

**HAMPSHIRE COUNTY COUNCIL****Report**

<b>Committee/Panel:</b>	Health and Wellbeing Board
<b>Date:</b>	4 November 2014
<b>Title:</b>	Special Educational Needs and Disability (SEND) Reforms: Implementation Update
<b>Reference:</b>	6234
<b>Report From:</b>	John Coughlan, Director of Children's Services

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## 1. Summary

- 1.1. The purpose of this paper is to update Board members following the implementation of the SEND Reforms in Hampshire.
- 1.2. The Children and Families Act 2014 Part 3 SEND requirements became law with effect from 1 September 2014. The key driver for the reforms was to improve outcomes for children and young people with complex needs and the experience of parents and carers. The reforms focus on the needs of children and young people from 0-25.
- 1.3. The SEND Reforms are a key priority for 2014/15 for the Health and Wellbeing Board and have three key areas of change. These form the key areas of focus for this update:
  - The introduction of a new 'birth to 25' education, health and care plan (EHCP) to replace statements of special educational needs and learning difficulty assessments.
  - The introduction of optional personal budgets for some families with an EHCP to give greater independence, choice and control over the services they use to meet the assessed needs of their child, or the young person.
  - The 'Hampshire Local Offer' – a new website providing details of all local health, education, social care, leisure services and support for children and young people with special educational needs or who are disabled. The website can be found at [www.hampshirelocaloffer.info](http://www.hampshirelocaloffer.info)

## 2. Contextual information

- 2.1. Hampshire was part of the SEND Pathfinder programme within the South East 7 Pathfinder, one of 20 Local Authority Pathfinders, working with the Department for Education to inform the reforms as they developed. This ran from September 2011 through to March 2014. The focus from April 2014 has been on implementation readiness for Hampshire across the key agencies of education, health and social care.

- 2.2. A broad range of stakeholders have been included in the programme from the outset. In addition to SEN, the National Health Service and Children's Social Care and Adult Social Care, this has included the Hampshire Parent/Carer Network (HPCN), Voluntary and Community Sector Alliance, Mainstream and Special Schools, Colleges and Services for Young Children. All these stakeholders have been represented at the advisory SEND Reform Implementation Board and the three detailed workstreams for the EHCP, Personal Budgets and the Local Offer.
- 2.3. The multi-agency approach looks to improve the co-ordination of services across education, health and social care for children and young people from birth to age 25 with SEND thus incorporating both children's and adult services with health and social care. The SEN Service now covers up to age 25 with the ex Youth Support Service Personal Advisors moving in to the SEN Service from April 2014.

### **3. Finance**

- 3.1. There are two non ring-fenced grants that have been allocated for 2014/15: The SEND Reform Grant and the SEND Implementation Grant. The total grants in 2014/15 are £2.4m, made up of £1.5m SEN Reform grant and £0.9m SEN Implementation Grant. The former is one-off but we are expecting an additional Implementation Grant in 2015/16.

### **4. Performance**

- 4.1. There are statutory indicators that relate to SEN and the EHCP notably around meeting both the six week turnaround for receiving professional advice and the 20 week response time for completing an EHCP. This timeframe has reduced by six weeks from the previous response time for completing a statement of SEN.
- 4.2. There is also indication that a new Ofsted inspection framework is to be introduced to evaluate the impact of the SEND Reforms across Local Authorities. It is understood that the detail behind this inspection is currently under development, but that it could focus on the following four themes:
- Positive outcomes for children and young people and their families
  - Effective preparation for adulthood
  - Positive experience of the system for children and young people and their families, using "POET" (Personal Budget Outcomes Evaluation Tool)
  - Value for money.

### **5. Consultation and Equalities**

- 5.1. The aim is to improve outcomes for children and young people with special educational needs.

## **6. The Education, Health and Care Plan (EHCP)**

- 6.1. The key focus of the new EHCP is on gathering the child or young person's views, the family story (Our Story) and focussing on the outcomes for children and young people with SEND. The EHCP includes health and social care needs and provision as they relate to the special educational needs of the child or young person.
- 6.2. A request for a statutory assessment can come from parents/carers, young people themselves or the educational setting.
- 6.3. Three EHCP Readiness workshops were held July to August to ensure all agencies were ready for go-live on 1 September 2014. This has included a detailed schedule covering the business process, contact points for receipt of requests for statutory assessments, secure e-mail for professional assessments and sign off by agencies making provision.
- 6.4. The SEN Service, including the ex Youth Support Service Personal Advisors, have all received training on the Reforms and their requirements.
- 6.5. Formal briefings were held in the summer for Governors, Headteachers and SEN Co-ordinators in schools across Hampshire to raise awareness and of their forthcoming obligations. These covered in excess of 1,500 delegates. These were hampered with the fact that the final Code of Practice was not issued by the DfE and DoH until late July 2014. Subsequent briefings were held for SEN co-ordinators in September 2014.
- 6.6. A formal process of transferring existing statements of SEN (by 31.3.2018) and Learning Difficulty Assessments (LDA) (by 31.8.2016) is in place and published on the Local Offer. Final guidance on this was received from the DfE on the 1 September 2014 and the link can be found at the end of this document.
- 6.7. Statutory letters for parent/carers and for young people were distributed setting out the process for transfer, for those being transferred during this academic year, and for those that will be transferred after this academic year. This included 5,000 letters for those with a statement of SEN, and approximately 2,000 for those with an LDA.
- 6.8. Whilst a process has been put in place this will evolve in practice as the statutory agencies work together to deliver the new requirements and tweak the process accordingly to improve the experience as far as possible for professionals, parents and young people. The changes will be reported to the March 2015 SEND Reform Implementation Board.
- 6.9. Prior to going to first tier tribunal for the SEN aspect of the EHCP a certificate for attending or refusing mediation is now required. The DfE are in the process of conducting a three year trial to determine if the first tier tribunal should be expanded to social care and health. A young person themselves can now appeal to the first tier tribunal in relation to their EHCP.

## **7. Personal Budgets**

- 7.1. The "Personal Budgets Information for the Local Offer" has been published which pulls together in plain English and easy to understand language the approach to personal budgets across special education, child and adult health and child and adult social care. HPCN consulted on the document and fed back

changes to improve the readability and understandability of the document for parents, carers and young people.

- 7.2. Further work is in progress looking at personal budgets across child and adult health and social care as the key areas where personal budgets are most likely to be in place to benefit families and young people.

## 8. The Hampshire Local Offer [www.hampshirelocaloffer.info](http://www.hampshirelocaloffer.info)

8.1. The website went live on Monday 8 September 2014.

8.2. A full content plan has been developed and there are around 1,695 items of content anticipated to be uploaded on to the site over the coming year. For September 2014 the total was expected to be around 332.

Analysis by Sub-Group	Up to Sept 2014	Oct to Dec 2014	Jan to Mar 2015	April to June 2015	July to Sept 2015	Total
<b>Local Offers</b>						
Education and childcare	205	542	167	210	160	1,284
Children's social care and leisure	17	30	1	16	20	84
Preparing for adulthood	26	36	27	20	20	129
Health and Wellbeing	12	10	15	21	6	64
	260	618	210	267	206	1,561
<b>Articles</b>	72	44	13	2	3	134
	332	662	223	269	209	1,695

8.3. The Schools SEN Information Reports, a new statutory obligation for all schools, will be linked in to the Local Offer.

8.4. The Local Offer Designated Officer, Natalie Kenward, commenced employment on Monday 1 September 2014. This post is temporary until 31.3.2016 and is funded from the DfE grant allocation. A detailed list of tasks has been drawn up for this role, but the key focus is on:

- Monitoring the upload of content working with leads across the agencies
- Quality assurance
- Relationship with the delivery partner for the Local Offer, Parent Voice
- Resolving issues and continuing to progress the development of the site
- Chairing lead officer meetings for the Local Offer
- Leading the ongoing development of the Local Offer website, to meet the statutory obligations of the Local Authority.
- Reporting to the Joint Child Health Commissioning Board.

8.5. Parent Voice will commence development of the Local Offer site for Young People in November 2014. This will be expected to be live in the early part of 2015 and they will be working with a group of young people with SEND to develop the system.

8.6. A legal disclaimer relating to the content of the information on the Local Offer has been added to the site.

8.7. Content of the site is owned by Hampshire County Council. The framework of the site is the responsibility of Parent Voice.

8.8. A successful Hampshire SEN Information Day was held Saturday 11 October co-ordinated by Parent Voice and the Parent Partnership Service. This was a useful opportunity to publish the work Hampshire has been undertaking on the SEND Reforms and for parents and carers to trial use of the Local Offer website.

## **9. Future direction**

9.1. The SEND Reforms Implementation Programme will formally close on 31 March 2015 as the work now forms business as usual.

9.2. Two SEND Reform Implementation Board meetings remain, chaired by Steve Crocker, Deputy Director, Children and Families, Children's Services, Hampshire County Council, and these are scheduled for 17 November 2014 and 16 March 2015. The March meeting will have a six month review of the reforms in practice. It will report on risks, issues and lessons learnt which will form the basis of the Project Closure Report from the Project Manager. This will be fed back to the Department for Education for information.

9.3. Progress will continue to be reported to the Health and Wellbeing Board as directed, as well as the Joint Child Health Commissioning Board and Children's Trust.

## **10. Conclusion**

10.1. Good progress has been made during 2014 to implement the SEND Reforms from 1 September 2014. A further report on progress will be brought in late Spring 2015 following the March SEND Reform Implementation Board meeting to update the Health and Wellbeing Board on the progress six months in, and on risks, issues and lessons learnt during the process.

**CORPORATE OR LEGAL INFORMATION:****Links to the Corporate Strategy**

<b>Hampshire safer and more secure for all:</b>	no
Corporate Improvement plan link number (if appropriate):	
<b>Maximising well-being:</b>	yes
Corporate Improvement plan link number (if appropriate):	
<b>Enhancing our quality of place:</b>	no
Corporate Improvement plan link number (if appropriate):	

**Other Significant Links**

<b>Links to previous Member decisions:</b>		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
<b>Direct links to specific legislation or Government Directives</b>		
<u>Title</u>		<u>Date</u>
Children and Families Act 2014 Chapter 6 <a href="http://www.legislation.gov.uk/ukpga/2014/6/pdfs/ukpga_20140006_en.pdf">http://www.legislation.gov.uk/ukpga/2014/6/pdfs/ukpga_20140006_en.pdf</a>		May 2014
DfE and DoH SEND Code of Practice 0 to 25 <a href="https://www.gov.uk/government/publications/send-code-of-practice-0-to-25">https://www.gov.uk/government/publications/send-code-of-practice-0-to-25</a>		July 2014
DfE Final guidance on transition to the new 0-25 special educational needs and disability system introduced by Part 3 of the Children and Families Act 2014. <a href="https://www.gov.uk/government/publications/send-managing-changes-to-legislation-from-september-2014">https://www.gov.uk/government/publications/send-managing-changes-to-legislation-from-september-2014</a>		August 2014

**Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

<u>Document</u>	<u>Location</u>
None	

Integral Appendix B

**IMPACT ASSESSMENTS:****1. Equality Duty**

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**Due regard in this context involves having due regard in particular to:**

- The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

## **1.2. Equalities Impact Assessment:**

The implementation of the SEND requirements is intended to improve the experience of children and young people with complex needs and their families, and therefore should support equality.

## **6.0 Impact on Crime and Disorder:**

None anticipated

## **7.0 Climate Change:**

How does what is being proposed impact on our carbon footprint / energy consumption? N/A

How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts? N/A