

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF EDUCATION, ADULT & CHILDREN'S SERVICES

TO:	ADULT SOCIAL CARE, CHILDREN'S SERVICES AND EDUCATION COMMITTEE		
DATE:	24 APRIL 2014	AGENDA ITEM:	2
TITLE:	UPDATE ON CHANGES TO SEN PROVISION 2014-16		
LEAD COUNCILLOR:	COUNCILLOR ENNIS	PORTFOLIO:	EDUCATION
SERVICE:	SPECIAL EDUCATIONAL NEEDS	WARDS:	ALL
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1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1 This report follows from reports made in July 2013 and March 2014 which outlined four strands of a strategic approach to providing education support for children with additional needs. For ease of reference these priorities are as follows:

- Priority 1: To ensure that Children and Young People with Statements of Special Educational Needs/Education, Health and Care Plans will have their education, health, social and emotional needs met from provision within the locality of Reading or neighbouring Local Authorities whenever possible.
- Priority 2: Develop provision within Reading or in partnership with our neighbouring Local Authorities which reduces reliance on the most expensive and remote options.
- Priority 3: Work with families to enable them champion better outcomes for their children.
- Priority 4: Work with schools and other providers to make best and transparent use of the finances available to narrow the achievement gap for SEN children.

1.2 Following Royal Assent of the Children and Families Bill, this report provides an update of the current position in relation to national changes which are due to start from September 2014 and will take up to three years to implement. It outlines the direction of travel required in order to meet the short and medium term requirements of the Bill.

- 1.3 The national changes require statements to be converted into Education, Health and Care plans by September 2017 and the council will take a phased approach to this, maintaining existing statements until their conversion.
- 1.4 The opportunity for improved partnership with parents will be at the heart of the work to implement the local systems which will be developed to meet the needs of local children and comply with national requirements.

2. RECOMMENDED ACTION

- 2.1 Committee reaffirms its commitment to providing opportunities for children and young people with additional needs and recognises that children and parents must be at the heart of these changes.
- 2.2 Instructs the Director (DCS), acting in consultation with the Lead Member for Education, to ensure that Reading Council is able to meet the statutory requirements of the Children and Families Act that must be in place by September 2014. This includes a process for generating Education, Health and Care plans is in place and that RBC has published a Local Offer.
- 2.3 An action plan is written, co-produced with parents, setting out the direction of travel for officers, schools and parents to follow, this may require further decisions to be taken at policy level which will be reported to the Adult Services, Children's Services and Education committee in due course.
- 2.4 A short life working group of school staff, officers and parents publishes recommendations by the end of July 14 that define a system that ensures that SEN finances are delegated, allocated and monitored in a transparent way that meets the needs of the pupils and is understood and 'owned' by both schools and parents.

3. POLICY CONTEXT

- 3.1 Following consultation and feedback the Children and Families Bill was published in February 2013. The resulting Act received Royal Assent on 21 March 2014. The new legislation can be summarised thus:
 - 1) *Education, health and care (EHC) plans* will replace the current Statements of Special Educational Need (SEN) and Section 139a assessments and offer a single integrated plan from birth to 25. The plan will offer the same statutory protection to parents as the statement of SEN and will include a commitment from all agencies to provide their services. Implementation for this begins from 1st September 2014 with a three year transition period during which all current Statements are re-written as Education, Health and Care (EHC) plans.
 - 2) *Personal budgets* will become a legal right for families with an approved EHC plan if they request it so they can directly buy the support identified

in the plan. No date for implementation has been given but it is expected that this needs to be in place by September 2017.

- 3) *Joint commissioning* between Local Authorities and Clinical Commissioning Groups (CCGs) will be required for services for disabled children and young people and those with SEN. No date for implementation has been given but it is expected that a system for joint commissioning needs to be in place by September 2017.
- 4) *The "Local Offer"* has to be published so parents know exactly what is available including details of: early years, school and college provision and transport to and from it; social care services available, including short breaks; health services, including speech and language therapy; how to access specialist support; and special and specialist school provision available - including training providers and apprenticeships. This should be accessible from 1st September 2014.
- 5) Joint assessment procedures established across professional groups. This is a development issue with the expectation that professionals agree a format for carrying out outcome focused assessments that are based on the aspirations of a family and their child.

4. THE PROPOSAL

Current Position - National Requirements

- 4.1 The Berkshire SEN / LDD lead officers have been working together, along with parents and Berkshire Health agencies, to plan the operational delivery of the five requirements of the Children and Families Bill (as set out in section 3 above) across the geographic area to ensure a common approach as far as possible. The progress of that operational group is summarised below:
 - There is an agreed format for the Education, Health and Care plan (EHCP). This is subject to minor local variations. It has been co-produced with families from Readings Parents Forum and Parents' forum across Berkshire. A process and timetable for producing these plans has been agreed. It is proposed to trial the new EHCP in Reading in May to seek operational feedback.
 - A process for allocating Personal budgets is being developed with clarification of a process to be agreed by Christmas 2015.
 - Similarly a task group is working to establish a system for joint commissioning. It is anticipated that this work will be completed by April 2016.
 - Berkshire SEN / LDD lead officers have agreed to use one common system to 'operate' the Local Offer. This system is called Open Objects and allows all Local Authorities to populate a database platform that will allow families and professionals to both interrogate the system to seek answers to queries around Special Educational Needs and find information about what services are available. Reading is already using this system for information about Adult services.
- 4.2 The Department for Education has provided a one-off, grant allocation of £250k for the three years 2014-2017 to support the process of transition in the SEN system. This is in addition to the £75k provided in 2013-14 for support.

In order to meet our statutory obligation to convert, over three years, each current Statement into Education, Health and Care plans it is proposed that EHCPs will be created via the Annual Review process at the point of transition within the three years where possible. The new requirements build regular meetings with families into the Statutory Assessment process to ensure that they are more effectively involved in the process. The final meeting, chaired by the SEN team Officer (to be renamed Assessment Co-ordinator) will require parents and assessing professionals to co-produce the EHCP.

- 4.3 It is anticipated that the capacity of the current SEN team will need to be increased by 2 additional team members to meet the new requirements of the Statutory Assessment process and will need to be in place for the 1st September 2014.
- 4.4 The Local Offer is a term introduced in the legislation and is used to describe a concept of both information and services that help families understand what provision is available to them in the local area. It has the following elements:
- early years
 - school and college provision and transport to and from it;
 - social care services available, including short breaks;
 - health services, including speech and language therapy;
 - how to access specialist support; and special and specialist school provision available - including training providers and apprenticeships.
- 4.5 In order to have a published Local Offer by 1st September additional work needs to be carried out to create "pathways" for families to follow when they are seeking information. Currently the Local Offer database is being populated. Questionnaires have been sent to all providers for them to complete online and return. Schools have been provided with a system for completion of the questions and are expected to complete this by 7th July. Health Authority colleagues have also been asked to complete and return a questionnaire.
- 4.6 An additional project officer has been appointed to work with parents to complete the 'problem solving' pathway. These will be based on the most frequently asked questions that parents will be asked to generate and will be accessible from the 'Local Offer' service.

Current Position - Local Requirements

- 4.7 The Council has led a broad consultation exercise during late 2013 / early 2014 to collate the views and ideas of parents, schools, colleagues in health and the Private, Voluntary and Independent sector that would improve the effectiveness of the local SEN systems and approaches. Feedback from this exercise has focussed on:
- increased information sharing,
 - common learning, and
 - effective discussion forums underpinned by strong relationships.
- 4.8 A review of the local SEN funding approach by an external consultant has indicated that greater clarity is required in order to ensure that parents and

schools have a good understanding of how Special Educational Needs funding is allocated and the impact that it has on the child. To achieve this, we will have to establish systems for reviewing and monitoring both the cost and outcomes for our wide range of existing provision. It is anticipated that a short life working group of officers, schools and parents will propose recommendations for achieving this by the end of July 2014. The scope of the review will include both mainstream and special schools; formula funding factors; and the operation of the “top up” funding system. This will include a review of the quantum allocated to SEND in the mainstream school funding formula, along with the indicators used. Consideration will be given to introducing ‘prior attainment’ as an indicator of need alongside the more traditional ‘deprivation’ factor.

- 4.9 The Council will consider introducing the concepts of ‘predictable and exceptional needs’. This will help schools understand more clearly the range of needs that they are expected to meet and identify more consistently, while those whose needs are less common or particularly significant and complex may still merit additional funding. The Council will also need to identify more transparently the budget it proposes to retain for exceptional needs and develop a collective approach to allocation/prioritisation. The budget could cover both individual allocations and additional support to ‘inclusive schools’ that need to draw more significantly on their delegated budget to meet the first element of funding for exceptional needs pupils.
- 4.10 The combination of both of these activities and the national changes will enable a strategic Action Plan to be drafted that outlines the broad direction of travel to follow. It is suggested that the action plan should include sections which cover the following areas:
- The implementation of the national requirements including statement conversion, starting in September 2014.
 - Communication about the Local Offer and how families access provision from September 2014.
 - Creating effective forums with schools and parents to share information and ideas which reports on the quality of provision for young people with additional needs.
 - Create a leading partnership to shape local policy and provision over time which improves the outcomes for children with additional needs aged from 0-25.
 - Develop an objective approach to the funding of effective provision to drive demonstrably improved value for money.
- 4.11 All the above activity areas, including the work on the assessment format has been co-produced with families represented by the various cross Berkshire Parent Forums. This has proved invaluable as the creativity of ideas and their engagement has been inspiring. This includes Colleges and Early Years settings. We will seek to build on the engagement so far in all future work.
- 5. CONTRIBUTION TO STRATEGIC AIMS**
- 5.1 This report directly contributes to a healthy population and the development of good educational attainment.

6. COMMUNITY ENGAGEMENT AND INFORMATION

- 6.1 There have been specific consultation events which have informed the proposals in this paper. Meetings have been held with families, mainstream schools, SENCO's and special schools along with colleagues from Health and the Voluntary sector, to seek their views on the organisational and financial aspects of the changes.

This culminated in a workshop attended by about 30 schools in early February and a schools and Special Educational Needs Co-ordinator and parents conference in March. At these events delegates were given an update on the national position, feedback on the required impact of the proposed strategic strands, asked to describe what a good system would feel like to them and were provided with some tools to assess how aligned they are already to the new requirements.

- 6.2 The Schools Forum has been engaged in the development of this work and has appointed a sub-group to be part of the development of the funding approach required for improved clarity.

7. EQUALITY IMPACT ASSESSMENT

- 7.1 This report does not require an EIA as it deals with those people who already share a protected characteristic. An EIA will be undertaken as part of the development of the detailed action plan referred to in the main body of the report.

8. LEGAL IMPLICATIONS

- 8.1 There are no specific legal implications arising from this report.

9. FINANCIAL IMPLICATIONS

- 9.1 A grant of £250k has been allocated by central government to support the implementation of these changes and to ensure the effective communication with parents, carers, schools, voluntary organisations and young people themselves.

- 9.2 A number of the financial decisions required will either be: made by, or consulted on with, the Schools Forum as the expenditure is predominantly from the Dedicated Schools Grant. Recent regulatory changes require that more decision making is devolved to this group which reports in public.