



<u>Committee and Date</u>
Young People's Scrutiny Committee
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<u>Item</u>
8
<u>Public</u>

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Special Education Needs Reforms and Provision

1. Summary

This report summarises the changes for children and young people with Special Education Needs & Disability (SEND) in line with the Children & Families Bill which comes into force in September 2014, and more specifically the effect this will have on the statutory assessment process. It describes Shropshire's preparation for the implementation of the SEND reforms. It also outlines the development of in Shropshire that will improve localised education for children within the communities in which they live. The reduction in the number of appeals to a Special Educational Needs and Disability Tribunal (SENDIST) will also be outlined.

2. Recommendations

That Members accept the position as set out in the report.

REPORT

3. Risk Assessment and Opportunities Appraisal

There is every indication that the changes that will come about as a result of the SEND reforms will offer opportunities that will improve the quality of assessment and provision for children and young people, across Education, Health and Social Care disciplines. It is anticipated that support for transition between phases will also ensure a more joined up approach for children, young people and their families. The new process has a shortened statutory timescale, from 26 to 20 weeks, which will require additional engagement between families and colleagues in Health, Social Care and Education. This timeframe will be a challenge and, if not met, could affect our performance indicators.

The development of local specialist education provision will reduce the necessity for children and young people to be moved outside of their local communities; it is anticipated that this will have an ongoing benefit of

delivering localised provision into adulthood as opposed to the necessity of accessing expensive out of county provision that is often not in the child/young person or adult's best interest.

4. Financial Implications

The DfE has provided additional funding to support the implementation of the SEND reforms. There is also additional funding to support the conversion from statements of special educational need to Education Health & Care Plans (EHCP). Shropshire has a high number of statements but it is anticipated that there will be sufficient funding provided to undertake these conversions.

The funding arrangements for children with identified SEN will continue to be managed through the Shropshire school funding formula. A notional budget for SEN is included within the formula-led funding to all schools through the Schools Block, and top up funding is available to meet specialist needs from the High Needs Block. This high needs funding currently supports the provision for children with a statement and will be available to those identified for an EHCP. Funding identified from health and/or social care will also be incorporated into the plan.

The Council is developing specialist provision in Shropshire that will improve localised provision for children within the communities in which they live while reducing the significant costs of placing pupils in costly out-of-county provision. A centre for 24 secondary age pupils whose primary need is communication and interaction is being established in the north of the county at the Lakelands Academy in Ellesmere and will be fully operational next year. This will be fully funded through the reduction in expensive out-of-county placements and will generate savings in Dedicated Schools Grant in future years. As the lessons are learnt from the development of this first hub, further centres are planned using this localised model.

5. Background

5.1 In September 2014 the Children & Families Bill will come into force and the Special Educational Needs and Disability code of practice: 0 to 25 years will replace the former Code of Practice.

5.2 The principles of the new code can be summarised as:

- movement towards a more family centred system
- close working across education, health and social care
- production of a Local Offer
- the introduction of Personal Budgets
- the establishment of Education, Health, and Care plans (EHCP).

5.3 Shropshire is progressing well with plans to implement the reforms and is a member of the West Midlands pathfinder champions collaborative. We make good use of the pathfinder progress to inform our planning and access training and support through the West Midlands consortium.

5.4 In Shropshire a 0-25 SEND strategic board oversees sub-groups focusing on the Local Offer, Personal Budgets and the Joint Assessment Pathway. Both the strategic board and sub-groups are made up of partners from Health, Social Care, Education, Adult & Children's Services and Parent Carer/Partnership Forums.

5.5 The Joint Assessment Pathway sub-group is developing the statutory assessment pathway and Education Health and Care Plans and has focus groups working on early years, transition into adulthood assessment processes, special school provision mapping and criteria/threshold guidance.

5.6 The primary theme of the reforms is ensuring that families are central to all processes and that assessment and planning is person-centred. Parents and carers networks are working with colleagues in all of the sub-groups in order to shape the process and have devised the sections that children, young people and parent/carers will complete. They are also actively involved in shaping the criteria guidance and delivering training to schools.

5.7 Schools have been fully informed and involved in the developments. There have been regular training and networking opportunities for headteachers, special educational needs co-ordinators (SENCOs) and governors. A task and finish group of school SENCOs has been advising on development work and trialling approaches, including on shaping the school's local offer, which all schools will have to publish. During May information sessions were held around the county to provide an opportunity for representatives from Education, Health and Social Care to update schools and parents on the local context of the SEND reforms. Andre Imich has been the key adviser to the DfE shaping the SEND reforms. In July he will visit Shropshire, offering schools the opportunity to sign up for one of three briefing sessions which will cover the most up-to-date and first-hand information.

5.8 One of the key changes is that the Statements of Special Educational Needs will be replaced by Education, Health and Care plans. When a child or young person is assessed and found to have special educational needs that cannot be met at a targeted level, as opposed to a specialist level, an EHCP may be agreed as appropriate. If a child's educational needs can be met at the targeted level and they are in receipt of specialist services for health or social care it is unlikely that an EHCP will be required; they may have other plans to address these needs. To summarise, EHCPs will have the following profile:

- **the spine of the EHC plan will be educational**
- professionals from all three departments will work together as part of the 'Assessment Team', who will work closely with each other, parents and the child to draw up a robust, holistic EHCP
- education, health and care provision will be integrated to support the child or young person achieve their outcomes, as well as anticipating key transition points

- ALL departments will be under a statutory duty to identify, provide and pay for elements of support within the EHCP. These responsibilities will be clearly marked in the EHCP
- informal (family and community) support will also be listed as formal support from statutory agencies to achieve outcomes.

5.9 In the new code, mediation must be offered to all parents and young people to address dispute resolution for education, health and social care. Currently we are part of a collaborative with 13 other West Midlands LAs seeking to jointly commission independent disagreement resolution/mediation services for parents and for young people aged 16 to 25, to deliver the statutory requirement. The SEN provisions within the Children & Families Bill are secured on the principle of offering increased choice and control for families. West Midlands LAs are therefore seeking to ensure the families can have some choice in who delivers the resolution/mediation service, whilst ensuring that their service of choice meets a minimum standard within a value for money framework. It is intended to achieve this through an approved list of providers who satisfy the tender applications. Successful providers will be listed within the regional and LA specific Local Offers.

5.10 Whilst it is crucial to have this resource to support dispute resolution, it is the aim of the SEN team to improve communication and working relationships with families in line with the SEND reforms and that as a result there will be a reduction in such disputes. There is already an indication that this could be achieved. During the current academic year as the team have commenced working in this new way there has been a reduction in applications to SENDIST (Special Educational Needs and Disability Tribunal).

Appeals to SENDIST:

- Sept 12 – May 13 = **13** of which **2** progressed to tribunal hearings
- Sept 13 – May 14 = **6** of which **0** progressed to tribunal hearing to date

Appeals to SENDIST can be due to 1) The LA refusal to progress to assessment 2) LA refusal to grant a Statement of Special Educational Need 3) Disagreements regarding provision or wording in the statement.

Often the refusal to undertake a statutory assessment is due to the fact that the threshold has not been met and schools should be using their own resources to meet need. The SEN team is working closely with schools to help them understand why requests are refused, with emerging evidence that this is contributing to the reduction in appeals to SENDIST.

5.10 In February 2013 Cabinet approved a decision to develop more localised provision for some children identified with SEN. The focus is on enabling Shropshire's children to access their specialist education locally and to remain within their families and communities in Shropshire. Shropshire's first specialist hub opens in January 2015 and is to be located at Lakelands Academy in Ellesmere. When fully operational it will have places for 24 secondary age children. A Head of Hubs has been appointed and will commence in post in September 2014; other staff will be appointed to be in

post between September and December 2014. As well as offering children and families specialist provision locally it will enable the Dedicated Schools Grant (DSG) to be used more efficiently, as outlined in paragraph 4 above.

5.11 Children with a profile that will meet the hub threshold are being identified and individual transition and integration plans are being developed in order to support these children into full time placements within the hub by January 2015.

5.12 There has also been a focus on improving access to our Pupil Referral Unit - Tuition Medical Behaviour Support Service (TMBSS) and reducing the necessity of transporting primary children long distances across the county to access assessment placements. Two primary hubs have been attached to local schools; one in south Shrewsbury and one in Oswestry. There are currently plans to establish one in the south of the county also. These are managed and staffed by TMBSS and the LA commissions the places via a special school placement panel. As well as improving the access to local services and links with the host primary school whilst removing unnecessary travel time for children, it is anticipated that this will also offer a cost saving to the travel budget of TMBSS.

5.13 Specialist provision mapping is also exploring where any future SEN hubs will be placed and for which cohort of children we should be targeting the resource.

6. Additional Information

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Paper approving development of the hubs – 20 February 2013
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Children and Families Bill (March 2014) Children and Families Bill
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Draft SEN Code of Practice (April 2014) SEN Code of Practice
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Cabinet Member (Portfolio Holder)
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Ann Hartley – Deputy Leader of the Council and Portfolio Holder for Children's Services, Transformation and Safeguarding
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Local Member

All Members

Appendices
