and young people with special educational needs and/or disabilities and their families – this is called 'The Local Offer'.
- 1.8. Under the legislation, the **Local Offer** is to be implemented from September 2014 and local schools and health providers and commissioners must cooperate with the local authority in publishing the local offer. In Peterborough, we have taken the decision to be as inclusive as possible by gathering as much information that we can about services and resources

available to support children, young people and their families. This process has been greatly assisted through the input of Family Voice.

- 1.9. The initial publication of the Local Offer – which will be web-based – will take place from September in line with the legislative requirement. However, development of the local offer will continue over the following few months as we expand the scope of the information available and continue the development of the web-site so that it is as easy to use as possible. We expect most work on the Local Offer to have concluded by January 2015, with a fully operational and user friendly information resource available to all who may need it. There will, however, be an on-going need to ensure that the information remains up to date.
- 1.10. The area where the changes brought in by the Act are most significant is in the assessment of need and coordination of support plans for children and young people who have special educational needs and/or disabilities between the ages of 0 and 25.
- 1.11. The new code of practice applies to all state funded schools. Under the code, the role of the Special Educational Needs Coordinator [SENCO] in ensuring that the needs of children and young people in their school are met has been enhanced and this role is now central to ensuring that needs of pupils are being met within any particular school. The categories of School Action and School Action Plus under the old legislation no longer exist, and the funding arrangements for schools have changed in preparation for the implementation of the new legislation.
- 1.12. Schools receive their funding in two notional funding blocks; a base level funding based on the number of pupils and their ages [the AWPU or Age Weighted Pupil Unit] and a notional SEN budget to support the needs of children and young people who, broadly speaking, would previously have been supported through school action or school action plus.
- 1.13. Children and young people with additional needs at this level will usually be supported through a '**Coordinated Plan**'. This is a non-statutory plan that sets out how the child will be supported within the school, together with how any additional health and family support needs will be met.
- 1.14. Children and young people with more complex needs, who will need a level of support beyond what can be funded through the funding delegated to schools, will usually be supported by an **Education, Health and Care Plan** [or EHC]. These replace the old Statements of Special Educational needs are much more holistic than the old statements, which focused largely on how educational needs were to be met. An EHC plan is statutory and there are strict requirements relating to the way that needs are assessed, how parents and their children are involved in the assessments, and how needs are then met through the coordinated delivery of support services.
- 1.15. An Education Health and Care Plan must be completed within a 20 week period and must specify how services will be coordinated in order to meet the health, social care/family support needs and educational needs of the child or young person and their family.
- 1.16. Where a pupil has an EHC plan, schools and colleges will receive additional funding through the 'High Needs Block', which is funding retained by the local authority from the Dedicated Schools Grant. As previously, those children and young people who have needs that cannot be met within maintained schools may attend independent day or boarding schools, the cost of which is also met through the High Needs Block.
- 1.17. From September 2014, no new statements of special educational needs will be undertaken; all new requests for support will be met through the development of an EHC plan. Children and young people who currently have statements must transfer to an EHC plan within three and a half years. The takes place within a 'transition review' and local authorities must have regard to the principles of the new Code of Practice when writing new EHC plans.
- 1.18. In Peterborough, the Assistant Director for Learning has led the work to ensure that schools and other partners are ready for the implementation of Coordinated and EHC plans. New paperwork and associated procedures have been established and a new multi-agency Special Educational Needs and Inclusion panel has been developed to ensure that the needs of pupils who have EHC plans are met in an equitable and person-centred way. Family Voice have again actively contributed to the implementation programme. As is the

case with the Local Offer, there will be an ongoing refining of the processes around Coordinated and EHC plans in the months following the implementation date.

- 1.19. The third work-stream has focused on the development of Personal Budgets, Joint Commissioning and the preparation for independence strands of the 2014 Act. This work stream has been led by the Assistant Director for Commissioning and, as with the other work-streams, Family Voice has had a significant role in assisting and co-producing the necessary changes.
- 1.20. One of the most significant changes undertaken within the remit of the work-stream has been the development and implementation of a new **0-25 service for children and young people with disabilities**. The former Children with Disabilities Team is now managed within Adult Services and is co-located with the former Transitions Team, which was previously the team responsible for helping to plan the transition of young people from children's into adult services at age 18. The development of the 0-25 service is a significant step in transforming the experience of young people who formerly had to make the transition to adult services at 18.
- 1.21. This work-stream has also overseen the preparative work required to ensure that the Council and our partners are ready to provide **personal budgets** to those children and young people who have special educational needs and/or disabilities and their families and who want to manage their care and support packages in this way.
- 1.22. From September 2014, any child and their family who is in receipt of services through an EHC [or, by extension, 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.
- 1.23. 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.
- 1.24. Families could, for example, decide that they want to employ their own support staff 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.
- 1.25. In Peterborough, a small number of families have agreed to pilot a personal budget so that we have the opportunity to work together to establish the most effective way of supporting families who opt for this in the future. A panel will ensure that funding decisions are considered jointly and fairly. While the parents/family will receive a single payment, behind the scenes we will need to agree how the costs of a personal budget are shared between the funding partners – usually the Council, health commissioners and sometimes the school or college.
- 1.26. A separate and detailed Personal Budgets Policy has been developed in partnership with Family Voice, which draws on the lessons learned from the pilot personal budgets work detailed above.
- 1.27. Many families who may be interested in a personal budget do not want the trouble of employing their own staff. In response to this, a tender is being produced to commission an independent organisation to perform this service. In the meantime, the Peterborough CVS is currently able to offer this support to families, charging a nominal fee to cover costs.
- 1.28. The final element of the work is in relation to the progress being made towards establishing **joint commissioning arrangements**.
- 1.29. The local authority and Clinical Commissioning Group have agreed to establish a Joint Commissioning Unit, which lies within the remit of the Assistant Director for Commissioning

and is accountable to the Children and Families Joint Commissioning Board. The Joint Commissioning Unit will oversee all joint commissioning activities relating to the Special Educational Needs and Disability reforms [among other areas].

- 1.30. The Joint Commissioning Unit will oversee the completion of needs assessments, publicising of commissioning intentions and the development of service specifications and tenders that relate to special educational needs and disabilities. The focus of all commissioning activities will be to ensure that services are accountable for delivering clear outcomes that support the long term health and development needs of the children and young people who access them.
- 1.31. Partners are committed to establishing pooled commissioning budgets through agreements under S75 of the Children Act 2004 wherever possible. However, budgets will be aligned rather than pooled in the first instance.

2. PURPOSE OF THIS REPORT

- 2.1 This report is for the Cabinet Member for Education, Skills and University to consider exercising delegated authority under paragraph 3.4.4 of Part 3 of the constitution in accordance with the terms of their portfolio at paragraph (b).

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO
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4. DETAILS OF DECISION REQUIRED

- 4.1 The Cabinet Member for Education, Skills and University is asked to support the decision to implement the revised statutory duties that apply to the Council under the Children and Families Act 2014 as summarised above.

5. CONSULTATION

- 5.1 There has been a widespread consultation programme in relation to the proposals to make the changes required under the Children and Families Act, 2014. This has included:
 - The participation of the Cabinet Member for Education, Skills and University in the over-arching project group responsible for implementing the required changes;
 - Co-production of materials, procedures, the local offer and other aspects of the change through the full and very helpful input of Family Voice, which has facilitated consultation with a wide range of parents through such innovative approaches as establishing a pop-up shop in the City centre open to parents to ask questions and become involved;
 - A programme of engagement with children and young people;
 - Very helpful and positive engagement by schools through a consultation programme with head teachers and Special Educational Needs' Coordinators;
 - Involvement in the relevant project groups by a wide range of stakeholders from key partner agencies;
 - Sponsorship, monitoring, advice and support through the Department for Education which has been both helpful and also very positive about the commitment to implementing the changes in the City and the progress made.
- 5.2 The Act emphasises the importance of co-production with families and this has been a real success story in the City through the support and good will of Family Voice in particular. When faced with having to make significant changes quickly, consultation and participation with those people who will be using the services is often the first area to be compromised. It is really worth noting that despite the tight timeframes involved in preparing for the changes arising from the 2014 Act, consultation and participation have remained central to the work.

6. ANTICIPATED OUTCOMES

- 6.1 That the local authority is prepared to meet its' statutory obligations under the 2014 Act from the date of implementation, which is from September 2014.

7. REASONS FOR RECOMMENDATIONS & ANY RELEVANT BACKGROUND INFORMATION

- 7.1. The recommendations summarise the significant amount of preparatory work to enable the Council to meet our statutory obligations. However, the work has achieved more than this minimum; the development of the 0-25 service, for example, places the Council in a very strong position to better meet the needs of young people and their families as they move into adulthood. It enables services to respond to the individual needs of the young person as they mature, rather than being organised around a fixed chronological age of 18 or 19.
- 7.2. Similarly, the work undertaken in relation to the requirement to publish a local offer will form the core of a much wider council-wide approach to providing our citizens with the information that they need in order that they are in a stronger position to help themselves.
- 7.3. Placing co-production with families at the core of the programme to implement the reforms also places the local authority and its' partners in a very strong place to ensure that the cultural and practice changes that the legislation is intended to bring about – greater transparency, flexibility, choice and personalisation are embedded in Peterborough.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 The above changes reflect changes in statutory duties affecting local authorities and their partners, including schools; alternative options would result in the Council failing to fulfil our statutory obligations.

9. IMPLICATIONS

- 9.1. The Council has received a £578k central government grant to assist in the implementation of the reforms and further funding is expected to be received in 2015/16 to support the additional staffing costs from the reforms.
- 9.2. More broadly, the Government view is that the changes being brought in under this legislation on supporting children and young people should largely be cost neutral. There is no expectation, for example, that there will be any significant changes to thresholds for services as a result of these changes.
- 9.3. However, the implementation of the Act is likely to have led to an increased level of expectation about the type, variety and amount of support that will be available, which will require some careful management.
- 9.4. The increased emphasis on personalisation and flexibility of support offered to families and children may result in some areas of increased expenditure. There may be a need for some additional capacity to ensure that plans are properly coordinated and that families are fully involved in their development and review, for example.
- 9.5. However, the expectation is that any increases in costs in some areas will be offset by greater efficiencies and less duplication resulting from improved joint commissioning and better working arrangements between the Council and our key partners. The majority of costs relating to the reforms are charged to the High Needs Block of the Dedicated Schools Grant (Circa £25m annual grant).

10. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED

- 10.1 None.

11. BACKGROUND DOCUMENTS

None