

NORTH YORKSHIRE COUNTY COUNCIL

YOUNG PEOPLE'S OVERVIEW AND SCRUTINY COMMITTEE

18th October 2013

Children and Families Bill: Special Educational Needs Update on Preparation for Implementation

“The biggest change in Special Educational Needs in 30 years”

1.0 PURPOSE OF REPORT

- 1.1 To report on progress in preparations for the implementation of the requirements in Part 3 of the Children and Families Bill which relates to Special Educational Needs.

2.0 BACKGROUND

- 2.1 The Children and Families Bill is due to be enacted in February 2014 and implemented in September 2014, with a phased introduction of some elements. An indicative draft SEN Code of Practice was published earlier this year. It is anticipated that a draft Code for consultation will be published later this month together with further and more detailed Regulations.
- 2.2 The key elements of the Bill are greater influence and control for parents; integrated assessment and decision making; the joint commissioning of health and care services for children with Education, Health and Care Plans (EHCPs), and improvements in preparing for adulthood.
- 2.3 The Association of Directors of Children's Services has identified preparation for Part 3 of the Bill as a regional work priority in 2013/14.
- 2.4 The Integrated Commissioning Board, which reports to the Health and Wellbeing Board has prioritised six areas for integration over the next 2 years, three of which are directly related to the new SEN duties.
- 2.5 North Yorkshire is one of 20 national SEND Pathfinders and a Regional Champion, with Calderdale, for which additional funding has been provided by the DfE. The purpose of the Pathfinder work is to trial elements of the proposed changes; to report progress back to the DfE and to support other local authorities in the region by sharing learning and experience.

3.0 IMPLICATIONS FOR CCGs AND NHS TRUSTS

- 3.1 Health is at the centre of the Children and Families Bill in recognition of the fact that many children with SEN depend on health services. The Bill requires relevant parties including Clinical Commissioning Groups and NHS Trusts in the area to co-operate with the local authority in the exercise of its functions.

- 3.2 There will be a duty on CCGs to secure health provisions specified in EHCPs for children and young adults with SEN, including specialist health services such as physiotherapy and speech and language therapy, whether or not they are provided under the NHS. It will be a statutory duty for Health commissioners to work with local authorities to jointly plan and commission for children with SEN.
- 3.3 Each CCG must have a designated medical officer for children with special educational needs. The responsibilities of this role will include coordinating the role of health in the statutory assessment process, working strategically across health and the local authority and ensuring that local health services inform the local authority of children who they think may have a special educational need.
- 3.4 The mandate from the Government to the NHS commissioning Board, published in November 2012, identifies the need for a significant improvement in supporting disabled children and young people with special educational needs. It states that
- “The Board’s objective is to ensure children and young people have access to the services identified in their agreed care plan and that from April 2014, their parents are able to ask for a personal budget based on a single assessment across health, social care and education.”

4.0 **PROGRESS AND NEXT STEPS**

4.1 **Greater influence and control for parents and young adults**

i) Local Offer

The Local Offer places families and young people at the heart of developing local services and encompasses all children who need support, not just those with an EHCP. For parents to make informed choices, they need good clear information. The Local Offer will set out clearly what SEN support is available locally across health, education and social care, on-line, and in clear language, along with information about how to access advice, and to raise complaints.

Progress to Date

A working draft with public visibility has been available on-line since the end of September. Consideration is being given to other media for making the information available to those who do not have internet access, and to developing a communications plan. A young people’s version of the Local Offer is being produced, using appropriate symbol software and this will be linked to the Youth Service’s website. A parents’ and professionals’ version will be available on the council’s website as part of a much bigger county-wide Community Directory.

A group of Special Educational Needs Co-ordinators, early years’ managers and SEN staff in colleges have been involved in writing Local Offer summary advice for settings, schools and colleges and this information has been shared through special needs networks. A detailed guidance document has been provided for all settings. Parents and young people have also been closely involved with advising on these developments.

Next Steps within the Directorate

The next phase of development will include the completion and publication of a web based Local Offer. This will require further work with service areas to fully update and populate information about specific provision across the county. There will be further discussions with colleagues in Q&I and CSC to ensure that information is consistent and sufficiently detailed to provide a clear and accurate picture of available services and provision.

Work will then focus on the development of maintenance and review arrangements in time for the New Year.

Next Steps with Partners

To date, the involvement of Health partners in the development of the Local Offer has been largely limited to the inclusion of the NHS Choices website. Whilst this contains the option of disaggregating information down to specific locations, more detailed information is required to make the Local Offer truly accessible and reflective of the availability of Health services across the county and to explain how Health and local authority services interact.

Most of the work to develop the Local Offer has been based with CYPS and it is important that future activity includes a greater involvement from HAS. This should be formalised through the maintenance arrangements for the Local Offer, and should be assisted by the proposed arrangements for an Integrated Transitions Service between the two Directorates and Health.

Work will continue with corporate colleagues to link the Local Offer to the new NYCC website and the launch of the council's Community Directory and e-Marketplace.

Engagement with parents' and young people's groups has been of great value in helping the local authority develop the Local Offer and this participative approach will continue. It is vital to ensure that these groups contribute to the development of a meaningful feedback and review mechanism, in order to make sure that the views of service users are central to the management and delivery of the Local Offer. We will continue to work with voluntary sector partners to support and encourage this dialogue.

Summary

Good progress has been made and we are on target. Mott McDonald, the national support organisation for the Pathfinder on behalf of the DfE have included our draft in their national good practice guide for local authorities. The Local Offer will be the A&I item to Showcase Great Practice at the next Extended Leadership Team.

ii) Personal Budgets and Direct Payments

Parents of children with an EHCP, or a young person will be able to ask the local authority to give them their own 'personal budget'. This is the amount of money the council has to pay for the help they need with their education and social care. The young person or their parent could ask for some or all of this money as a 'direct payment' to spend on the additional support they need in order to achieve the outcomes outlined in their EHCP. Or they could agree how the council will spend it on helping them.

Progress to Date

A working group of managers from HAS and CYPS, with support from the Business Improvement Team has shared information about the existing system of brokerage in HAS (which is currently used by CYPS for Direct Payments in relation to care provision for children with disabilities. Approximately 100 such payments are currently made).

Considerable work has been undertaken involving the national charity, In Control, to develop a Resource Allocation System (RAS) to determine an indicative education budget for a child or young person as part of the assessment process for an EHCP. This would give an indication to families of the level of resource they might expect as a result of the assessment prior to their Plan being finalised. Work is in hand with a range of providers to trial a RAS with approximately 300 children, with a view to approval and roll out across the county from April 2015. North Yorkshire is one of the first local authorities to develop a 0-25 resource allocation system for the education component of the EHCP. There is a direct link between this work and School Funding Reform as regards High Needs.

Next Steps within the Directorate

It is anticipated that further guidance on Personal Budgets and Direct Payments will be provided by the DfE this autumn. This should be used as a catalyst for further discussions with colleagues in CSC about the potential implications for provision made by them in EHCPs.

Next Steps with Partners

In the interests of efficiency, taking account of the new responsibilities to age 25, the fact that a significant number of young people with EHC Plans transfer to adult services at age 18, and that the interests of users should be central to design, then it seems logical that the brokerage system currently operated in HAS should be extended to cater for Personal Budgets and Direct Payments for education and children's social care provision, where appropriate. The Council should plan to operate a single system. The service should also incorporate or be integrated with the offer of Personal Health Budgets for which Health need to have 'capacity and capability' by April 2014.

It might also be more efficient to operate one payment service for Direct Payments, whereas currently there are two, one in HAS the other in CYPS, both operated by Business Support. Again, any extension of this system should incorporate arrangements with Health.

Summary

This is an area of development in urgent need of greater momentum in planning and development.

(iii) Information and Advice, Disagreement Resolution, and Mediation

Local authorities will have a duty to provide information and advice to parents and young people directly about matters relating to their special educational needs.

Local authorities must arrange for disagreement resolution services to be available to parents and young people. The service must be independent of the local authority. Local authorities will be expected to make available an independent mediation service free of charge to parents and young people over 16 who have a right of appeal to the SEN Tribunal.

The Bill does not require local authorities to provide a Parent Partnership Service, as such.

Progress to Date

We are well briefed on future requirements and examining the recently published draft Code of Practice for clarification relating to the definition of 'disagreement resolution'.

Next Steps within the Directorate

An options report will be brought to CYPLT and the Executive Members outlining the advantages and disadvantages of retaining some of the required provision 'in house' in the Parent Partnership Service, and the associated resource implications of extending the service to age 25. It may be necessary to restructure the service.

Next Steps with Partners

Depending upon the options which are adopted for engagement and consultation, the voluntary sector is likely to express an interest in taking on some or all of the work through an appropriate procurement exercise.

Summary

We are well placed to accelerate this work during the autumn term.

4.2 Integrated Assessment and Decision Making

Where a child's needs cannot be met by existing resources, the local authority will be required to conduct a formal co-ordinated assessment of education, health and care needs using existing relevant assessments, sharing information and sitting down with the family to draft the EHCP together.

The DfE has very recently decided that the 'conversion' of statements to EHCP's can be phased over a 3 year period from September 2014 though there would be a downside to this as it would require the 'double running' of funding systems for allocating resources to individual pupils.

The local authority currently maintains approximately 1800 statements of SEN and section 139a assessments for school leavers with a statement. Of these, approximately 600 include care provision. A significant number also include health provision.

Progress to Date

We have engaged with parents and other agencies and have developed a single all-age, person centred, outcome focussed plan for children, young people and young adults from 0-25 years, and the necessary processes to accompany it.

Next Steps within the Directorate

A final draft is being trialled firstly by converting existing Statements to EHC Plans at annual reviews in our special schools with the most experience of person-centred planning. By January 2014 we shall have a robust process and planning format which will then introduce it in a phased way to other special schools, EMS and finally mainstream schools.

We have begun training CYPS staff, special school and EMS staff in the revised processes and the draft EHCP. Assessment and planning will be a significant agenda item for SENCo Networks, the Senior Leadership Forum for Early Years Settings and the FE SEN Network this autumn with further sessions being planned for the spring term.

Further information and training will be provided for colleagues in CSC and across the Directorate.

New business processes have been developed in line with the reduced 20 week timeline for statutory assessment. Alignment and integration with the new IT system currently being introduced across CYPS (Synergy) is expected to be completed in the period November – January 2014. This is behind the timeline initially anticipated. The introduction of a new IT system at the same time as new and complex business processes are introduced poses a risk and this will need to be carefully monitored moving forward.

Our success in delivering the substantial change to our SEN processes will be highly reliant on our ability to ensure that new systems and administrative processes are capable of effectively delivering against new statutory duties and shortened legislative timelines. New SEN processes will be subject to substantial regulation and scrutiny and pose considerable financial and reputational risk should they fail to deliver against our statutory responsibilities for SEN. Key areas of activity are significantly underpinned by the functions performed by the SEN Support Team within Business Support. The interdependencies with Business Support will be carefully monitored as we move forward.

Next Steps with Partners

Further work is required to ensure that HAS and Health fully understand and are signed up to playing their part in the new assessment and planning processes. Further work is also needed to ensure that the ICT systems are ready for rollout

in the New Year and development continues on the integration of related systems.

4.3 **Joint Commissioning of Care and Health Services for those with an EHCP**

Integrated commissioning is seen as the best way to ensure that optimum use is made of resources, and that they support collaborative working to meet the wide range of children's needs. It offers partners an opportunity to re-design local systems to operate more effectively, both to improve the experiences of users of the services and to make the best possible use of local resources.

Progress to Date

The responsibility for the commissioning of specialist services for children and young people with disabilities and their families will be managed for the Clinical Commissioning Groups by the Partnership Commissioning Unit (PCU). The PCU has very recently appointed to the post of Head of Children, Young People and Maternity.

The first services to be considered for joint commissioning are those which support speech, language and communication needs. A draft briefing for CCGs has been produced setting out the project, scope and key responsibilities.

Next Steps within the Directorate

The Directorate's Service Review work currently being put in hand will provide the impetus and direction for consideration of commissioning proposals relating to care provision for children and young people age 18. This could include, for instance, a review of eligibility criteria and related levels of provision, and the potential to outsource Children's Resource Centres.

Next Steps with Partners

The joint commissioning work relating to speech, language and communication needs to be progressed with the approval of CCG Boards.

The development of an Integrated Transitions Service across CYPS, HAS and Health will greatly assist in the planning and commissioning of appropriate pathways and provision for young adults with disabilities.

Work is being put in hand between Health, CYPS, HAS and colleagues in City of York to align processes and funding arrangements for Continuing Healthcare between children's and adults services which itself would assist in Transition Planning.

The next iteration of the Joint Strategic Needs Assessment (JSNA) will include an in-depth report on special educational needs and disabilities which will inform strategic planning and joint commissioning.

Summary

We are in the early stages of a joint commissioning project with the PCU and this need to be accelerated. Similarly, work to develop an Integrated Transitions Service needs to progress with a view to implementation in 2014.

4.4 Preparing for Adulthood

For the first time, young people with special educational needs and disabilities aged 16 - 25, who are no longer in school, will be subject to the same legislation for assessment and planning for their future as children 0-16. The Code of Practice will apply to FE providers.

The Local Offer will set out the support available to assist young people in the transition to adulthood with more choice and control over their own lives and will include information relating to a variety of routes to employment, housing and accommodation and participation in society through leisure activities, friends and relationships.

Progress to date

In conjunction with a government-sponsored training, advice and support organisation, Preparing for Adulthood, we have run five one day workshops which were well attended by professionals and families, on the themes above.

Over the last two years we have supported some young people to stay in their local communities rather than attend independent specialist colleges, usually outside North Yorkshire. Each young person has a personalised learning pathway that might include some college time, some preparation for work skills, work experience, personal and social skills training, independent travel training, basic education and leisure time.

The numbers of young people opting for this has increased from 5 in 2011/12, to 25 in 2013/14. Each programme is bespoke, the outcomes are good, it is less costly than out-of-authority placements and it is being promoted as a national exemplar of good practice by the DfE.

Next Steps within the Directorate

In this academic year we are planning to open a hub in Selby and to expand the remit of the Harrogate team to include the Craven area. The financial investment and impact of personalised pathways will need to be considered in a review of High Need Block funding pressures.

Next Steps with Partners

The establishment of a 16-25 Integrated Transitions Service, based in CYPS, is fundamental to achieving further significant progress in improving transition to adulthood. It would also be consistent with the agenda for financial efficiency. It will be important to continue engagement with Health relating to Continuing Health Care funding and to ensure their full engagement in the planning for an Integrated Transitions Service.

We will raise the personalised pathways as a possible project for support at the LEP Skills Board which would help to accelerate its extension across the county.

Summary

In line with the commitments made in the SEND Strategy 2011-2014, significant improvements have been made in transition to adulthood. This is not universally the case and there continue to be complaints from parents and young people about delays, gaps and frustration. The progress in collaborative approaches and working would be accelerated by structural change.

5.0 FINANCE

5.1 The DFE's March 2013 assessment of the impact of Part 3 of the Children and Families Bill anticipates some transitional additional costs over a 2 to 3 year period and some recurring annual costs of implementation.

5.2 In the longer term the DFE anticipates

'that the single assessment and plan may lead to earlier identification of needs thus avoiding the need for very expensive and intensive remedial interventions and support'

'the market situation and transparency that (Personal Budgets) is likely to generate, may have a downward impact on the cost of service and stimulate more innovation in the market'.

5.3 The Bill is complemented by School Funding Reform (High Need) which could have the effect of containing and then reducing the current high level of demand for statutory assessment though this is unlikely to happen in the short term. This in turn would reduce the pressure on the High Needs Block of the Dedicated Schools Grant, and the cost to the local authority of the associated bureaucracy in the local authority.

5.4 The funding provided by the Local Pathfinder has significantly assisted in the development of new approaches especially during a period when in order to meet MTFS targets it has not been possible to invest in additional staffing to support the work. The Pathfinder funding ends in September 2014, at the latest, with possible tapering from April 2014.

5.5 A report will be brought to CYPLT on 24th October proposing further restructuring of the SEND services to make them fit for purpose for implementation, and explaining the need for some additional investment in the assessment and commissioning functions in order to meet the anticipated statutory duties and enable them to manage the implementation of the High Need funding reforms.

5.6 A combined and unified approach between CYPS, HAS and Health to improved Transitions arrangements for Continuing Healthcare should be seen also in the context of financial efficiency and cost containment.

6.0 COMMUNICATIONS

- 6.1 Communications with parents are being managed through NYPACT. This will continue through a regular update posted on their website and further opportunities to engage in planned development work. Spring and Summer 'roadshows' for parents and carers across the county will be planned with NYPACT.
- 6.2 Schools will be involved and informed through SENCO networks and a regular briefing in the Red Bag. This briefing will also be circulated to colleagues in the Directorate, and there will be engagement with senior leadership teams in CYPS.
- 6.3 The PCU is represented on SEN work strand groups and the SEND Steering Group of the Children's Trust. The PCU has provided CCG's with information mainly through newsletters. A report will be made to CCG Boards by the PCU on the implications of the Bill.
- 6.4 HAS has been involved in discussions on specific issues. This report will be presented to the HAS Management Board to increase awareness.
- 6.5 A whole county conference is being planned for Friday and Saturday 7th and 8th February 2014. This will involve partners and parents/carers and young people. It will further raise awareness and build momentum by showcasing preparatory work and outlining progress.
- 6.6 This report, as amended, will be taken to Executive Members, at their meeting on 22nd October and will also be adapted for the Children's Trust Board meeting on 23rd October. The Young People's Overview Scrutiny Committee will consider preparations for implementation of Part 3 of the Bill at the meeting on 18th October. It will also be an item at the Member seminar on 6th March.

7.0 Overall summary

- 7.1 A great deal of strategic detailed attention has been given to planning for implementation of what are complex and challenging developments and there remains much more to do.
- 7.2 There has been good progress with some aspects, especially the Local Offer and preparing for adulthood. We are being pressed by Mott McDonald to accelerate the rollout of EHCPs, to include new cases. There has been less progress with Personal Budgets and Direct Payments.
- 7.3 Engagement with Health has been positive but there remains more to do to help CCGs to be sighted on the full implications of the Bill for them and for joint work. The establishment of the PCU, and most recently the appointment of the Head of Children, Young People and Maternity, will greatly assist this.
- 7.4 At a time when increasingly the main focus of the Directorate's work is the achievement of very significant financial savings, it is vital that we also maintain our attention on delivering the anticipated new duties.

8.0 **Recommendation**

- 8.1 That progress in preparations for the implementation of the requirements in Part 3 of the Children and Families Bill be noted.

CORPORATE DIRECTOR
CHILDREN AND YOUNG PEOPLES SERVICE

October 2013

Report prepared by: Andrew Terry, Children and Young People's Service