

SCHOOLS FORUM – January 2014

Title of paper:	Implications of introducing the new 0-25 Special Educational Needs (SEN) System (Children and Families Bill 2013)	
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Summary

This report sets out the 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. The report also covers:

- Progress to date in implementing these new requirements
- Emerging Financial Implications
- Critical need for partners to work effectively together - in particular through the joint commissioning and delivery of services

Benefits which will accrue to citizens as a result, including:

- clearer and more accessible information about available support
- a single co-ordinated assessment process for young people aged 0-25
- personal budgets for families, improving choice and increasing control
- improved transition to adulthood including housing, benefits and leisure activities

Recommendation(s):

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

1. BACKGROUND

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, Schools and partners 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

- 1.3. should not only result in improved outcomes for children and young people with SEN, but also provides the potential to lead to efficiencies in longer term service delivery (through, for example, joint commissioning and joint delivery of services).
- 1.4 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
- 1.5 Key changes which must be implemented under the new Bill include:
 - LAs and CCGs to jointly commission SEN Services
 - LAs and CCGs to work with partners including schools, 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.
- 1.6 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.
- 1.7 A number of the reforms will have an impact on schools and other educational establishments. The School Funding Reform has already (from April 2013) changed the way schools and colleges are funded, including the way additional support for SEN is arranged and funded. In addition, the Children & Families Bill will change the way schools and colleges work with LAs to identify, assess and support children & young people with SEN, including more person-centred planning. School Action and School Action Plus will be replaced by a single SEN category. Some SEN funding for additional support, previously given to schools, may now be allocated as part of a personal budget for individual pupils, for the family and young person to choose how it is spent.

Progress to date/Implementation arrangements

- 1.8 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).
- 1.9 A clear and agreed structure for addressing requirements has been developed. The overall governance structure for the programme, including CEG and the Health and Well Being Board (HWBB).

1.10 Five core working groups focussed 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.

1.11 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, including expectations on schools and early years settings
- 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 replacing current process for statements of special educational needs

Individual Budgets

- offer individualised budgets to all families with a statutory EHCP
- 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

2. REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

2.1 The recommendations in this report are aimed at helping to ensure the LA, CCG, and partners meet the requirements set out within the Children and Families Bill, and in doing so, improve the outcomes for children and young people with SEN.

3. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

No other options have been considered as:

- 3.1 The current programme management approach model has been developed following learning from the pathfinder areas, who have been previously funded to share and promote examples of good emerging practice from across the country.
- 3.2 We are working particularly closely with Nottinghamshire to ensure a consistency of approach wherever possible for citizens who access support across LA and CCG boundaries.

4. OUTCOMES/DELIVERABLES

4.1 By September 2014 the LA and partners will:

- Have developed a Joint Commissioning Strategy and be looking at the joint commissioning of SEN Services
- Have developed and published a 'local offer' detailing all the services available (universal, targeted and specialist)

- Have developed a more streamlined assessment process and trained all partners involved in the process
- Begin to replace Statements and Learning Difficulty Assessments with new Education, Health and Care Plans (EHCP) extending the statutory protection of children & young people up to 25.
- Developed a system to offer the option of an EHCP personal budget for families, to offer choice and control around how SEN support is delivered.
- Be developing a stronger focus on preparing for adulthood and improving transition services.

5. FINANCIAL IMPLICATIONS

- 5.1 The DSG allocation to LA's is based on census data; the latest census submission (sent to the DfE on the 23 December 2013) includes the expansion of the High Needs age range however, there are other estimated costs associated with the C&F Bill that may not be funded by DSG.

Set out below in item 5.4 is an estimate by the service of the additional costs that may need to be supported by the DSG budget allocation. Upon verification, these values will be incorporated into the final schools budget report and presented back to Schools Forum.

- 5.2 Non-pathfinder LAs have received £0.075m 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.

Commitments to date are c. £0.045m ensuring:

- § Parents and carers are fully engaged in delivery groups and implementation throughout the next 9 months (£0.005m) and
- § The procurement of a web based solution for sharing information on the Local Offer (£0.040m).

- 5.3 Central government are currently discussing providing LAs with an additional £0.075m for 2014/15 to embed the reforms and a proportion of this will be used to contribute to providing in depth training for schools, colleges and other providers with a provisional conference date of 18 June 2014.

- 5.4 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 more detailed report to the school's forum will be presented in the near future on this. The early emerging financial implications are as follows:

- § Increased costs surrounding level 5+ estimated at £0.900m from April 2014/15 and an additional £0.200m per annum on going.

This estimated additional cost is still being developed to understand what the financial impact is for the 2014/15+ budget.

- § The increased age range of 0-25 (an increase of 9 years) of statutory services, monitoring and protection will increase the work of the SEN Service considerably.

- § Young people with EHCPs will now have the right to services from the Educational Psychology Service up to the age of 25. The service does not have capacity to deliver to this extended age range under their current structure. Costs of additional capacity are currently being finalised but it is expected that the service will require 3 additional EP's over the next 3 years at a cost of £0.055m in 2014/15, £0.110m in 2015/16 and £0.165m 2016/17.
- Nationally, it is unclear what the expectation will be for special needs support services in terms of statutory provision to age 25. In Nottingham, if the Inclusive Education Service has a duty to provide support to young people with EHCPs up to 25 this could have significant financial/staffing implications. The LA will need to monitor this following the introduction of the reforms.
- There should be no additional costs to Social Care as we anticipate the same young people will qualify for services under the new legislation as now and that realignment of current Children and Adult Service provision will be possible.
- § Under the new reforms, Speech and Language Therapy is clearly identified as an educational responsibility. The budget for this currently sits with the CCG and it is acknowledged that there is a deficit in the amount of SLT available. This could have significant financial implications for the LA and requires high level negotiation with the CCG and detailed financial discussions will be required to identify ongoing funding implications.
- § SEN Transport costs are likely to rise as more young people stay on in education up to the age of 25. A detailed analysis of implications is required and action must be taken to mitigate costs, including consideration of employing additional travel trainers. It is anticipated without such mitigation, the financial impact on the SEN Transport budget may be c.£300k over a 3-4 year period.

6. RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS AND CRIME AND DISORDER ACT IMPLICATIONS)

- 6.1 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.
- 6.2 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 and partners work plans. In addition to this, each work stream has a comprehensive risk register and mitigation plans with clear actions.

7. OBSERVATIONS OF THE DIRECTOR OF FAMILY COMMUNITY TEAMS

8. HR ISSUES

HR Observations - there appears to be no immediate HR or Workforce implications in relation to this report, but as new ways of working are implemented and implications are fully explored, the Steering Group / Management should continue to engage with their HR Business Partner to assess if future workforce changes are required. A HR Representative will continue to attend Steering Group meetings to ensure these are identified at the earliest opportunity.

Gareth Sayers
Service Redesign Consultant
0115 87 63628
8th January 2014

9. EQUALITY IMPACT ASSESSMENT

Has the equality impact been assessed?

Yes – Equality Impact Assessment attached

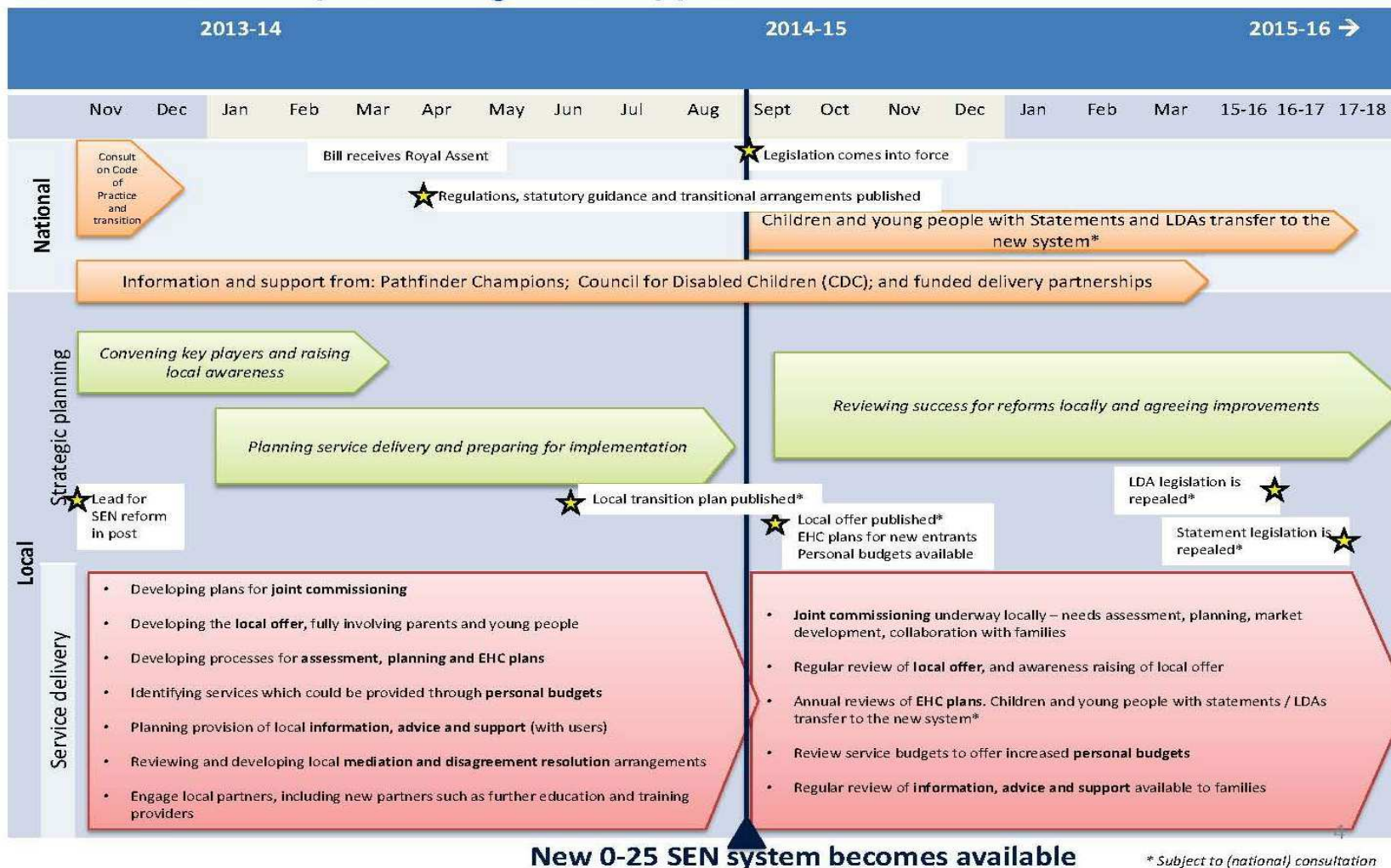
10. LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

None

11. PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

Children and Families Bill 2013
Draft SEN Code of Practice September 2013

2. Timeline for implementing a new approach



Equality Impact Assessment

Name and brief description of proposal / policy / service being assessed				
Implementation of requirements of Children and Families Bill 2013				
Information used to analyse the effects on equality: National reviews eg Lamb Report and learning from Pathfinder Authorities, LA and CCG data re level of need in Nottingham and trends in demand, including JSNA, feedback from children and families through local service reviews and evaluation				
	Could particularly benefit (X)	May adversely impact (X)	How different groups could be affected: Summary of impacts	Details of actions to reduce negative or increase positive impact (or why action not possible)
People from different ethnic groups	x	<input type="checkbox"/>	<ul style="list-style-type: none"> All information re services for children with SEN will be available in one place and in an accessible format with key worker support to navigate the information as required. This will support both those for whom English is not their first language and those with literacy difficulties The focus of the legislation is to improve outcomes for children and young people with SEN – improved access to services, a joined up approach, improved educational outcomes, better transition to adulthood and greater control for children and families re the services they wish to use The single assessment process (Education, Health and Care Plans) from 0-25 will simplify the process for young people transferring from school to FE – reducing the need for further assessment and places greater emphasis for housing, employment and access to leisure activities for this group of young people 	The LA and CCG will work in partnership with other agencies, including the voluntary sector and with children and young people and their families to inform and review the local offer so that services are developed in line with changing need
Men, women (including maternity/pregnancy impact), transgender people	<input type="checkbox"/>	<input type="checkbox"/>		
Disabled people or carers	x	<input type="checkbox"/>		
People from different faith groups	<input type="checkbox"/>	<input type="checkbox"/>		
Lesbian, gay or bisexual people	<input type="checkbox"/>	<input type="checkbox"/>		
Older or younger people	x	<input type="checkbox"/>		
Other (e.g. marriage/civil partnership, looked after children, cohesion/good relations, vulnerable children/adults)	<input type="checkbox"/>	<input type="checkbox"/>		
Outcome(s) of equality impact assessment:				
No major change needed <input checked="" type="checkbox"/> Adjust the policy/proposal <input type="checkbox"/> Adverse impact but continue <input type="checkbox"/> Stop and remove the policy/proposal <input type="checkbox"/>				
Arrangements for future monitoring of equality impact of this proposal / policy / service:				
A range of processes will ensure ongoing monitoring and review e.g. regular refresh of JSNA, annual review of Education, Health and Care Plans				
Approved by (manager signature): The assessment must be approved by the manager responsible for the service/proposal (this does not need to be an actual signature). Include a contact tel & email to allow citizen/stakeholder feedback on proposals.			Date sent to equality team for publishing: Send document or link to equalityanddiversityteam@nottinghamcity.gov.uk	