

**Children's Services Scrutiny Committee – 25<sup>th</sup> September 2014**

**Report of the Interim Director of Children's Services**

**Special Educational Needs (SEN) Reforms 2014**

**Purpose of Report**

1. To present to Children's Services Scrutiny Committee an update on the Special Educational Needs (SEN) Reforms 2014.

**Background**

2. There has been a decade long gestation period for these reforms. The original Code of Practice for the assessment and identification of Special Educational Needs was published in 2001. This was a simplification of the previous model and introduced a 3 stage approach to Special Educational Needs; School Action, School Action Plus and Statemented. However, it did little to change the administration behind securing a statement of special educational need.

2006 Parliamentary Education select committee report identified that parents had lost confidence in the Special Educational Needs system and the bureaucracy of securing assessment and provision.

2009 Lamb report – commissioned by the government to look at and make recommendations about the 'Special Educational Needs system' and parental confidence.

2011 Support and Aspiration consultation paper proposing changes to the Special Educational Needs system that reflect Lamb report recommendations.

2014 Children and Families Act introduces key changes for children with Special Educational Needs and their families:

- introduces a revised Code of Practice
- places a requirement on health services and local authorities to jointly commission and plan services for children, young people and families
- replacing Statements of Special Educational Needs with a single assessment process and an Education, Health and Care Plan and provides statutory protection comparable with those in Statements for young people who are in education or training up to the age of 25
- obliges the Local Authority to publish a Local Offer
- gives parents or young people the right to a personal budget for their support

These changes came into force on September 1st 2014

## Code of Practice

3. All local authorities, schools, academies, colleges, PRUs, early years providers, NHS must have regard to what the Code says whenever decisions are taken relating to children with Special educational needs and disabilities.
  - The Code covers the 0-25 age range and includes guidance relating to children and young people with a disability as well as those with special educational needs
  - There is a clearer focus on the views of children and young people and parents in decision making at individual and strategic levels
  - There is a stronger focus on high aspirations and on improving outcomes for children and young people
  - It includes guidance on the joint planning and commissioning of services to ensure close co-operation between education, health services and social care
  - There is greater focus on support that enables those with Special Educational Needs or disabilities to succeed in their education and make a successful transition to adulthood
  - Information is provided on relevant duties under the Equality Act 2010
  - Information is provided on relevant provisions of the Mental Capacity Act 2005

## Family Centred System

4. Local authorities **must** ensure that children, their parents and young people are involved in discussions and decisions about their individual support and about local provision.
  - Consultation events held with parents to elicit their views
  - Ongoing close work with Dudley Council for Voluntary Service with parent focus groups on aspects of Special Educational Needs reforms

## Joint Commissioning / Working with other Services

5. Local Authorities must cooperate with other services and they must cooperate with Local Authority in identifying, assessing and determining provision for pupils with Special educational needs and disabilities.
  - Close and effective working relationships established at the practitioner level so that health and adult care representatives have been engaged in our preparation and training events.
  - Special Educational Needs Partnership Board established to provide a strategy for joint working and oversee operational effectiveness

## Education and Health Care Plans

6. An Local Authority must conduct an assessment of Education, Health and Care needs when it considers that it may be necessary for special educational provision to be made. Education, Health and Care plans should be forward-looking documents that help raise aspirations and outline the provision required to meet assessed needs. Education, Health and Care plans should specify how services will be delivered as part of a whole package and

explain how best to achieve the outcomes sought across education, health and social care for the child or young person.

- Local Authority has worked with schools on developing the Dudley Template for Education, Health and Care Plan's which has been shared with other services/agencies
- Education, Health and Care Plan Early Years – has been trialled and ready to start. Training for Early Years providers arranged
- Education, Health and Care Plan Transition (conversion from statements) – Transition document outlining process and timeframes completed. Training planned for schools and Local Authority Officers. Colleges and other providers attended training in July. Arrangements for special schools being agreed.

### The Local Offer

7. Local Authorities must publish a local offer, setting out in one place information about provision they expect to be available for children and young people in their area who have Special educational needs and disabilities, including those who do not have Education, Health and Care plans. It should provide clear, comprehensive and accessible and up-to-date information about the available provision and how to access it.
- Dudley's Local Offer published on [www.dudley.gov.uk/localoffer](http://www.dudley.gov.uk/localoffer)
  - Provision mapping

### Personal Budgets

8. A child or his/her parents can request a personal budget once the Local Authority has completed the assessment and confirmed that it will prepare an Education, Health and Care plan. They can also request a personal budget during a statutory review of an existing Education, Health and Care plan.
- Children's Services have been working with both Dudley Council for Voluntary Service and Directorate of Adult, Community and Housing Services on their process for supporting the use of personal budgets

### Further Training

9. A range of training is already planned for the autumn term:
- Professional awareness updates on The Local Offer; The Education, Health and Care Plan Referral Process; The Education, Health and Care Plan Transfer Process
  - Complex case and Mediation - Mark Small ( Specialist Education Solicitor)
  - Mental Capacity - Dr Peter Corr, Gem Centre, Wolverhampton

### SENDIASS

10. Dudley Special Educational Needs and Disability Information, Advice and Support Service (SENDIASS) – formerly Dudley Parent Partnership Service, offers free and impartial information, advice and support to parents/ carers, children and young people with special educational needs and disabilities. They provide a range of information from education

law to related law on disability, health and social care to help parents, children and young people in making informed choices and enabling them to play an active role in relation to educational decisions. The service works with nursery, primary and secondary schools, academies and post 16 settings, to promote positive engagement with parents, children and young people.

## **Finance**

11. The Special Education Needs (SEN) Reforms for 2014 are supported by two Department for Education grants during 2014/15.
  - a) The Special Education Needs Reform grant is a non ringfenced grant and £360,784 has been made available for Dudley for 2014/15 to recognise the changes underway in the areas of SEN.
  - b) The S31 Special Educational Needs and Disability (SEND) Implementation (New Burdens) Grant is a non ringfenced grant of £259,415 for 2014/15. The purpose of the grant is to support the additional costs associated with the implementation of the Special Educational Needs and Disability reforms.

The Department for Education confirmed in June 2014 that there will be an indicative amount of £31.7m for 2015/16 available nationally for the Special Education Needs Reforms.

## **Law**

12. Part 3 of the Children and Families Act 2014, introduces key changes for children with Special Educational Needs and their families.

## **Equality Impact**

13. This report takes into account Dudley Council's Equality and Diversity Policy.

## **Recommendation**

14. Children's Services Scrutiny committee receive and comment on the report.



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