

**TO: EXECUTIVE MEMBER FOR CHILDREN, YOUNG PEOPLE & LEARNING  
2 DECEMBER 2014**

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**Implementing the Special Educational Needs and Disability Reforms  
Director of Children, Young People and Learning**

**1 PURPOSE OF REPORT**

- 1.1 The purpose of the report is to update the Executive Member on the Implementation of Special Educational Needs and Disability (SEND) reforms as outlined in the Children and Families Act.

**2 RECOMMENDATIONS**

**To update the Executive Member on:**

- 2.1 The changes to the SEND system  
2.2 The actions that have been taken by Bracknell Forest to implement the SEND reforms locally and the actions that are ongoing.

**3 REASONS FOR RECOMMENDATIONS**

- 3.1 Statutory responsibility to begin to implement the SEND reforms from September 1 2014.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 There are no alternative options to be considered, there is a statutory responsibility to implement these reforms.

**5 SUPPORTING INFORMATION**

- 5.1 The Children and Families Act 2014 and associated regulations take forward wide-ranging reform of the system for identifying, assessing and supporting children and young people with special educational needs and disability and their families. These reforms make provision for:
- Children and young people to be at the heart of the system.
  - Close cooperation between all the services that support children and their families through the joint planning and commissioning of services.
  - Early identification of children and young people with SEND.
  - A clear and easy to understand 'local offer' of education, health and social services to support children and young people with SEND and their families.
  - For children and young people with more complex needs, a co-ordinated assessment of needs and a new 0 to 25 Education, Health and Care plan (EHC plan) for the first time giving new rights and protections to 16-25 year olds in further education and training comparable to those in school.
  - A clear focus on outcomes for children and young people with Education, Health and Care plans, anticipating the education, health and care support they will need and planning for a clear pathway through education into adulthood, including finding paid employment, living independently and participating in their community.

- Increased choice, opportunity and control for parents and young people including a greater range of schools and colleges for which they can express a preference and the offer of a personal budget for those with an EHC plan.
- 5.2 The supporting Special Educational Needs and Disability Code of Practice 2014, sets out guidance on policies and procedures aimed at enabling children and young people with SEND to reach their full potential and support families to do the best for their children. A particular focus is how young people currently receiving support in Further Education or training via a Learning Disability Assessment (LDA), will be supported under the new system. New responsibilities have extended support for young people up to the age of 25, a significant additional budget pressure for the Council. The actual numbers are included in Appendix 2, Transition Plan.
- 5.3 These reforms have been implemented through a strategic steering group and several work streams. A group of officers from the LA have been instrumental in the implementation of the reforms (noted at the end of the report). There has been consultation and representation with parent groups and parents have contributed to the development of the local offer, EHC plans and the single assessment framework. We also commissioned KIDS charity to consult with young people around the local offer. The detail is included in Appendix 1.
- 5.4 Bracknell Forest was one of only a third of LAs to meet the 1<sup>st</sup> of September deadline for the new ways of working. This report describes the changes that have been made and many are still in early stages of implementation. It is too early to have useful evaluative information, however early indications are positive as systems are working and decision making does seem to be robust. The SEND Strategy SEND Reforms Implementation – Action Plans included as Appendix 1 provides preliminary RAG rated information on the actions taken. A second report will be brought towards the end of the academic year which will provide an evaluation of the roll out and implementation of the changes.
- 5.5 Our strategy sets out the actions the local authority has been taking to implement the government's reforms to the SEND system. These actions are listed under the following headings;

#### The Local Offer

- 5.6 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 SEND, including those who do not have Education, Health and Care plans. The Bracknell Forest local offer can be found at;  
<http://search3.openobjects.com/kb5/bracknell/directory/localoffer.page?familychannel=6>
- 5.7 The local offer has two purposes:
- To provide clear, comprehensive and accessible information about the provision available; and
  - To make provision more responsive to local needs and aspirations by directly involving children and young people with SEND, parents and carers and service providers in its development and review.

- 5.8 The local offer includes provision in the local authority's area. It also includes provision outside the local area that the local authority expects is likely to be used by children and young people with SEND for whom it is responsible.

#### Education, Health and Care Plans

- 5.9 The majority of children and young people with SEND have their needs met within local mainstream early years providers, schools or colleges. There is an on-going training and professional development programme to support mainstream provision with appropriate quality first teaching, differentiation and appropriate additional support for identified pupils. This capacity building has been further strengthened by the temporary appointment of an Advisory Teacher for SEND.
- 5.10 A key change in SEND is the cessation of Statements of Special Educational Needs, replaced by an assessment of education, health and care needs of individuals, informing a plan when the LA considers that it may be necessary for additional special educational provision to be made for the child or young person. An EHC plan is likely to be where the SEND provision required to meet the child or young person's needs cannot reasonably be provided from within the resources normally available to mainstream early years providers, schools and post 16 institutions. A request for an EHC assessment is made to the SEND multi professional panel. The panel considers the evidence provided and either agree to carry out an assessment or turn down the request, at which point recommendations will be made to the referrer regarding future provision and support that is available.
- 5.11 EHC plans focus on the outcomes the child or young person seeks to achieve across education, health and care. EHC plans set out how services will work together to meet the child or young person's needs and in support of those outcomes. EHC plans are based on a co-ordinated assessment and planning process which puts the child and young person and their parents at the centre of the decision making.
- 5.12 The principles of the EHC Plan;
- Decisions about the content of EHC plans will be made openly and collaboratively with parents, children and young people. It will be clear how the child or young person has contributed to the plan and how their views are reflected in it.
  - EHC plans will be clear, concise, understandable and accessible to parents, children, young people and providers/practitioners. They will be written so they can be understood by professionals in any local authority.
  - EHC plans will be evidence based and focus on how best to achieve outcomes (both short term outcomes and longer term aspirations for children and young people) sought. They will refer to the professional evidence received as part of the assessment.
  - Outcomes in the EHC plans will be SMART (specific, measurable, achievable, realistic, time bound). It needs to be clear how specified provision and support will help the child or young person to achieve the outcomes on the plan. There should also be clarity about how to judge that an outcome has been achieved.
  - EHC plans will show how education, health and care provision will be integrated wherever possible to support the child or young person achieve their outcomes.
  - EHC plans will be forward looking – e.g. anticipating, planning and commissioning for important transition points in a child or young person's life, including planning and preparing for their transition to adult life (including

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employment, independent living and community participation as far as practicable).

- EHC plans will describe how informal (family and community) support as well as formal support from statutory agencies can help in achieving agreed outcomes.

5.13 All children and young people who currently have a Statement of Special Educational Needs will be transferred to an EHC plan and the transitional arrangements in Bracknell Forest plan for this to happen by April 2018. The transition plan has been published on the local offer and has been appended below. Appendix 2

5.14 Health provision in EHC plans

Each Clinical Commissioning Group (CCG) will determine which services it will commission to meet the reasonable health needs of the children and young people with SEND for whom it is responsible. These services should be described in the local offer.

5.15 Where relevant local clinicians, such as community paediatricians, will participate in the development of the EHC plan. CCG's must agree the health services in the plan. There is representation from health on the SEND multi professional panel.

### Personal Budgets

5.16 The personal budget is an amount of money identified by the local authority to deliver all or some of the provision set out in an EHC plan. By having a say in the way this budget is used, a parent/carer and the young person can control elements of their support.

5.17 Young people and parents of children have a right to ask the local authority to prepare a personal budget once the authority has completed the assessment and confirmed that it will prepare an EHC plan.

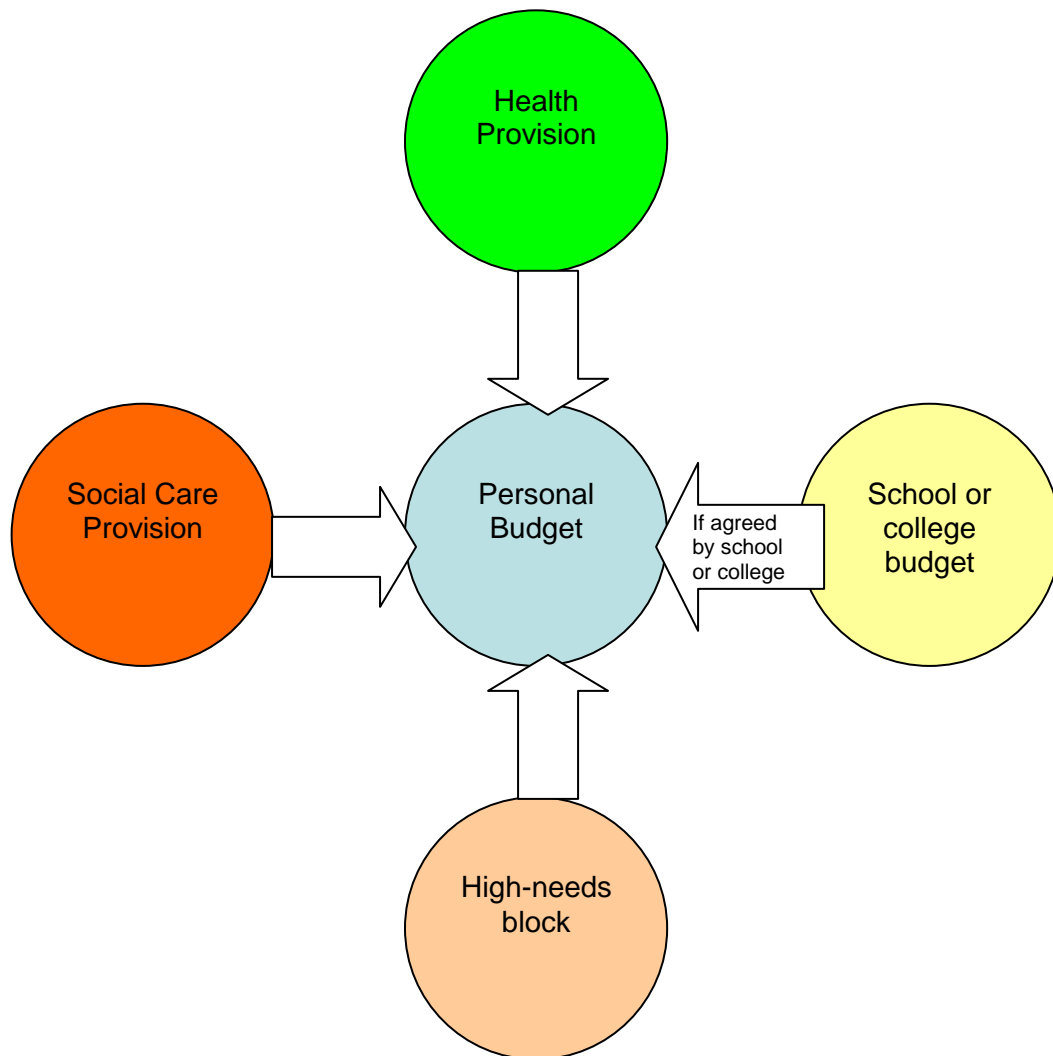
5.18 Mechanisms for delivery of a personal budget

There are four ways parents/carers and/or young people can choose to control their personal budget:

- Direct payments – where individuals receive the cash to contract, purchase and manage services themselves.
- An organised arrangement – where the authority retains the funds and commissions the support specified in the plan.
- Third party arrangements/nominees – where funds are paid to an individual or another organisation on behalf of the parent/carer/young person and they manage the funds.
- A combination of the above.

5.19 The provision to be delivered through a personal budget will be set out as part of the provision specified in the EHC plan. Where a personal budget has been agreed, the plan will also set out the details of the needs and outcomes to be met by the budget, and the arrangement for any use of direct payments including the services that they will be used for, the amount and frequency of the payments and arrangements for review. Direct payments will be set at a level that will deliver the provision specified in the plan.

- 5.20 The personal budget can include funding from education, health and social care. However the scope of that budget will vary depending on the needs of the individual as well as the eligibility criteria for the different components and the mechanism for delivery. It will reflect carers local circumstances and commissioning arrangements and the type of school parents or the young person request.



### Education Funding

- 5.21 In education, core per pupil funding and notional SEND budgets enable schools and colleges to provide teaching and support arrangements for all of their pupils and students. The special educational provision that schools are expected to make with such funding will be set out in the local offer and as such this funding would not normally lend itself to inclusion in a personal budget.

Education funding for a personal budget should be drawn from the local authorities high needs block and considered as part of the assessment and planning process.

Schools and colleges continue to make provision from their own budgets where a child or young person has an EHC plan. This provision should always be discussed with parents/carers, children and young people and personalised to meet their needs. The school and college can choose to make funding for this provision available as part of a personal budget.

### Key Working

- 5.22 A group of parents and professionals have developed a keyworking strategy from the *'Early Support Guide to keyworking'* which identifies the keyworking functions that a lead professional may undertake to support a child and family.
- 5.23 Approximately 35 parents and professionals have accessed 'Keyworking and Working in Partnership' training. We currently have 2 LA officers trained to deliver the training and 5 parents and 3 more professionals have expressed an interest in becoming trainers. In the future best practice would be for a professional and a parent to co-deliver keyworking training.
- To develop a keyworking strategy across the authority
  - To train a key group of professionals and parents to deliver keyworking training across all agencies
  - To give a clear message to parents about the role of the keyworker/keyworking

### Single Assessment

- 5.24 We have developed a single assessment pathway for children, young people and families. They should experience well co-ordinated assessment and planning leading to timely, well informed decisions. The following general principles underpin the effective assessment and planning processes that have been developed in Bracknell Forest;
- a) Participation in decision making;
- Children, young people and their parents/carers are key partners in the process and their views on how, when and to what extent they would like to engage must be taken into account. They should feel confident that they will be listened to and their opinions will be valued.
  - Practitioners in all services involved in the assessment and planning process need to be skilled in working with children, parents and carers and young people to help them make informed decisions. All practitioners should have access to training so they can do this effectively.
- b) Support for children/young people and parents/carers:
- Local authorities, health agencies and other agencies must work with parents/carers and young people to understand how best to minimise disruption to the child, young person and their family. For example, multiple appointments should be co-ordinated or combined where possible and appropriate, and some children and young people may need special arrangements and appointments.

- c) Co-ordination:

- The local authority is responsible for ensuring that there is effective coordination of the assessment and planning process.

d) Sharing information:

- Information sharing is vital to support an effective assessment and planning process which fully identifies needs and outcomes and the education, health and care provision needed by the child or young person. Information can be shared if there are agreed local processes designed to meet specific legal requirements about confidentiality, consent and security of information.
- Bracknell Forest will need to work with its partners to agree local protocols for information collection and management, so as to inform planning of provision for children and young people with SEND at both individual and strategic levels.
- As far as possible there should be a 'tell us once' approach to sharing information during the assessment and planning process, so that families and young people do not have to repeat the same information to different agencies, or different practitioners/services within each agency.

e) Timely provision of services;

- Where particular services are assessed as being needed, such as those resulting from statutory social care assessments under the Children Act 1989 or adult social care legislation, their provision should be delivered in line with the relevant statutory guidance and should not be delayed until the EHC plan is complete.

## **6 SUPPORTING INFORMATION**

- 6.1 Please see the attached action plans (Appendix 1) from the SEND Reforms Strategy to see how these reforms have been implemented. The transition plan has also been appended to this report (Appendix 2).

## **7 EQUALITIES IMPACT ASSESSMENT**

- 7.1 Not applicable

## **8 STRATEGIC RISK MANAGEMENT ISSUES**

- 8.1 There are financial risks as the reforms will include all those children and young people with special educational needs from 0 – 25. There has been a grant from the Government to aid implementation of the reforms. This grant will be significantly reduced from April 2015. There is no indication that funds will be available from April 2016, as an authority we will still be in the conversion process and there may be staffing capacity issues at this point. Recent announcements by Edward Timpson have acknowledged the cost and work implications for LAs over the next 3 years of the implementation.

### Background Papers

Implementing the SEND Reforms Strategy 2014-2017

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