

Children & Young People's Overview and Scrutiny Committee

24 February 2015



Special Educational Needs & Disabilities Reforms

Joint Report of Lorraine O'Donnell, Assistant Chief Executive, and Rachael Shimmin, Corporate Director of Children & Adult Services

Purpose of Report

1. To provide members of Children and Young People's Overview and Scrutiny Committee with information in relation to the new Special Educational Needs and Disabilities (SEND) reforms which will be presented to the committee by Jane Le Sage, Strategic Manager Special Educational Needs & Disabilities and Inclusion.

Background

2. The Children and Families Act 2014 placed duties on local authorities and others in relation to children and young people with Special Educational Needs and Disabilities (SEND). From September 2014 local authorities had a number of new legal duties that they were required to meet, including:
 - a new 0-25 co-ordinated assessment process and single Education, Health and Care Plan. This replaced the Statutory and Learning Difficulties Assessments.
 - the option of a personal budget for all families with children with an Education, Health and Care Plan
 - developing a web-based Local Offer of all services available to children and young people with SEND and their parents or carers. This should also inform strategic developments through, for example, the Joint Strategic Needs Assessment and joint commissioning arrangements for individual children.
 - a new approach to identifying SEN through a single Early Years setting-based category and school-based category of SEND.
 - a new duty on health to provide services detailed in EHC plans.
3. In November 2014, the Department for Education published draft regulations about the new duties to support children and young people with SEND in youth custody i.e. those placed in a Young Offender Institution, Secure Training Centre or Secure Children's Home. The new duties come into effect

from 1 April 2015 and a working group has been established to consider the implications and implementation arrangements. The new duties include:

- Maintaining and reviewing an EHC plan when a child or young person enters custody; and
 - arranging appropriate special educational provision for the detained person while he or she is detained (if they have an EHC Plan before or during the period of detention).
 - If the EHC plan for a detained person specifies health care provision the health services commissioner for the custodial establishment must arrange appropriate health care provision for the purposes of the EHC plan.
4. The presentation will focus on developments and implementation in County Durham about the:
- Education, Health and Care assessments;
 - Local Offer;
 - transition arrangements;
 - personal budgets; and
 - workforce developments.

Recommendation

5. Members of the Children and Young People's Overview and Scrutiny Committee are requested to receive the presentation and note its' content and comment accordingly.

Background Papers

Children and Families Act 2014

SEND Code of Practice

Previous report to Children and Adults Services Senior Management Team

Transition Guidance

Draft Special Educational Needs and Disability (Detained Persons) Regulations 2015

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Appendix 1: Implications

Finance – No direct implications.

Staffing - Within existing resources although part of the additional burden funding from the DfE has been used to employ temporary Casework staff to support the arrangements for converting statements to Education, Health and Care Plans.

Risk –

a) Timescales for implementing the reforms

An earlier report identified that there would be a significant risk if the reforms were not implemented by September 2014. The reforms have been implemented and we are also in a strong position to implement the new duties for young people with SEN in youth custody in April 2015. A strategic risk report has recently been prepared for CASSMT.

b) Workforce development

There will need to be a continuing comprehensive training programme for staff across education, health and care to ensure that we are all skilled to meet the requirements of the reforms and effect cultural change.

c) Limited engagement with partners

All partners have been engaged with the developments across County Durham and joint commissioning arrangements at both strategic level and for individual children and young people are ongoing.

d) Duplication

The Education, Health and Care Plan assessments have been considered alongside other assessment processes including those currently being developed in social care. This work will continue to develop. We must ensure that the key principles e.g. the child and family at the centre of the process and the “tell us once” approach across the different assessment processes are achieved.

Any risks will be mitigated against by developing governance and information sharing arrangements.

e) IT developments

The development of the Local Offer was considered alongside other IT developments and the software secured through the procurement processes.

f) Sustainability

Ongoing maintenance and development of the Local Offer website is a statutory duty and a further report will be submitted to CASSMT in March 2015..

Equality and Diversity / Public Sector Equality Duty -

Accommodation - An Equality Impact assessment has been completed.

Crime and Disorder – From April 2015, new duties on Local Authorities will be introduced in relation to young people with special educational needs who are detained in youth custody. A summary of the new duties are outlined in paragraph 4 of this report.

Human Rights - The reforms are the result of a change in the law. The proposed reforms will improve provision for children and young people with special educational needs. The right to freedom from discrimination is particularly relevant. Allowing parents of children with SEN with greater choice over provision for their child and service development will reduce the risk of discriminatory practice.

Consultation – The Children and Families Act and the SEN Code of Practice are clear that children and young people with SEN and their families should be involved in all aspects from the outset. This includes strategic planning and decisions about themselves. Consultation events, multi-agency conferences and network meetings have enabled us to engage with parents and carers and professionals across different agencies about the reforms and developments in Durham.

Procurement -

Through competitive tendering, an independent disagreement resolution and mediation service has been secured and is joint funded across education, health and care.

Disability Issues –

The reforms apply to children and young people with special educational needs, some of whom will be disabled.

Legal Implications –

The Children and Families Act 2014 places statutory duties on the Local Authority and Health. These relate to the joint commissioning and planning of services as well as meeting the needs of individual children and young people.