



<b>Title of paper:</b>	Progress in implementing the new 0-25 Special Educational Needs (SEN) System (Children and Families Bill 2013)	
<b>Report to:</b>	Children's Partnership Board	
<b>Date:</b>	6 <sup>th</sup> March 2014	
<b>Relevant Director:</b>	Dr Tim O'Neill , Director of Family Community Teams, Nottingham City Council (NCC)	<b>Wards affected:</b> All
<b>Contact Officer(s) and contact details:</b>	Kevin Banfield, Head of Programmed Transformation (NCC), Alison Weaver, SEN Adviser and Service Manager (NCC) Janine Walker, Service Manager, Special Educational Needs (NCC)	
<b>Other officers who have provided input:</b>	Members of Programme Steering Group including: Deborah Hooton, Head of Joint Commissioning Children and Families Services, NHS Nottingham City CCG Michelle Wright, Futures Nottingham and Nottinghamshire Steve Lynk, Finance Analyst (NCC) Irene Andrews, Market Development Programme Manager (NCC) Marie Halford , Service Manager, Inclusion and Disability (NCC)	
<b>Relevant Children and Young People's Plan (CYPP) objectives(s):</b>		
<b>Stronger safeguarding</b> – With a key focus on ensuring that there are high standards of safeguarding across all agencies and that the Partnership takes a proactive approach to the elimination of domestic violence.		
<b>Healthy living</b> – With a key focus on increasing the proportion of children and young people who have a healthy weight.		<b>X</b>
<b>Reducing substance misuse</b> – Partnership work to lessen the impact on children of parental drug and alcohol misuse and to reduce drug and alcohol misuse amongst children and young people.		
<b>Raising attainment</b> – Raising the attainment levels and increasing engagement in employment, education and training.		<b>X</b>
<b>Improving attendance</b> – Improving rates of attendance at both Primary and Secondary as a key foundation of improving outcomes.		<b>X</b>
<b>Summary of issues (including benefits to customers/service users):</b>		
<p>This report sets out the:</p> <ul style="list-style-type: none"> <li>▪ Requirements of Children and Families Bill which will come into effect in September 2014, and transform the way that services in relation to children with SEN will be delivered</li> <li>▪ Benefits which will accrue to citizens as a result, including: <ul style="list-style-type: none"> <li>- clearer and more accessible information about available support</li> <li>- a single co-ordinated assessment process for young people aged 0-25</li> <li>- personal budgets for families, improving choice and increasing control</li> <li>- improved transition to adulthood including housing, benefits and leisure activities</li> </ul> </li> <li>▪ Progress to date in implementing these new requirements</li> </ul> <p>Critical need for partners to work effectively together - in particular through the joint commissioning and delivery of services</p>		

<b>Recommendations:</b>	
<b>1</b>	To note the implications of the Bill and the new legal requirements placed on Local Authorities, CCGs and partners from September 2014.
<b>2</b>	To note progress to date and support the proposed implementation plan and approach
<b>3</b>	To champion a partnership approach to implementing these changes, in particular through joint commissioning, delivery and funding of services
<b>4</b>	To note the intention to present a further report (or reports) once the overall financial implications of implementing these requirements are clearer

## **1. BACKGROUND AND PROPOSALS (Explanatory detail and background to the recommendations)**

### Requirements of the new Bill

1.1 The Children & Families Bill covers a range of reforms to improve services for vulnerable children, including changes relating to fostering and adoption, family justice, childcare and parental leave. The part of the Bill which will have the biggest impact for the LA and CCG in terms of cultural and organisational change is the part relating to Special Educational Needs (SEN).

1.2 A set of minimum requirements in the Bill will come into force from September 2014. From this date, Nottingham City Council, NHS Nottingham City CCG and partners will begin to provide a new system of support to children and young people with SEN up to the age of 25 and their parents. The government's ambition is that this new system should not only result in improved outcomes for children and young people with SEN, but also provides the potential to lead to efficiencies in service delivery (through, for example, joint commissioning and joint delivery of services).

1.3 The headline timetable for implementing the new Bill is contained in Annex 1. This sets out a range of minimum requirements which must be met by September 2014, and a further set of requirements beyond that date. The key focus of this report, current implementation plans, focus and attention, is on the changes which must be made in the next 9 to 10 months to meet the September 2014 requirements

1.4 Key changes which must be in place under the Bill include:

- LAs and CCGs to jointly commission SEN Services
- LAs and CCGs to work with parents and young people to develop and publish a 'local offer' detailing all the services available (universal, targeted and specialist)
- A more streamlined assessment process – a 'Tell Us Once' approach – so families don't have to repeat themselves to a range of professionals.
- The replacement of Statements and Learning Difficulty Assessments with new Education, Health and Care Plans (EHCP) extending the statutory protection of children & young people from 18 (as it is now) up to 25.
- The option of an EHCP personal budget for families, to offer choice and control around how SEN support is delivered.
- A stronger focus on preparing for adulthood and improving transition services.

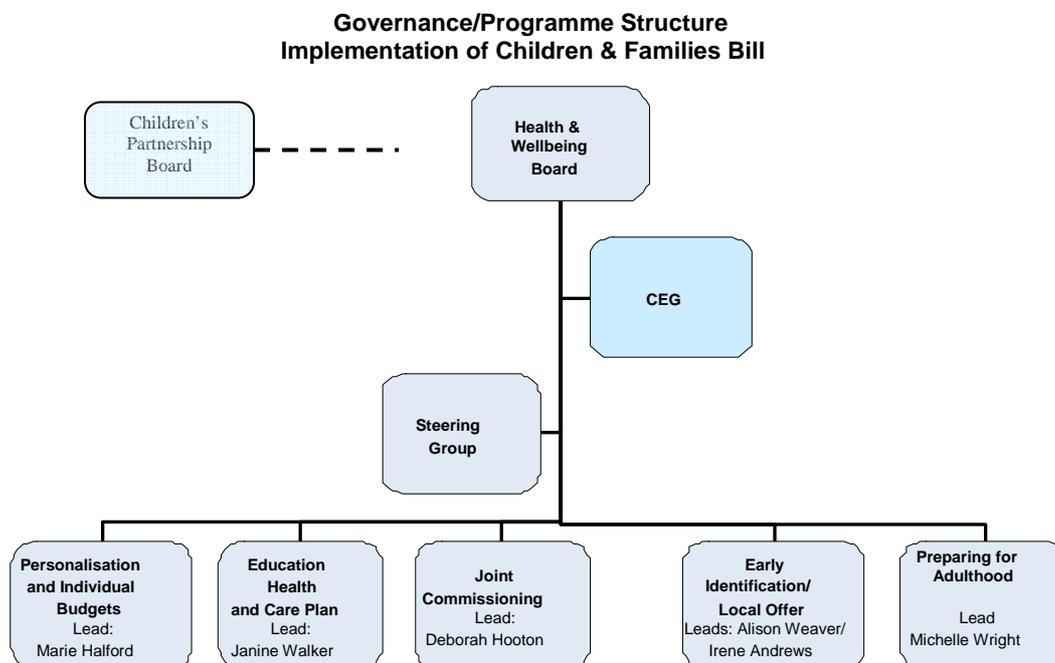
1.5 These changes are aimed at ensuring that children and young people are positioned at the heart of the new SEN system, have increased choice and control – and are supported by a joined-up approach across Education, Health and Care, from birth to the age of 25.

### Progress to date/Implementation arrangements

1.6 Good progress has been made locally in Nottingham in preparing to implement the changes required by September 2014. This has been helped by us proactively using the learning from Pathfinder Authorities who have been implementing the requirements in advance; and from Pathfinder Champions who have provided support and advice regionally and locally (and who now will continue to do so until March 2015).

1.7 A clear and agreed structure for addressing requirements has been developed. The overall governance structure for the programme, including Commissioning Executive Group (CEG) and the Health and Well Being Board (HWBB) are set out in Figure 1. Going forward, CEG and HWBB will have a vital role in this programme, in particular championing and driving forward Joint Commissioning and Delivery.

Figure 1



1.8 Five core working groups focusing on each main element of the Bill have been established and an overall cross-partner steering group is in place. This has met regularly over the past 4 months or so, providing direction and an overall steer for the programme. Detailed project plans have also been developed and agreed for each work stream – and are now being implemented.

1.9 The 5 work streams, and main purpose of each, are:

- Early Identification and the Local Offer
  - provide clear, comprehensive and accessible information about the Local Offer of services detailing available support and opportunities
  - promote clear and consistent good practice for early identification and provision for children and young people
- Education Health and Care Plans (EHCP)
  - work in partnership to develop a co-ordinated assessment process and an EHCP for children and young people from birth to 25

- Individual Budgets
  - deliver individualised budgets to all families with a statutory EHCP as a choice
  - provide a key worker to all families who opt for individual budgets
- Preparing for Adulthood
  - Ensure a co-ordinated and effective transition to adulthood for young people with SEN or disabilities up to the age of 25
- Joint Commissioning
  - Ensure the Council, CCG and partners jointly commission services that improve the physical, emotional and mental health and well being of children and young people with SEN and disabilities

1.10 There are representatives from a range of statutory and voluntary services within each core group. Implementation plans have been informed by the results of a highly successful Children and Families Bill stakeholder event held in September which was attended by around 100 people, including partners, families and children.

1.11 Parents and carers also contribute to the work of each group. In addition, a clear communication and engagement strategy is being developed which will ensure that children and families will contribute to the development of service provision in line with the legal requirements.

1.12 Implications for the LA and CCG include realignment of existing resources and workforce, training and development of staff, the added pressure of running dual systems during transition to the new arrangements and the implementation of information sharing protocols and IT systems.

1.13 Work Stream Progress to date

#### Early Identification and the Local Offer

- Local Offer website provider identified and in later stages of commissioning cycle.
- Formal consultation with parents, carers and young people around design and content of SEND Local Offer website planned from April.
- Test site available to view from May for Partners and Families for feedback.
- Framework and guidance for Education and Early Years Providers to promote clear and consistent good practice on track to be completed by May.

#### Education Health and Care Plans (EHCP)

- The format of the plan has been agreed, the pilot of the new assessment process will begin on 17<sup>th</sup> March.
- The new process will be presented to schools on 11<sup>th</sup> March.
- From April, we will begin a rollout of training for settings, professionals and parents where we will ensure that the process is well known and becomes embedded

#### Individual Budgets

- We already have in Nottingham a Social Care and Health Personal Budget offer, which is providing a good platform for taking forward an offer for personal budgets for S.E.N.
- Multi-Agency Key Worker model agreed and pilot starts in April

#### Preparing for Adulthood

- Draft Pathways to Employment , Post 16 Mapping & F.E Pathway and Family Leadership are the key themes of Phase 1 (Sept 2014) and on track to be presented for consultation in April

#### Joint Commissioning

##### Working together in partnership/Joint Commissioning

1.14 In order to meet all new duties it is imperative that the LA and CCG work closely with all partners to maximise opportunities to improve services and outcomes. The HWBB, CEG and Children's Partnership Board will have a vital role to play in championing, owning and driving forward this partnership perspective.

1.15 Joint commissioning will be central to ensuring that services are able to provide sufficient capacity at a time when numbers of children and young people with special educational needs are growing, leading to increasing pressure on services. The work of the Joint Commissioning work stream will therefore be particularly important in underpinning delivery of this overall programme and will ensure that:

- New health reform structures are used to improve services for children and young people
- Resources are aligned, such as through pooled budgets, between agencies and services to improve delivery of support services for children and young people
- We review how agencies and service providers work together to assess and provide support – sharing information and knowledge, in order to prevent repetition and lengthy processes
- Support in the single plan is transferable across local authority boundaries when families move home (i.e. education, health and social care)
- We explore how to achieve value for money and efficiencies in the new system and assessing what it could cost Nottingham City partners to reform the system

1.16 The key early focus of this work stream is the development of a joint commissioning strategy, implementation action plan and organisational governance structures that will enable delivery of the requirements of the Bill. A refresh of the JSNA for children and young people with disability and complex needs is also planned for early attention.

1.17 Once developed, the draft joint commissioning strategy, and proposals around joint commissioning arrangements, joint contracts and pooled budgets will be presented to CEG and the HWBB.

## **2. RISKS**

**(Risk to the CYPP, risk involved in undertaking the activity and risk involved in not undertaking the activity)**

2.1 These requirements represent a major change to the system for supporting children and young people with SEN and disabilities. Linked to this, a number of very significant changes need to be made in a relatively short period of time i.e. by September 2014.

2.2 There is therefore a risk that the required changes will not be in place by this date. However a significant amount of attention has been focussed on mitigating this risk in particular, including: clear and early definition of minimum requirements and prioritisation of delivery of the programme with the Council, CEG and partners work plans. In addition to this, each work stream has a comprehensive risk register and mitigation plans with clear actions.

## **3. FINANCIAL IMPLICATIONS**

3.1 The financial implications of implementing the requirements in the Children and Families Bill are currently being evaluated, linked to wider changes being made by government around funding of pupils and students with high support needs. A further report to the HWBB will be presented in the near future on this.

3.2 Non-pathfinder LAs received £75,000 each in 2013/14 to help develop SEN systems and services in line with the requirements of the Bill. The allocation of this funding is being co-ordinated through the Programme Steering Group in order that it delivers maximum impact across the programme as a whole.

3.3 To date, around £45,000 of this amount has been committed and approved: £5,000 to ensure that parents and carers are fully engaged in delivery groups and implementation throughout the next 9 months: and £40,000 to fund a web based solution for sharing information on the Local Offer.

#### **4. LEGAL IMPLICATIONS**

4.1 The Children and Families Bill 2013 is a statutory requirement for all Local Authorities and be in place by September 2014.

#### **5. CLIENT GROUP**

**(Groups of children, young people or carers who are being discussed in the report)**

5.1 Current children and young people with statements of special educational needs. This will then move to children and young people between the ages of 0-25 with complex SEN, disabilities and/or health needs.

#### **6. IMPACT ON EQUALITIES ISSUES**

**(A brief description on how many minority groups are being engaged in the proposal and how their needs are being met: This section includes traveller and refugee families. The themes of the Shadow Boards – children and young people; parents and carers; equalities issues and the voluntary and community sector should be considered here.**

6.1 An Equality Impact Assessment has been completed and the bill is expected overall to have a beneficial impact (annex 2). A wide range of statutory and voluntary services have been involved within each core group including the contributions of parents and carers and a clear communication and engagement strategy to develop the views of children and families.

#### **7. OUTCOMES AND PRIORITIES AFFECTED**

**(Briefly state which of the CYPP objectives and priorities will be affected)**

Healthy living – It will improve the planning and commissioning arrangements for health, social care and education services to children and young people 0-25 with special educational needs and disabilities.

Raising attainment - Streamlined processes and greater partnership working across education, health and care will help plan a holistic approach regarding pupils support and ensure the efficient education for pupils. This will increase pupils learning engagement and raise attainment.

Improving attendance – Pupils receiving the right partnership support and being able to use a personalised budget to meet their needs will increase pupil's attendance at school.

Strong families – Supporting children with learning difficulties and disabilities. Providing better co-ordinated care for children and young people with learning difficulties and disabilities, emotional and behavioural difficulties.

## 8. CONTACT DETAILS

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# Children and Families Bill

## Implementation of the Children and Families Bill

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# C&F Bill – Background

- C&F Bill includes range of reforms to improve services for vulnerable children – including fostering & adoption and SEN
- Comes into force from September 2014
- From this date, NCC, CCG and partners need to provide a new system of support for CYP with SEN up to age of 25
- Ambition is that new system will improve outcomes for CYP with SEN and lead to efficiencies through more joined-up working
- Minimum set of changes from Sept 2014 and a further changes beyond that date
- Agreed in November that this Board would form part of senior governance



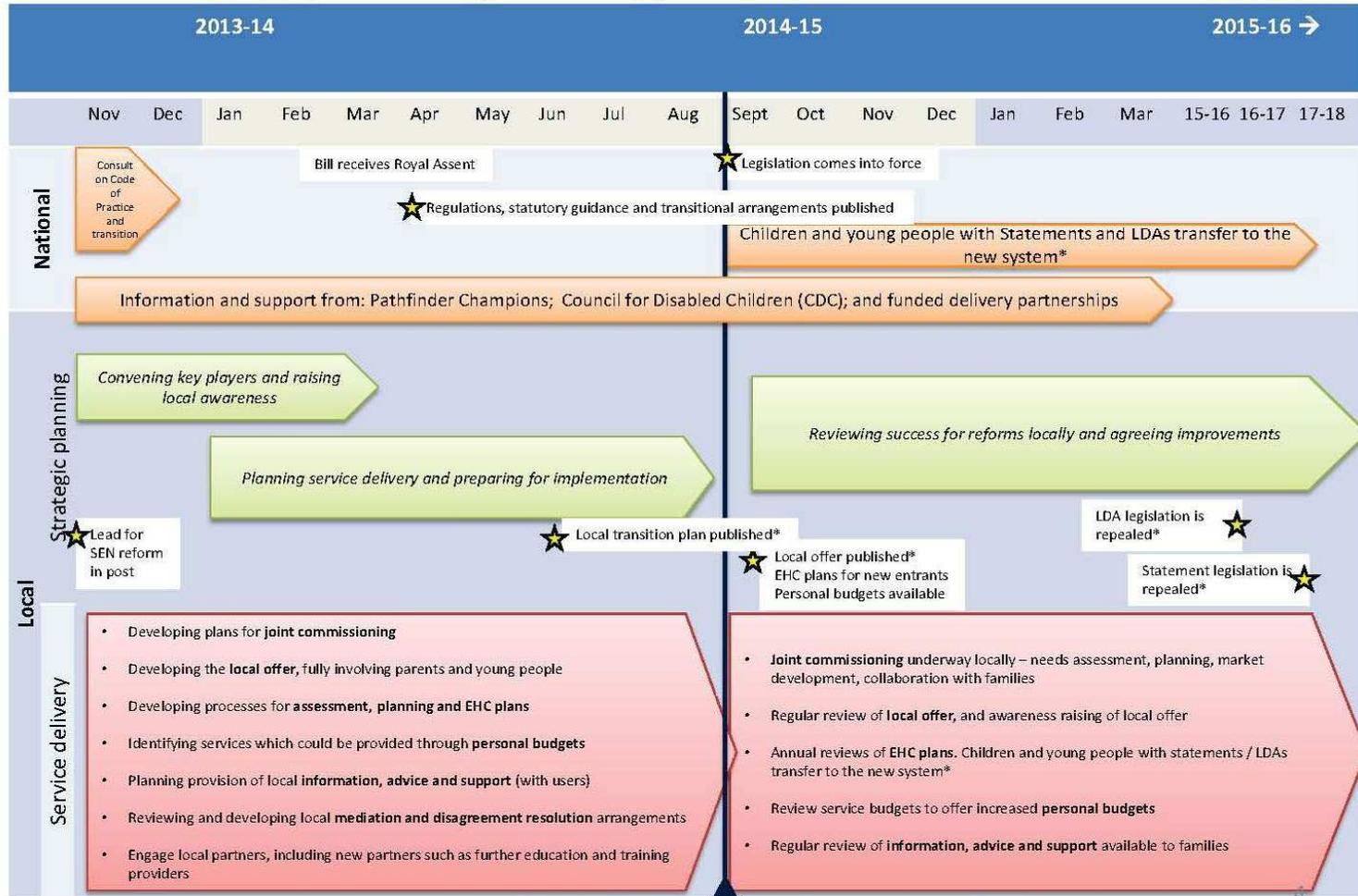
# Key Changes which must be in place

- LAs, Health and Care services to jointly commission SEN Services
- LAs to work with parents and young people to develop and publish a 'local offer' detailing all the services available (universal, targeted and specialist)
- A more streamlined assessment process – a 'Tell Us Once' approach – so families don't have to repeat themselves to a range of professionals.
- Replacement of Statements and Learning Difficulty Assessments with new Education, Health and Care Plans (EHCP) extending the statutory protection of children & young people from 18 (as it is now) up to 25.
- Option of an EHCP personal budget for families, to offer choice and control around how SEN support is delivered.
- Stronger focus on preparing for adulthood and improving transition services.



# Timeline and Phases

## 2. Timeline for implementing a new approach



New 0-25 SEN system becomes available

\* Subject to (national) consultation

# Headline progress

- On track to, at minimum, meet statutory requirements
- Probably now ahead of some of the pathfinders authorities who have been implementing requirements in advance
- Agreed plans in place for each key work stream – being led and supported from across the Council and by partners.
  - Early Identification and Local Offer
  - Joint Commissioning
  - Education, Health and Care Plans
  - Preparing for Adulthood
  - Individual Budgets
- Involvement of parents and carers in all work streams – and wider engagement with children and families being planned
- Working together in partnership – and involvement of parents, carers, families and children – will be key to success.

# Current focus/priorities

- Assessing overall level of financial investment in CYP with SEN and Disabilities
- Developing and agreeing EHCP format
- Sourcing a web-based solution for Local Offer
- Developing a Joint Commissioning Strategy
- Developing a multi-agency Resource Allocation System (RAS) for Individual Budgets – informed by system in place for Adults
- Piloting a new multi-agency key worker model
- Developing a plan for wider engagement of children and families
- Assessing financial implications and risks – and putting necessary safeguards/mitigations in place to address these
- Work with Nottinghamshire to ensure consistency of support
- Securing ownership by key strategic bodies such as HWBB, CPB and Big Ticket Programme Board.

# Contacts

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