

CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

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SPECIAL EDUCATIONAL NEEDS AND DISABILITIES

PATHFINDER PROGRAMME

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Summary

This report provides information about Medway's progress in developing new processes for addressing the needs of children and young people with special educational needs and disabilities in line with changes to the Special Educational Needs and Disabilities (SEND) legislation detailed in the Children and Families Bill. It is expected that this Bill will receive Royal Assent in Spring 2014 with national implementation required from September 2014. Medway is one of the local authorities identified by the Department for Education as a Pathfinder Authority and has been required to develop processes ahead of the rest of the country in order to inform the legislation and help the Government plan for national roll out.

1. Budget and Policy Framework

- 1.1 The Council has a statutory duty to provide for children and young people with SEND in line with legislation. Changes to the legislation widen this duty to include a legal duty on Clinical Commissioning Groups to secure the health services that are specified in **Education, Health and Care (EHC) Plans**, which will replace Statements of Special Educational Need.
- 1.2 The legislative changes should impact on the Council's priority in the Council Plan to ensure that all children and young people in Medway get the best start in life. The new SEND legislation requires agencies to work in a more integrated way to assess, review and make provision for children and young people with SEND. Increased involvement of families and young people in the ongoing assessment of their needs and monitoring of the impact of the provision in place for them is designed to reduce tribunals.
- 1.3 There is a new legal requirement on LAs to publish a Local Offer detailing the services and provision available locally for children and young people with SEND. This should aid transparency in respect of how schools and academies are using their SEN budgets to address the needs of those with

SEND but without EHC plans and encourage more effective deployment of resources.

2. Background

2.1 Support and Aspiration: A New Approach to Special Educational Needs and Disability was published in March 2011 and set out the Government's vision for changes to the way children and young people with SEND were provided for. In September 2011, Medway, as part of a group of 7 south eastern local authorities, was selected to be one of the Pathfinder local authorities which would develop processes to deliver the vision set out in the Green Paper. Initially the funding for Pathfinder was for 18 months but has been extended to March 2014. The Children and Families Bill, which is currently passing through Parliament (Committee Stage at the House of Lords is taking place on 9th October 2013), drew on the work of pathfinder LAs in order to add detail to the vision introduced in the Green Paper.

2.2 Key components of this vision are:

- All those with complex special educational needs or disabilities aged 0-25 years will have a single plan (Education Health and Care plan) covering education, health and social care needs until they leave education or training. These will replace statements of special educational needs.
- Offering families personal budgets so that they have more control over the support they need.
- The plan will be reviewed at least annually at a person-centred planning meeting attended by the family, young person and all relevant professionals.
- Parent carers and young people will be fully involved in developing and reviewing the plan including holding providers to account for what they said they would deliver..
- The plan will cover transition to adulthood including, community participation, independent living, housing, and paid employment.
- Support and decision making for these young people will be integrated across relevant agencies.
- Families will only have to attend one meeting instead of multiple meetings and will only have to 'tell us once'.
- All agencies will work together at a strategic level to commission services to be delivered via EHC plans.
- Families will know what services they are entitled to and how to access these (**Local Offer**).
- This will include what services mainstream schools should be offering to pupils with SEN who do not need EHC plans.

2.3 Progress so far in Medway:

Education, Health and Care Plans

- Medway has developed new processes for assessment, planning and reviewing for SEND. 93 families have either been, or are now in the process of going, through the new processes. Of these, 26 now have complete EHC plans and 43 will be converting existing statements into EHC plans through person centred reviewing processes.

- The new, more integrated assessment process is being used for all new statutory assessments for early years children from September 2013 (with parental agreement). Early years advisory teachers, educational and child psychologists, physical and sensory advisory teachers, speech and language and occupational therapists, specialist SEN officers and school based staff are involved in the assessment and planning processes.
- The new statutory assessment process in Medway is being reduced from 26 weeks to 20 weeks as part of the Pathfinder.
- A programme for converting all existing statements into EHC plans will start with those in Years 10 and 11. A process has been developed and will involve Medway Youth Trust personal advisors, specialist SEN officers, school based staff, the family and young person and relevant educational and health professionals. Details of the formal transition arrangements (from Statements to EHC plans) are awaited from the Department for Education.
- The new processes in Medway follow the principles of increased parental participation, personalisation and increased integration of assessment and monitoring. They continue to be developed through the partnership working of multi-agency professionals, parent-carers (via Medway parent-carer forum) and voluntary sector organisations.
- A young persons' advisory group has been set up to inform young people with special educational needs and disabilities about pathfinder work and to gather their views and opinions of what works and does not work with the current systems and what they would like to change. The aim is that young people are able to understand the proposed changes and express their views via a dedicated Facebook page which has information posted in different formats for example video clips/ pod casts, questionnaires and links to further information
- Joint training has been undertaken with colleagues from social care and health with a view to increasing the integration of EHC planning with existing social care and health assessment and planning processes. This is still an area for development.
- The Medway EHC plan format and process has received very positive feedback from participant families.
- In the future information gathered in the EHC plan will be available to inform commissioning and enable early planning of services and support identified as part of the preparing for adult hood planning.

Personal budgets

- Families with children with SEND are now offered the choice of school transport or a travel allowance. Those with direct payments and/or personal budgets have this information incorporated into their EHC plans. In order to meet the duties set out in The Special Educational Needs (Direct Payments Pilot Scheme) Order 2011, tools used by the social care Self Directed Support Team have been adapted to meet the needs of an SEN direct payment. There is also a duty to support the direct payment recipient to manage all aspects of the direct payment in particular managing and recording direct payment expenditure. The local authority must also carry out a review of the direct payment within three months of the allocation of funding. The above support is currently provided by the self directed support team following a referral to their service, on a case by

case basis but going forward the LA will need to decide how this role will be fulfilled.

Local Offer

- The Regulations will place a duty on each Local Authority to publish and review information about services they expect to be available for children and young people with SEN aged 0-25 regardless of whether they have an EHC plan. This is the Local Offer.
- The intention of the Local Offer is to improve choice and transparency for families. It will also be an important resource for professionals in understanding the range of services and provision in the local area
- A further key role for the Local Offer will be to inform the joint commissioning for children and young people with SEN needs and disabilities by setting out in a single place what is available locally.
- The regulations will place a duty on each Local Authority to work together with children and young people, parent carers and with local services, including the voluntary and community sector (VCS) to develop their Offer and keep it under review.
- The format for the Local Offer has been worked out collaboratively with our SE7 partners.
- In Medway a multi-disciplinary Local Offer work group has been established and is supporting the development of the Local Offer across education, health and social care
- All schools and academies have been offered training (to headteachers and special educational needs co-ordinators) about the school link to the Medway Local Offer, where Medway sets out what level of support for SEND it expects schools to offer. This will enable schools to make transparent to parents how they support SEND within their setting with their SEN budget. They should have uploaded their draft to their web-sites by 30 September.
- A draft Local Offer is being developed on the Children's Trust web-site as an interim measure.

3. Next Steps

- All new statutory assessments will follow the new processes from January 2014 and EHC plans rather than statements will be issued (subject to parental agreement).
- Social care and health outcomes need to be integrated more fully into the planning and reviewing process.
- The Local Offer task group will co-ordinate gathering and downloading further content to the interim web-site, including health, early years, social care and VCS information.
- Workforce development has been recognized as crucial to successful implementation of the changes and training has accompanied the introduction of each element so far. In the Autumn terms, further training will be delivered to schools, parent-carers and professionals, in partnership with the national organization Preparing for Adulthood, on person-centred planning and outcomes-focused plans.
- Integration of resource-related decision-making across agencies for high needs pupils with SEND who require multi-agency funding, with the EHC plan

a central part of the processes for recording, monitoring and reviewing pupil progress towards intended outcomes.

4. Challenges

- Health education and social care must continue to work together to integrate their processes.
- The feasibility of the EHC processes relies on streamlining our existing processes to eliminate parallel meetings and free up professionals to use one plan and one set of meetings and reviews around the holistic needs of each child or young person with SEND.
- The development and partial implementation of these processes so far has involved an immense amount of additional work from those involved. DFE funding has helped, by providing project management and support staffing. This funding ceases in March 2014, and the processes will need to continue to be developed as part of the day-to-day work.
- Working in partnership with families and colleagues in other disciplines is time consuming but necessary to develop sustainable working practices.
- The workload for all involved in SEND (including those in schools) is likely to increase as new processes are implemented and embedded and the process of converting existing statements into EHCs is undertaken. It is envisaged that this will take around 3 years from September 2014.
- Workforce development is increasingly an issue: part of this is changing organisational culture from being service led to person centred and offering families and young people more choice and control about support options and decisions about their future. The other aspect is learning how to deliver new processes.
- More integrated ways of data sharing and case management are required in order to support more integrated working and smoother transition into adult services. Social care record their assessments and contact with families and young people on Framework 1. Colleagues in SEN within Medway are currently unable to access these. Discussions around this are scheduled. Health also keep separate records.
- The development of personal budgets across Pathfinder sites nationally has proved to be very difficult especially in relation to education and health components. Comprehensive and detailed work is required to successfully introduce personal budgets as a core offer across education health and social care
- Budget holders need a transparent way of calculating the funding that can be offered as a personal budget (a resource allocation system) and these are not yet uniformly developed across services.
- The updating and maintenance of the Local Offer is being discussed
- The Local Offer will require resourcing and decisions at a strategic level regarding responsibility for maintaining and updating it and about where it will be sited. It is possible that some synergies with other similar legislative requirements can offer a way forwards.

5. Risk Management

Risk	Description	Action to avoid or mitigate risk	Risk rating
The capacity of the existing workforce (including school staff, especially Sencos and SEN officers) will not be sufficient to implement new legislation.	The improvements are diluted over time and the benefits to families are not realised, possibly leading to greater parental dissatisfaction with system.	New processes reviewed to check they are feasible. Workforce development programme in place.	C2
Some schools and colleges do not offer the expected levels of support for SEND in Medway's Local Offer.	Rise in requests for EHC plans and specialist provision, with increased costs to council, including SEN transport.	Training with schools to try to establish joint responsibility for transparent and consistent use of SEN funding. Linking Local Offer and funding processes.	A2
Social care and health processes do not sufficiently integrate with EHC processes.	Professionals not able to take part in EHC processes and parents lose trust that the EHC is about the 'whole child'. A number of plans still in place for the same child, requiring multiple reviews, and meetings for parent-carers and professionals. This is particularly relevant to Looked After Children.	Including resources to be provided by health and social care in the EHC plans will give status to the EHC processes. Planning at a strategic level to achieve appropriate integration	C2
New statutory protections for young people aged 16-25 in FE colleges may increase numbers requesting extended education	More requests for post-19 education put pressure on high needs budget as they are generally very expensive Increase in tribunal appeals as they are now permitted under new law. It is unclear yet how tribunals will rule.	Medway guidance on post 19 education to be developed and disseminated Awareness raising about life-skills offered in adult social care contexts	C2

6. Financial and legal implications

- 6.1 The changes are statutory and once implemented, failure to comply with the new statutory regime may lead to legal challenge. The extent to which the detail can be defined or amended locally is not yet clear as this will be spelled out in a new SEN Code of Practice, which will be out for consultation around October 2013. There is also some interplay with the requirements of other recent legislation and national changes, including the new high needs funding processes.
- 6.2 Medway processes have been developed with an assumption that no additional resources will be available, although financial risks have been highlighted above.

7. Recommendations

- 7.1 Members are asked to note the contents of this report.

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Background papers

None