

12th November 2015

ITEM: 8

Health and Wellbeing Board

Special Educational Needs and Disabilities, update on key areas of development.

Report of: Malcolm W Taylor Strategic Lead Learner Support / Principal Educational Psychologist

Accountable Head of Service: Malcolm W Taylor

Accountable Director: Carmel Littleton Director Children's Services

This report is Public

Executive Summary

The report informs the Board of the progress made across key areas in relation to the introduction of the Special Educational Needs and Disability reforms introduced by the Children and Families Act 2014 whose key duties came into place from 1st September 2014.

1. Recommendation(s)

1.1 That the Board notes the progress made in the implementation of the new reforms in relation to Special Educational Needs and Disability .

2. Introduction and Background

2.1 The new Education Health and Care Plans (EHCP) were introduced from 1st September 2014 as part of the SEND reforms set out in the Children and Families Act 2014. The Local Authority has a comprehensive process of transformation of Statements of Special Educational Needs to the new Education Health and Care Plans in line with the new legislation and SEND Code of Practice 2015.

2.2 Transformation Plans , Statements to EHC Plans.

Thurrock Local Authority has worked through its Transformation Plan for the transfer for of Statements of SEN to EHC plans from September 2014 to August 2015. The original SEN transformation plan published in September 2014 is shown as Appendix 1 .

Out-turn 2014/15

Between 1 September 2014 and 1 October 2015 there have been 354 reviews of statements held and these are in the process of being converted to Education Health and Care Plans. This is slightly less than the number originally planned for 2014/15 however all the statutory groups that had to go through the transformation process which are the Year 11 pupils where they were changing schools or leaving school were achieved. The Local Authority has ensured that there is a Local Authority representative present at all these reviews to ensure compliance with the statutory process and so that young people achieve the appropriate opportunity to develop a meaningful plan that focusses on their aspirations and outcomes.

The Revised Plan for Transformation for Statements to EHC plan covering 2015/18 was published in August 2015 and is shown as Appendix 2. As can be seen in this table, the revised plan for the transformation of SEN Statements is based on the statutory responsibilities for transfer and additionally is identified by specific circumstances in the same format as is now recorded by the DfE. The main body of transfers will again be the Year 11 pupils but also includes Primary to Secondary School transfers and Year 9 reviews where Transition reviews take place.

The transformation reviews will continue to be supported by additional Personal Advisor staff and Local Authority SEN staff attending the reviews to ensure that there is a Local Authority representative present as required at all reviews.

2.4 New Requests for Education Health and Care Plans

During the academic year 2014-15 there were:

- 48 Educational Psychologist requests
- 96 School/settings requests
- 37 Parental requests
- 2 Young Person Requests

Of the above 183 requests for Education Health and Care Plans, 26 were not agreed. There was a significant increase in the numbers of requests that would normally be received under the SEN Statement system. In previous years the Local Authority would have expected to receive approximately 100 new requests per year. Two possible factors appear to be impacting on this increase. One is the change to pre-school arrangements leading to an earlier request for an EHCP than would have happened previously and the second is the increased focus on the parent / child voice in the process, empowering parents to request a move to an EHCP assessment at an earlier stage in school than previously. This is clearly a positive development in ensuring parents, children and young people are empowered to ensure their needs are being met.

2.5 Quality Assurance of Education Health and Care Plans

The Local Authority has participated in regional workshops to carry out a quality assurance exercise with neighbouring regional local authorities on the design and content of the Thurrock EHC plans. Thurrock has received positive feedback from the DfE Regional adviser for SEND on examples of completed Thurrock plans as part of the regular support provided by the DfE to all Local Authorities. The Local Authority has established a Quality Assurance Moderation Group to ensure ongoing work on quality assurance of EHC plans.

The Local Authority carried out a review of the format of the Thurrock Education Health and Care plans at the end of the Summer Term 2014 and based on feedback from Parents, School Special Needs Co-ordinators and other contributors, revised the format of the plans to develop clear links between each section of the plan and maintain a focus on outcomes.

Further development of the plan has included new targeted sections on the key 4 areas of the Preparing for Adult section of the Transition plan for young people covering ;
Further/Higher education and moving towards employment ; Preparing for independent living ; Health and wellbeing; and Friends, relationships and community.

The updated version of this plan is included in the Appendices to this report. There have been close links established with South Essex College to ensure their full engagement in the new responsibilities in relation to the EHC plans for young people post 16.

The Local Authority and the Clinical Commissioning group continues to work closely with the Thurrock Carers and Parents Forum known as Carers and Parents (CaPa) on all aspects of its work in relation to the SEND reforms through a series of regular meetings and full engagement and co-production in all strategic and process developments.

2.5 Pre-School SEND developments

The existing Early Support system which co-ordinates the support for pre-school- children has been further developed over 2015/16 to ensure closer co-ordination and planning of support across Health Education and Social Care through developments in the Early Years Panel.

Prior to the introduction of the Education Health and Care Plans, the Early Years Panel managed the requests for Early Support from a range of agencies. The panel also managed the specialist multi-agency assessments and reviews for pre-school children with complex needs. This process which includes representatives from Education, Health and Social Care results in

Team Around the Child (TAC) plans as part of the Early Support process. This system ensures a multi-agency co-ordinated approach to meet the needs of these children.

To build on this system, the requests for pre-school Education Health and Care Plans as part of the statutory process, now come to this multi-agency panel and the outcome and co-ordination of these, including the multi-agency meetings are now organised through this panel. This has led to a significant improvement in the co-ordination of pre-school statutory multi-agency work. To support this process, additional staffing capacity has been funded within the Early Support programme. This system is managed from the Early Support programme based in Treetops school and supported through the Educational Psychology Service and the Local Authority SEN service. Thus there is now a clear point of access for all pre-school support including Portage home visiting services and statutory responses by the Local Authority

2.6 Health Provider Engagement in EHC assessments and plans.

To support consistency in the provision of statutory advice from health providers that work across Thurrock, Essex and Southend, there has been workshop activity supported by the Clinical Commissioning Group to establish a consistent template for Health Professionals' advice as part of the Statutory Assessment leading to the development of an Education Health and Care Plan. This is now being used by Health Professionals and there is a notable difference in how this is being used to identify outcomes and provision. Feedback from School Special Educational Needs Co-ordinators is that they are working with Health providers to give as much notice as possible of planning meetings to enable their attendance as this had been an issue in schools over the past year. There has been a high level of positive engagement by Health professionals in the pre-school work facilitated by Early Support.

2.7 Local Area Inspection Arrangements

The DfE have recently published the consultation on the Local Area Inspection process, [*The inspection of local areas' effectiveness in identifying and meeting the needs of disabled children and young people and those who have special educational needs*](#) Ofsted / CQC which is open until 14 January 2016. This sets out the proposed process for a wide ranging inspection of the implementation of the SEND reforms introduced by the Children and Families Act 2014. The Inspection process will be over a five year cycle with the first inspections starting from May 2016. The Local Authority has attended briefings on these proposals and the ongoing development plan will be informed by the Inspection Framework. The Local Area Inspection of SEND will cover all areas of the SEND and the narrative judgement will relate to the implementation carried by the Local Authority , Clinical Commissioning Groups and Health Services and all education providers .

It will be important therefore that the Board considers how any aspects of strategic decision making, commissioning priorities and service delivery impacts on the implementation of the new SEND arrangements. To ensure the ongoing effective implementation of the SEND reforms, so as to enable the best possible opportunities and outcomes for children and young people, the Local Authority will be carrying out a thorough self-assessment of the reforms implementation in conjunction with all partners. This will also support the preparation for the new inspection arrangements.

2.7 Social Care Development

Social care staff have attended the transition reviews of young people (who access the team for disabled children) in year 11, to ensure that all aspects of their care needs are fully included as part of the new Education Health and Care plans for young people. Staff from this team have also attended regional training on the development and joining up of social care processes in line with the new SEND reforms. There is close working between social care staff and the SEN department in relation to the plans and ongoing work in bringing together the panel arrangements for resource allocation as part of the EHC plan.

2.9 Personal Budgets

The SEND reforms introduce new opportunities for parents and young people to identify areas to be supported through a Personal Budget. These budgets are identified through the development of the Education Health and Care Plan and can relate to a wide area of support identified in the plan to meet the child or young person's needs. The main areas of need identified to date as part of the development of EHC plans has been in relation to the provision of Direct Payments for Short Breaks. There are approximately 80 families accessing Direct Payments to support their child's needs. As these children and their families go through the transformation process from a Statement of SEN to an EHC plan these Direct Payments have been included as a personal Budget as part of the their new EHCP.

2.8 Local Offer

The Thurrock Local Offer setting out a wide range of information in relation to the support available for children, young people and their families has been in place since September 2014 in compliance with the statutory requirements placed on the Local Authority. The Local offer has been reviewed by the DfE SEND advisor over 2014/15 who has fed back her view that it meets these requirements. There has been ongoing work reviewing this offer to respond to feedback from children, parents and outside agencies to ensure its accessibility and content is appropriate and to identify and respond to areas identified for further service development. Clear actions have been taken in response to the feedback received to date. There are a series of planned targeted sessions over 2015/16 with parents, children and young people to increase the feedback on the local offer and to capture information in relation to further service development.

3. Issues, Options and Analysis of Options

- 3.1 This report informs the board of a number of key areas in relation to the introduction of the reforms to Special Educational Needs and Disability. It reports on the good progress across a range of areas that has been made in relation to implementing a new system of support for children, young people and their families and identifies the ongoing areas for development that impact on a range of key issues for the Board. It further identifies the need for the Board to consider the ways in which all partners may contribute to the successful implementation of these reforms.

4. Reasons for Recommendation

- 4.1 This is presented to the Board to ensure it is sighted on developments across the Local Authority, Health and a range of partner agencies in developing services to support children young people and their families in relation to the SEND reforms and the statutory obligations

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 There has been wide spread consultation and engagement with parents and carers facilitated by the Parent Carer Forum as part of the development of the reforms in Thurrock and previous update reports to Children's Overview and Scrutiny.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The SEND reforms impact significantly on the delivery of services to meet The following Council Priorities;
Create a great place for learning and opportunity
Encourage and promote job creation and economic prosperity
Improve health and well-being.

The SEND reforms have led to increased levels of parental and child engagement in developing support arrangements with a clear focus on aspirations and outcomes for the child or young person. The increased focus on post 16 opportunities and access to employment for young people with SEND has led to a clear identification of needs and an ongoing process for young people to ensure their needs are being met. The bringing together of Health professionals alongside school and other staff with parents and children through the collaborative planning meetings as part of the EHCP development, allows for clearer health outcomes to be identified and linked to other support activities thus directly impacting on the child or young person's health and well-being.

7. Implications

7.1 Financial

Implications verified by: **Kay Goodacre**
Finance Manager

The additional services identified in this report to support the SEND reforms such as the Early Support staffing and the additional local Authority staff to support the planning meetings in school for Education Health and Care Plans has been funded through the additional transition grant funding from the DfE to cover these demands. The SEND reforms have been accompanied by significant changes to the national High Needs Funding regulations in schools that have been in operation since April 2013 to support clearer funding processes for placements across Local Authority Maintained Schools, Non Maintained Special Schools and Academies. These changes to the funding of High Needs have included new arrangements regarding the delegated funding available in schools to support all pupils with Special Educational Needs including those who have and do not have Education Health and Care Plans in place. The introduction of 0-25 plans with the associated increase in the level of preschool and post 16 plans , places an additional strain on the Direct School Grant funding to support these plans.

7.2 Legal

Implications verified by: **Lucinda Bell**
Education Lawyer

The legislation covering the SEND reforms are contained in the Children and Families Act 2014 and the associated regulations ; The Special Educational Needs and Disability Regulations 2014; and The Special Educational Needs (Personal Budgets) Regulations 2014.

The report author asks the HWBB to note the contents of this report. The Board is not asked to make any decision, and there are therefore no legal comments. Details of the legislative framework are contained within the body of the report.

7.3 Diversity and Equality

Implications verified by: **Becky Price**
Community Development Officer

The changes taking place within the systems of assessment and support for children and young people with special Educational Needs and Disabilities set out in this paper aims to strengthen individual's opportunities to achieve and lead independent lives. The delivery of these changes will need to be carefully monitored to ensure that the needs of all groups of children and young people particularly those with disabilities are being positively enhanced and that the Local Authority is fully compliant with its duties under the Equality Act 2010.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

NONE

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

Special educational needs and disability code of practice: 0 to 25 years
Statutory guidance for organisations which work with and support children and young people who have special educational needs or disabilities
DfE / DoH January 2015

Implementing a new 0 to 25 special needs system: LAs and partners
Duties and timescales - what you must do and when
DfE / DoH March 2015

9. Appendices to the report

- **Appendix 1**

Original SEN statement to EHCP Transformation Plan 2014/15
(published August 2014)

- **Appendix 2**

Revised Plan for Transformation for Statements to EHC plan 2015/18
(Published August 2015)

- Thurrock Education Health and Care Plan template



EHCP Version 19 13
7 15.docx

Report Author:

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Children's Services

Appendix 1

Original SEN statement to EHCP Transformation Plan 2014/15
(published August 2014)

Year Group Sep 2014	No. Statements	14/15	15/16	16/17
N1	0			
N2	2	2		
YR	15	15		
Y1	57		57	
Y2	60	60		
Y3	63	63		
Y4	76			76
Y5	62		62	
Y6	75			75
Y7	74			74
Y8	79		79	
Y9	82	82		
Y10	103		103	
Y11	108	108		
Y12	114		114	
Y13	38	38		
Y14	26	26		
TOTAL	1,034	394	415	225
		14/15	15/16	16/17

Appendix 2

Revised Plan for Transformation for Statements to EHC plan 2015/18 (Published August 2015)

DfE No.	Groups of children/young people	Latest academic year for transfer to new SEN system		
		2015/16	2016/17	2017/18)
1	children moving from an early years setting to a school	0(tbc)	tbc	0
2	children moving from infant to junior school	0	0	0
3	children moving from primary to middle school	0	0	0
4	children moving from primary to secondary school	62	76	0
5	children moving from middle to secondary school	0	0	0
6	all other children with statements of SEN in year 6 (including those not moving institution)	0	included in 4	0
7	children in year 9	79	74	0
8	children/young people moving from school (including school sixth forms) to a post-16 institution or an apprenticeship	up to 103	None	0
9	all other children/young people in Year 11 (including those not moving institution)	0	0	0
10	those moving from mainstream to special school or vice versa	tbc	tbc	0
11	those moving between local authorities	0	0	0
12	those leaving youth custody	tbc	tbc	0
13	those with non-statutory EHC plans and who have a statement of SEN	0	0	0
14	those with non-statutory EHC plans but who do not have a statement of SEN	0	0	0
15	those with statements of SEN or LDAs who receive direct payments, under the SEN Direct Payments Pilot Scheme	0	0	0
16	young people who receive support as a result of an LDE who intent to be in education beyond 31 August 2016	tbc	0	0
17	Young people who receive support as a result of an LDA who do not intend to be in education beyond 31 August 2016	0	0	0
18	all others who do not fall into the above categories	175	75	57
	TOTAL	419	225	57

