

# SPECIAL EDUCATIONAL NEEDS AND DISABILITIES REFORMS

<b>Relevant Board Member(s)</b>	Councillor David Simmonds CBE Councillor Philip Corthorne
<b>Organisation</b>	London Borough of Hillingdon
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<b>Papers with report</b>	Draft Joint Commissioning Strategy Disabled Children's Charter

## 1. HEADLINE INFORMATION

<b>Summary</b>	<p>The Children and Families Act 2014 introduced significant changes to the legislative framework for children and young people with special educational needs and disabilities. These reforms impact on the local authority, clinical commissioning group, health provider, education settings and other partners.</p> <p>This report provides an update on the progress across the partnership in implementing these reforms.</p> <p>The principles detailed in the Joint Commissioning Strategy and the core commitments of the Disabled Children's Charter underpin and support the approach the local authority is taking in meeting the requirements of the new legislative framework.</p>
<b>Contribution to plans and strategies</b>	<ol style="list-style-type: none"><li>1. Children and Families Act 2014</li><li>2. SEN Policy</li><li>3. Inclusion Policy</li></ol>
<b>Financial Cost</b>	<p>The cost of implementing the reforms within the local authority is being met through specific Government Grants, which are held in an Earmarked Reserve.</p> <p>There is a 3.5 year transition period to full implementation of the reforms and it is clear that there will be some ongoing additional costs such as the requirement to provide a mediation service. These costs are being covered through new burdens funding.</p> <p>It should be noted that the Joint Commissioning Strategy (SEND Reforms, below) does not represent any financial commitment. It sets out the principles by which LBH and the CCG agree to work together.</p>
<b>Ward(s) affected</b>	All

## **2. RECOMMENDATIONS**

That the Health and Wellbeing Board:

1. Notes progress on the SEND Reforms
2. Approves the LBH/CCG Joint Commissioning Strategy
3. Adopts and signs the Disabled Children's Charter

## **3. INFORMATION**

### **3.1 SEND REFORMS**

The Children and Families Act came into effect on the 1<sup>st</sup> September 2014. Consequently the SEN Code of Practice 2001 was replaced with the SEN/D Code of Practice 2014 (CoP), bringing with it a range of new statutory requirements for local authorities to develop working practices and procedures relating to four key themes in particular:

1. having regard to the principles in section 19 of the Act, including that children, young people (0-25) and their parents should fully participate in the decisions that affect them including the offer of **personal budgets**;
2. publishing an initial **Local Offer** on their website;
3. having **joint commissioning** arrangements in place with their partner Clinical Commissioning Groups;
4. having processes in place for conducting Education, Health and Care (**EHC**) **needs assessments** and drawing up **EHC Plans**.

Initially overseen by the SEND Programme Board and developed with key stakeholders from education, health, social care and parent/carer representation, these key themes have been managed by task and finish sub-groups. The purpose of this report is to provide an update on progress to date and to provide information relating to the ongoing work required to continue to successfully embed new ways of working designed to meet the common goal of improved outcomes for our residents.

#### **3.1.1 PERSONAL BUDGETS**

##### **Key Achievements**

The Personal Transport Budget (PTB) initiative has been launched successfully. The scheme provides parents and young people the opportunity to take control over the way in which the school run is managed and, in some cases, will enable the family greater access to extra-curricular and social activities that they may not have previously had. The take up of this offer began modestly as predicted, but is growing steadily. This initiative compliments established examples of personalisation including direct payments and personal health budgets.

One of the barriers to some families in taking up the offer of a PTB was the additional administration required in setting up a dedicated bank account for this purpose and the additional management of paperwork associated with it. As of June 2015, however, all PTB recipients have been migrated to the new pre-paid card system administered by the Direct Payments Team. This has entirely removed the need for a separate bank account and monitoring of expenditure is now conducted remotely by the Direct Payments Team. It is anticipated that this positive change will lead to greater demand for PTBs.

In the same way that Personal Budgets are now delivered consistently across children and adult services through the mechanism of a pre-paid card, it also makes sense to apply consistent policy and guidance to recipients to reflect and support the all age approach to managing disability services. A single guidance document is now in final draft stage and is currently going through the usual approval processes prior to implementation.

## **Ongoing**

Hillingdon, along with a number of other local authorities, continues to work with FACE Systems to develop a Resource Allocation System (RAS) that can be used to provide an indicative budget that will inform the assessment and planning process. This will enable greater financial transparency when developing plans to meet assessed need and a consistent all age approach.

Gathering the raw data that is required to inform the RAS remains a challenge and has caused delays to the original anticipated go live date of April 2015. However a pilot of the social care element of the RAS is currently being conducted by the Disability Service for children with social care needs. Data generated as a result of this pilot will be used to enhance the accuracy of the RAS. Alongside the social care pilot we are about to launch a pilot of the education element of the RAS and a needs assessment framework for the health element is currently in development.

Further work is required to expand the number and range of services that may be available for purchase with a Personal Budget and this will continue to be undertaken in consultation with key stakeholders and through the development of the Local Offer. In addition to a personal transport budget LB Hillingdon are currently able to consider personal budgets/direct payments to fund personal assistance and, in some cases, short breaks.

### **3.1.2 LOCAL OFFER**

#### **Key Achievements**

The Hillingdon Local Offer was co-developed through the working group and was published on the 1<sup>st</sup> September in line with statutory requirements. It contains details of the essential services, policies and guidance as required by the relevant regulations.

While the Local Offer was published on time, it is recognised that there was room to improve the usability, functionality and design of the website. This was reflected in the recommendations of the single meeting review of the SEND Reforms by the Children, Young People and Learning Policy Overview Committee, which was published in April 2015.

#### **Ongoing**

A complete re-design of the Local Offer is now virtually complete and work is underway to ensure all information stored within it is appropriately linked to relevant subject matter to ensure consistent and useful search results.

A statutory requirement of local authorities is to conduct a public consultation of the Local Offer to gauge the view of both users and contributors of it. Plans are in place to conduct the consultation during July 2015 with a view to analysing, implementing and publishing the results during August in order to coincide with annual requirement to publish responses to all feedback by 31<sup>st</sup> August in any given year. When complete a formal re-launch of the Local Offer will take place in September.

The longer term plan is also for the Local Offer to contribute to the analysis of gaps in local services, therefore contributing to the overall Joint Commissioning Strategy.

### 3.1.3 JOINT COMMISSIONING

#### Key Achievements

A draft strategy has now been developed that sets out the vision for joint commissioning practices shared between the local authority and the Clinical Commissioning Group. The strategy relates to positive principals of working together with the CCG and supports the requirement of the Children and Families Act 2014 Code of Practice, which states:

*"Local authorities and clinical commissioning groups (CCGs) **must** make joint commissioning arrangements for education, health and care provision for children and young people with SEN or disabilities (Section 26 of the Act)."*

It is acknowledged that it will take time to successfully embed joint commissioning principles.

It is recommended that the Joint Commissioning Strategy is approved by the Health and Wellbeing Board.

#### Ongoing

The Joint Commissioning strategy identifies a number of key actions that will be required to facilitate effective joined up working across organisational boundaries as follows:

- Data sharing agreements
- Joint service level agreements
- Project based determination of roles and responsibilities
- Individual service commissioning protocols
- Service specific resource formulae
- Consideration of pooled budgets
- Consideration of funding protocols

The Joint Commissioning task and finish group will continue to meet to ensure these actions are driven forward.

A project to explore joint commissioning options in relation to the delivery of speech and language therapy services across the local authority and CCG is underway based on the unmet needs within the JSNA. This project will include all settings and environments in which speech and language services are delivered. This piece of work represents a positive opportunity to develop and embed the actions described above.

### 3.1.4 EDUCATION, HEALTH and CARE (EHC) ASSESSMENT and PLANNING

#### Key Achievements

The process of application and assessment for an EHC Plan has been re-designed from end to end in accordance with the Code of Practice 2015 (CoP). The process has been developed in a consultative manner and a series of policy/guidance documents and services have been implemented as a result. These include:

- EHC Plan template - endorsed by the DfE
- Comprehensive application guidance documentation

- EHC application form
- Transition timetable and guidance (from Statement to EHC Plan)
- Mediation Service
- SEND Information, Advice and Support Service (SENDIASS).

In order to support schools in meeting the requirements of the CoP, the LA has delivered a number of workshops for all SENCos.

To date, a total of 170 EHC plans have been completed, which include new assessment requests and transfers of Statements to EHC Plans.

## **Ongoing**

As the new assessment and planning approach continues to evolve and become an embedded part of day to day practice, it is essential to keep the processes involved under constant review. As various aspects of the new processes are trialled, the opportunity exists to test the validity and suitability of any associated practice. This approach of design, practice and review will continue to be adopted for the foreseeable future.

The statutory requirement to review EHC Plans on at least an annual basis has necessitated the need for a revised approach to the way in which reviews are conducted by the local authority in partnership with schools/colleges, care and health professionals as well as the parents.

We continue to support our partners in developing their skills in support of the new processes that have been developed. This includes parents/carers and training and support opportunities are being developed to enable families to get the most out of the assessment and planning process.

## **3.2 DISABLED CHILDREN'S CHARTER**

The Disabled Children's Charter has been developed to support Health and Wellbeing Boards (HWBs) to meet the needs of all children and young people (CYP) with special educational needs and disabilities (SEND) and their families.

The Charter sets out 7 commitments for the HWBs which are all areas of work that the local authority's Disability Service and partners are developing and consider important to improve outcomes for CYP with SEND. These commitments relate to the following areas which also set out a flavour of the work that is already taking place.

### **3.2.1 Detailed and Accurate Information - both about our residents and for our residents**

- the work on the Disability Register
- the learning disability needs assessment that has been undertaken
- the work on developing the Local Offer
- the project with DisabledGo to provide accessibility information.

### **3.2.2 Engage Directly with Children and Young People and enable participation**

- the work on the Headliners project and subsequent planned workshop to ensure engagement/participation is sustainable and meaningful.

### 3.2.3 Engage Directly with Parents and Carers and enable participation

- engagement with Parent/Carer Forum - parents are routinely involved in service planning
- SENDIASS

### 3.2.4 Clear Strategic Outcomes

- the SEND Programme Board now being replaced with the Disability Strategic Partnership
- the learning disability needs assessment and subsequent action plan
- work on joint commissioning between the local authority and CCG
- work on measuring success of SEND reforms
- local service and team plans.

### 3.2.5 Promote Early Intervention and Smooth Transitions

- the all age disability service restructure based on the fundamental principle of intervening early to prevent escalation to statutory services
- the Preparation for Adulthood Forum and action plan to continue to improve people's experience of transition to adulthood.

### 3.2.6 Strengthen Integration

- the all age disability service structure
- the joint commissioning work between the local authority and CCG
- the work on developing the 'tell us once' approach and integrated systems to share information.

### 3.2.7 Cohesive Governance

- Health and Wellbeing Board
- the work on redesigning the Learning Disability Partnership Board
- involvement with the sub groups of Schools Forum
- Headteacher involvement in the SEND reforms and Panels
- the all age disability service
- the joint commissioning work
- the Autism Partnership Board which has recently been established.

It is recommended that it would be beneficial for our residents if the HWB agreed to sign up to the Charter so that these commitments can be made public emphasising the importance attached to improving the outcomes for children and young people with disabilities and their families. Signing the Charter means an agreement to fulfil the commitments within the next year. The Disability Service will then explore a similar statement for adults with disabilities.

### **Financial Implications**

The Department for Education has provided one off specific grants totalling £508k and New Burdens funding totalling £457k (£269k in 2014-15 and £187k in 2015-16) to fund the Special Education Needs and Disabilities Reforms. £157k was spent on the Reform project in 2014-15 and £621k has been brought forward as an Earmarked Reserve to fund the future costs of the project.

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## **4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

### **What will be the effect of the recommendation?**

The aim of all recommendations in this report is to improve the experiences and opportunities of children and young people with special educational needs and/or disabilities and their families. This will be achieved by the provision of clear and helpful information, well planned and targeted services, close partnership working to ensure resources are most efficiently managed and a clear vision for service development.

### **Consultation Carried Out or Required**

No formal consultation has taken place in relation to the Joint Commissioning Strategy, however, the Hillingdon Parent/Carer forum have engaged, and played an active role, in all aspects of the implementation of the SEND Reforms including the strategy.

In line with statutory requirements the Local Offer is subject to public consultation. This will take place during July 2015.

### **Policy Overview Committee comments**

The Children, Young People's and Learning Policy Overview Committee undertook a single meeting review of the SEND reforms and found that:

*"It was clear from the evidence received by the Committee that Hillingdon had already made some good progress in the implementation of the SEND Reforms. This had included commendation of the Council by the Department for Education (DfE) for its approach to project and programme management, including its self-assessments of progress and the links to the wider work of the Authority. The Department also noted that parents and health partners seemed well engaged in the Reforms and that the new assessment and planning process was thorough and based on best practice."*

It made the following recommendations:

1. *That Cabinet endorses the work being undertaken to develop the local Special Educational Needs and Disabilities (SEND) offer in light of the national Reforms in this area.*
2. *That the Cabinet Member for Education & Children's Services considers the following recommendations in light of the Committee's review:*
  - a. *That the development of the Council's strategic approach to SEND Reforms ensures that relevant information is contained in the published local offer and that relevant Council staff are provided with the tools to enable them to support parents/carers in accessing the information effectively.*
  - b. *To fully involve parents / carers as the local SEND offer is developed.*
  - c. *That consideration be given to working with schools to provide more specialist and targeted training to school staff in relation to the local implementation of the SEND Reforms.*
  - d. *That arrangements be made to ensure that schools, parents/carers and young people within the Borough are able to provide feedback on their experiences in*

*relation to the SEND Reforms, to enable the Council to learn from their experiences.*

- e. That an assessment of Hillingdon's implementation of the SEND Reforms be undertaken once the changes have become embedded, with consideration given to a progress report to the Cabinet Member and the Policy Overview Committee's meeting towards the end of 2015.*

However, the Policy Overview Committee has not had sight of this report.

## **5. CORPORATE IMPLICATIONS**

### **Hillingdon Council Corporate Finance comments**

Corporate Finance has reviewed this report and concurs with the financial implications outlined above.

### **Hillingdon Council Legal comments**

The Reforms outlined are in line with legislation and guidance. From September 2014, part 3 of the Children and Families Act 2014 provides statutory guidance on duties, policies and procedures to local commissioners who are required to work together in the interests of children and young people with special education needs and disabilities (SEND). Under S19 Children and Families Act 2014, the Local Authority must work with children, young people and parents – to improve outcomes for individual children and young people, and strategically to ensure operational arrangements and services delivery better reflects their needs. This will be an ongoing process which will deliver both cultural and procedural change. The Special Education Needs and Disabilities (SEND) 2015, 0-25, Code of Practice -provides statutory guidance on duties, policies and procedures relating to Part 3 of the Children and Families Act 2014 and associated regulations. It relates to children and young people with special educational needs (SEN) and disabled children and young people. A 'young person' in this context is a person over compulsory school age and under 25.

It is noted that the Local Offer has been re-designed and that consultation will take place in July 2015. During the consultation the Local Authority must involve children with SEN or disabilities and their parents and young people with SEN or disabilities in: planning the content of the Local Offer; deciding how to publish the Local Offer; reviewing the Local Offer, including enabling them to make comments about it.

Section 26 of the Children and Families Act 2014 places a duty on local authorities to implement joint commissioning arrangements with the NHS for the education, health and care (EHC) of children and young people with SEN or disabilities. Personal budgets are integral to the EHC Planning process. Children, young people and families will have the right to request a personal budget which may contain elements of education, health and social care funding. Joint commissioning arrangements and the local offer should be used to deliver a year-on-year increase in the scope and availability of personal budgets. Joint commissioning should be informed by a clear assessment of local needs. Therefore it is imperative that consultation should be as wide as possible involving all potential stakeholders. A full Equalities Impact assessment should be undertaken as part of the process of producing any new strategy; Equality impact assessments should be maintained and updated as appropriate.

The Disabled Children Charter has been developed to support Health and Well Being Boards (HWB) to meet the needs of children and young people with SEN and disabilities and their

families. If the HWB agrees to sign up to the charter it must be mindful that signatories to the Charter pledge to meet seven specific commitments within one year of signing. The HWB will need to consider how compliance with the Charter will be demonstrated in twelve months' time.

## **6. BACKGROUND PAPERS**

NIL.