

**REPORT FOR: OVERVIEW AND
SCRUTINY COMMITTEE**

Date of Meeting:	16 September 2015
Subject:	Special educational needs and disability (SEND) reforms implementation
Responsible Officer:	Chris Spencer, Interim Corporate Director Children and Families
Scrutiny Lead Member area:	Councillor Linda Seymour, Policy Lead, Children and Families Councillor Janet Mote, Performance Lead, Children and Families
Exempt:	No
Wards affected:	All
Enclosures:	None

Section 1 – Summary and Recommendations

This report sets out the arrangements for implementing the SEND reforms introduced by the Children and Families Act 2014 to improve outcomes for children and young people with special educational needs and disabilities.

Recommendations:

The board is requested to note and comment on the progress being made in implementing the SEND reforms.

Section 2 – Report

Introduction

The national policy context of the SEND reforms commenced in March 2011 when the government published a Green Paper entitled *Support and Aspiration: A new approach to SEN and disability*. This was followed in May 2012 by the *Support and Aspiration: A new approach to SEN and disability: Progress and Next Steps* document and the draft SEND provisions.

The requirements of the SEND reforms are contained within Part 4 of the Children and Families Act 2014 and are specified in a wide range of statutory and non-statutory guidance that has been issued by the Department for Education and the Department of Health over a period of time.

A new special educational needs and disability code of practice: 0 to 25 years was issued first of all in July 2014 and has twice since been reissued most recently in January 2015. There is new advice and guidance being issued on a regular basis. It is anticipated some advice and guidance will continue to be reviewed and updated and further advice and guidance will emerge on elements of the legislation.

Background

The duties and requirements of the reforms for local authorities (children's services and adult social care services) and their partners (clinical commissioning groups and health providers) and schools are wide ranging and multi-faceted.

Local authorities and their partners were required to implement a number of key aspects of the reforms by 1 September 2014 and there are a number of elements that are being developed over time.

A key feature of the new system is a much greater emphasis on a family-centred approach with the expectation of a stronger engagement of the

parents of children and young people with special educational needs and disabilities and children and young people themselves.

The Harrow Parents for Disabled Children (HP4DC) group has served as the local parent carer forum and has been a significant partner with the council and the health service in developing key aspects of the reforms. The group has, however, disbanded recently owing to the circumstances of lead members of the group. The national organisation Contact a Family is taking steps to set up a new local parent carer group together with the local authority with the local voluntary organisation Kids Can Achieve.

There are important transitional arrangements for those with existing special needs statements and learning difficulty assessments and those on school action / school action plus and equivalents.

Key elements of the SEND reforms that were required to be implemented from September 2014

Local offer

The local authority was required to publish an initial, accessible local offer developed together with key partners, covering the support available for those with and without special needs statements or education, health and care plans from birth to 25 years, including SEN support in schools.

As the local offer developed it was recognised it was not working effectively within the main council website especially as more information was added. There was clearly a difficulty in locating information easily, the search facility was problematic and links to information were not working reliably. The solution to this was to create what is called a sub-site within the main council web site which is a separate and dedicated area or part of the council website.

The Department for Education adviser reviewed Harrow's local offer in October 2014 and it was considered the new sub-site looked much better in appearance, functionality and content than it did initially and was felt to provide a good platform for further development in the future.

Education, health and care assessment and planning

The authority has developed a co-ordinated education, health and care plan assessment process that is being used to issue final education, health and care plans within the statutory timescale of 20 weeks.

There is an education, health and care plan template that was tested out with children and young people with special educational needs and their parents before being implemented from 1 September 2014. This has been revised and adjusted since being introduced in the light of experience and feedback from parents and schools and others.

The authority's assessment process and plan template have both been judged by the Department for Education as legally compliant with the code of

practice and to provide a good basis for the development of education, health and care plans. A special comment was made in relation to Harrow's approach to recording the aspirations for children and young people with special educational needs and disabilities within the plan.

Transitional arrangements

A transition plan has been published as part of the local offer and was produced and developed with parents and schools and colleges. This sets out how the local authority will go about transferring children and young people who receive support as a result of a special needs statements or a learning difficulty assessment to education health and care plans overall by 1 April 2018. For those with a learning difficulty assessment the transfer to an education, health and care plan needs sooner and take place by September 2016.

There are approximately 1,200 children and young people who have currently a special needs statement or EHC plan and around another 150 young people in further education with, or who had, a learning difficulty assessment. For children and young people with special needs statements, the transfer process must be completed within a maximum of 18 weeks from September 2015 from the previous 14 weeks. For those with a learning difficulty assessment the timescale has been increased by the government from 14 to 20 weeks

Additional staff has been recruited to support the significant demands of the transfer process over the next three years.

The intention is to transfer statements and learning difficulty assessments within the council's transition plan formulated in accordance with the relevant Department for Education guidance within the resources available.

Personal budgets, including personal; health budgets

A clear policy is in place and included as part of the local offer, setting out the scope currently of personal budgets. At the initial stage personal budgets apply primarily to short break provision for children and young people with disabilities and special transport arrangements and some therapy services. It is intended in due course to extend and widen significantly the personal budget approach to supporting children and young people with disabilities and their families. The arrangements for personal health budgets have been developed.

Joint commissioning

Local authorities and clinical commissioning groups are required to work together with partners at a strategic level to develop the special needs and disability systems that will best support the SEND reforms. An appointment of a joint commissioner has been made in the CCG together with the the council support to support the developments required by the SEND reforms.

Joint commissioning is in place with the health service and adult social care services for the following:

- speech and language therapy services for which a section 75 agreement under the of the National Health Services Act 2006 applies;
- the provision of specialist equipment, in the home and at school;
- children and young people with complex needs, requiring health and social care arrangements;
- children and young people with complex needs attending special residential schools.

Information, advice and support

The authority has put in place arrangements for providing independent information, advice and support for parents and children and young people with special educational needs and disabilities across education, social care and health, including independent supporters.

The SEND Information, Advice and Support Service is provided under contract by Family Action who provided formerly the authority's parent partnership service. Family Action carried out a review and restructuring of their service in consultation with the local authority soon after the reforms took effect to ensure it was best able to deliver the information, advice and support required locally.

In addition Barnardo's and Family Action provide independent support to parents and young people. Independent support is a government funded programme until March 2016 to provide additional support to parents, carers and young people during the implementation of the SEND reforms. Independent supporters are a mixture of paid staff and volunteers, offering help targeted around the assessment and education, health and care plan processes. The Council for Disabled Children (CDC) has commissioned a range of organisations to provide independent support locally across England. In Harrow, the CDC has issued contracts to the Family Action SEND Information, Advice and Support Service and Barnardo's.

Mediation

The local authority has for several years commissioned access to high quality mediation from an organisation called KIDS as do a large proportion of London local authorities.

It is now mandatory that families and young people obtain a certificate to evidence they have contacted the mediation service before making an appeal to the SEN and Disability Tribunal.

Financial Implications

The financial implications of implementing the SEND reforms are being met in the council within existing resources together with additional government grant funding available in 2014-15 (£348K) and 2015-16 (£152K).

The lead service within the council in implementing the SEND reforms is the SEN Assessment and Review Service within the Special Needs Services Division of the Children and Families Directorate. The planned budget for the service is £498,670.

The SEN Assessment and Review Service has an establishment of nine full time equivalent posts for managing the special educational needs and disability processes. It is the case certainly in London that authorities have needed to make significant increases in their equivalent service of up to 50% to handle the demands of the new SEND system. Harrow has increased the capacity of the SEN Assessment and Review Service using the grant funding available from central government by approximately 26%. This is currently under review in the light of the sizeable additional demands on the service as a result of running a dual system of handling new assessments whilst at the same time transferring all previous special needs statements and learning difficulty assessments to EHC plans and emerging performance issues that are covered below.

Research commissioned by the Department for Education has indicated recently it is expected that delivery of the EHC plan will on average be more expensive than the previous system of special needs statements. This is entirely consistent with the experience locally where the new approach clearly takes far more time. The research calculated the average net additional cost per case for new assessments to be £254. On this basis alone the additional cost of carrying out in future years an anticipated 200 EHC plan assessments per annum would be £50,800 but this does include the cost of other essential activities. This will need to be considered by the council in its financial planning for the service especially when SEND grant funding comes to an end.

Performance Issues

It is in many ways too early to say whether the process of EHC plan assessment has improved for families. There are indications families consider their views have been sought and listened to and taken into account.

The process is certainly more joined up and integrated, involving children's and adult social care services, in a way that the previous special needs statement system or the further education equivalent did not. There are, however, issues in relation to adult health and social care services that require significant further development.

Despite the improvement around involving parents in the process, there remain a number of families who are dissatisfied with the decisions especially with regard to school or college placement and make an appeal to the SEN and Disability Tribunal. The number of appeals that proceed to a hearing has

increased rather than decreased and the management of, and input into, appeals from a range of professionals and agencies makes a huge demand on time.

There is further scope for improvement of the Local Offer and steps are being taken to ensure its long term sustainability, maintenance and further development.

To January 2015 when the SEN2 return is made to the Department for Education, the number of children and young people with statements or EHC plans has remained fairly constant. The figures below show the trend over the last three years:

SEN2 January 2013 - 1158 children and young people with statements;
SEN2 January 2014 - 1168 children and young people with statements;
SEN2 January 2015- 1174 children and young people with statements / EHC plans.

Since the SEND provisions of the Children and Families Act 2014 came into effect in September 2014 though there has been a 14.5% increase in the number of requests for education, health and care plan assessments and the statutory time period for the completion of assessments has been reduced from 26 weeks to 20 weeks. The figures below show the trend over a relatively short period of time:

Number of requests September 2013 -August 2014 - 158

Number of requests September 2014- August 2015 -181

Number of requests September 2014 – December 2014 - 44

Number of requests January 2015 – August 2015 – 137

There has been a significant increase in assessments for children under the age of five years.

There is a key national indicator in relation to the completion of EHC plans and formerly special needs statements within the statutory timescale. The indicators NI103a and NI103b measure in percentages completion of assessments, excluding or including allowable exceptions. Harrow's performance on this indicator has historically been very strong and amongst the highest in the country. The table below shows the impact of the additional demands of the new SEND system:

	NI103a	NI103b
October 2014 – December 2014	100 (95)	93 (85)
January 2015 – March 2015	77.8 (95)	80 (85)

(The number in brackets refers to the target set for each part of the national indicator)

Owing to the increased time demands and complexity of completing assessments under the new SEND system there has been a fall off in performance. It has been necessary to revise the performance targets set and the position is being monitored closely with a view to increasing the resources of the service to meet these times pressures.

The importance of completing assessments and putting in place support for children and young people in a timely way is recognised. Equally the anticipated inspection by Ofsted and the CQC of the implementation of the SEND reforms in local authorities together with health partners expected to commence in May 2016 will inevitably focus sharply on the performance against these indicators.

The plan for transferring from the old to the new system for those with special needs statements has so far involved the initiation of 244 transfers of which 198 are complete. For young people in further education, 48 review meetings have been initiated and 26 EHC plans completed. This gives a total of 292 initiated transfers and 224 complete.

Environmental Impact

There is no environmental impact relevant in this area.

Risk Management Implications

Risk included on Directorate risk register? ~~Yes~~/No

Separate risk register in place? ~~Yes~~/No

It is intended to conduct a review of Harrow's performance in this area against the inspection accountability framework to properly assess risk.

Equalities implications

Was an Equality Impact Assessment carried out? ~~Yes~~/No

It was not considered necessary to carry out an equality impact assessment for this report.

Council Priorities

The Council's vision:

Working Together to Make a Difference for Harrow

In the main the report incorporates the following administration priorities.

- Making a difference for the vulnerable
- Making a difference for families

Section 3 - Statutory Officer Clearance

It is not considered legal and finance clearance is necessary for this report.

Ward Councillors notified:

~~YES~~/ NO

** Delete as appropriate.*

Section 4 - Contact Details and Background Papers

Contact: Roger Rickman, Divisional Director, Special Needs Services 0208966 6334

Background Papers: None