

Health and Wellbeing Board (29/10/14)

Title of paper:	0-25 Special Educational Needs and Disabilities (SEND) Reforms (Section 3 of Children and Families Act 2014)	
Director(s)/ Corporate Director(s):	Alison Michalska, Corporate Director Children and Adults (NCC)	Wards affected: All
Report author(s) and contact details:	Mirth Parker, Head of Inclusion and Disability (NCC)	
Other colleagues who have provided input:	Members of Programme Steering Group including: Alison Weaver (NCC), Janine Walker (NCC), Deborah Hooton (CCG), Michelle Wright (Futures), Amanda Payne (Futures), Marie Halford (NCC), Sharon Marchant (NCC), Jonathan Allen (NCC), Kathryn Stevenson (NCC)	
Date of consultation with Portfolio Holder(s) (if relevant)		
Relevant Council Plan Strategic Priority:		
Cutting unemployment by a quarter		<input checked="" type="checkbox"/>
Cut crime and anti-social behaviour		<input type="checkbox"/>
Ensure more school leavers get a job, training or further education than any other City		<input checked="" type="checkbox"/>
Your neighbourhood as clean as the City Centre		<input type="checkbox"/>
Help keep your energy bills down		<input type="checkbox"/>
Good access to public transport		<input type="checkbox"/>
Nottingham has a good mix of housing		<input type="checkbox"/>
Nottingham is a good place to do business, invest and create jobs		<input type="checkbox"/>
Nottingham offers a wide range of leisure activities, parks and sporting events		<input checked="" type="checkbox"/>
Support early intervention activities		<input checked="" type="checkbox"/>
Deliver effective, value for money services to our citizens		<input checked="" type="checkbox"/>
Summary of issues (including benefits to citizens/service users):		
This report sets out:		
<ul style="list-style-type: none"> ▪ The headline related Special Education Needs & Disability (SEND) reforms within the Children and Families Act which came into effect on 1 September 2014. ▪ Details of the level of progress which has been made in responding to these requirements, including information on the key changes and improvements put in place. ▪ A city-wide view of the overall financial investment in supporting Children with Special Educational Needs and Disabilities, and key financial risks we face in relation to the implementation of the new reforms. ▪ A formative “vision” for the next stage of work, linked to the longer-term aspirations within the Act. 		
Recommendation(s):		
1	To note the progress and achievements that have been made under the Special Educational Needs & Disability reforms outlined in Section 3 of the Children and Families Act 2014.	
2	To note the demographic demand challenges facing these services supporting children and young people with disabilities and special educational needs.	
3	To note, comment and provide a steer as required on the future recommendations to progress the Special Educational Needs & Disability reforms.	
4	Support the ongoing commitment to these reforms through strong partnership working, in particular the ongoing work within Adult Social Care to meet the requirements identified in the Care Act due to come into force in April 2015.	

1. REASONS FOR RECOMMENDATIONS

- 1.1 The recommendations in this report are aimed at helping to ensure the LA, CCG, partners and the HWBB meet the requirements set out within Section 3 of the Children and Families Act 2014, and in doing so, improve the outcomes for children and young people with special educational needs and / or disabilities (SEND).

2. BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 The Children & Families Act 2014 covers a range of reforms to improve services for vulnerable children, including changes relating to fostering and adoption, childcare and parental leave. This report addresses the part of the Act with the biggest impact in terms of cultural and organisational change, relating to those children with special educational needs and / or disabilities.
- 2.2 These changes are aimed at ensuring that children and young people are positioned at the heart of the new 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

- 2.3 Early recognition of the importance of the Children's & Families Act by all partners, effective partnership working and prioritisation of key resources throughout the past 12 months has contributed to significant progress made in preparing to meet the challenges and improvements set out in the Act. We are confident we have met all the minimum requirements which have a September 2014 deadline.
- 2.4 Encouragingly, in some areas, for example Education, Health & Care Plans and Personal Budgets, we will have arrangements in place which go beyond our minimum statutory requirements. We are also ahead of a number of Pathfinder Authorities who began their implementation planning around 18 months ahead of us.
- 2.5 Key requirements already in place, or which will be finalised over the coming weeks, include:
- **Reference groups** with children and young people with SEND and **Parent / Carer representatives across all project workstreams** to actively involve our citizens in shaping and testing our response to new reforms.
 - Our **Local Offer** website launched on 1 September, providing guidance and information as well as a directory of services.
 - Integrated **Education, Health and Care Plans** (EHCPs) which have been developed and tested with children and families, including joined-up assessments and plans.
 - Through consultation with families and professionals, a **local conversion plan** for the next three academic years to move from Statements and Learning Disability Assessment (LDA) to the new Education, Health & Care Plans.
 - A new multi-agency **Key Worker service**, piloted and, pending recruitment and training, due to be launched Oct/Nov to ensure children and families have a single point of contact to navigate them through the new process and acting as a liaison across the different agencies.
 - A multi-agency **Personal Budgets offer**, giving children and their families the option to take more choice and control in the sorts of services which best support their unmet needs.

- Various arrangements are being put in place to ensure a **better transition to adulthood** to cover the extended age range covered by the Children & Families Act. These include a new supported employment scheme which will be tested in the near future, and the development of a family leadership model which is due to be piloted in the Autumn.
- Agreement to develop a **joint commissioning strategy** to ensure that support is seamless, efficient and cost effective. Key workers have already been jointly commissioned and an agreement in principle for an integrated Education, Health and Social Care Personal Budgets and Direct Payments Team. The aspiration is to jointly commission more services over time.

Phase 2 - Meeting the longer-term aspirations of the Act

- 2.6 The availability of the resources and expertise to deliver these, and other, important changes for this vulnerable group of children and young people within the current economic climate and against the rising demographic demand is a major ongoing challenge. There will continue to be significant pressure on key individuals and teams to develop work further and move into the new system.
- 2.7 It is important therefore that implementation of the special education needs and disability reforms identified in the Children & Families Act continues to be a high priority within partner, service and operational plans to bring Phase 1 of the project to a successful conclusion, and help ensure that Phase 2 delivers the required levels of improvement.
- 2.8 It is also important that we link this to work to the Adult Social Care new Care Act, due to be implemented from April 2015, so that we develop a joined-up approach across Children and Adults and optimise our resources and governance arrangements.
- 2.9 Many of these changes rely on high quality, integrated IT systems being in place, for example, to support Education, Health & Care Plans and Personal Budgets. These do not currently exist to the specification required, so a number of temporary arrangements will be in place until decisions have been made under the current IT review of Children and Adult services.
- 2.10 Our meetings with Nottinghamshire County Council, regarding the Special Educational Needs & Disability reforms within the Children and Families Act, have highlighted the differences between our two processes and the impact that may have on cross boundary responsibilities. This will require further discussion with the County.
- 2.11 To meet the long term aspiration of the reforms, initial work around Phase 2 has been undertaken by representatives from the SEND Reforms Steering Group. Under a proposed vision of *“Great Lives: Better Futures”*, the key themes emerging from this initial visioning work are set out below:
- A continued person and family centred approach with meaningful project engagement in developing our services.
 - Fully integrated partnership approach to commissioning and delivery.
 - Seamless services across all age ranges – with a much better linkage across children and adults.
 - Ability to choose from as wide a “product” range as possible – governed by equality & affordability.
 - Equality of access and opportunity.

- Agencies facilitating rather than gate-keeping.

2.12 These will be shaped further by the Project Team and key partners. They will also be shared with representatives from the Parent / Carer reference group.

2.13 CEG have given initial comments and feedback on these emerging themes and have offered a representative to be involved in shaping Phase 2 further.

3. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

3.1 No other options have been considered at this stage.

4. FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY/VAT)

4.1 The January Census 2014 reported 5605 Nottingham City pupils at School Action (SA) and 2133 pupils at School Action Plus (SA+). 580 Nottingham City pupils had a statement of special needs.

4.2 The overall cost of supporting the **8,318** children and young people in the city with special educational needs and disability is **estimated** to be in the region of **£9.376m** per annum. A breakdown of this amount is provided in Table 1 & 2 below.

4.3 Taking into account the figures in Table 1, including the money provided by the Dedicated Schools Grant and Education Funding Agency for school places, the approx. average cost per head is **£3,123 per annum**.

4.4 We can only provide a broad estimate of current costs, as the actual costs of some services are **not** readily identifiable as they are not currently configured around:

- (a) The 0 to 25 age range covered by the Children & Families Act: and/or
- (b) Children's special educational needs & disability specifically (e.g. health).

Table 1 Estimated cost attributed to supporting children and young people with SEND.

	£m
SEN support services (SEN team, inclusive education team, sensory team, autism team, learning support team, SEN specialist equipment)	2.346
SEN school transport	1.741
Disabled Childrens Teams	1.211
Short Breaks Services (includes short breaks services, short breaks contracts, direct payments, Crocus Fields)	2.833
Disabled Children's Management, equipment and information services	0.408
Educational Psychologists	0.431
Portage Workers	0.154
Youth & Play Inclusion	0.071
Transitions Support	0.181
	9.376

Please note: Children and Young People with SEN and /or disabilities also receive direct Education provision from Dedicated Schools Grant (£16.606m for special school funding, SEN resource unit funding, targeted support for pupils with SEN in mainstream schools, post 16 funding in FE and independent special schools).

Table 2 Estimated cost of supporting the wider cohort of children and young people with SEND 0-25 by other council services or partners

	£m
CCG commissioned services	13.740
CAHMS staffing	1.068
18- 25s Adults Residential (estimate)	3.288
18- 25s Adults Community Services (estimate)	1.683
	19.779

Financial risks

- 4.5 The SEND reforms support one of the most vulnerable groups of children and young people. With it, the reforms bring the potential to address the significantly potential increase in overall costs, both in the short and long-term, and linked to the increase in demographical demand (see Section 4.12 – 4.14) for services against a backdrop of reducing financial resources.
- 4.6 A key focus to date in responding to the reforms outlined in the Childrens & Families Act has therefore been to ensure that systems are in place to help ensure that costs for supporting children and young people with special educational needs & disabilities do not increase.
- 4.7 This emphasis will clearly need to be maintained and strengthened going forward into Phase 2 of this project (through for example, joint commissioning and delivery arrangements) and where possible future costs are reduced and re-invested to meet the forecasted rise in demand.

Transitional Costs

- 4.8 The transitional period between the existing and new special educational needs & disability arrangements has been recognised by central government in the provision of additional grant funding over the next 3 years.
- 4.9 This funding will look to support;
- continued Comms and engagement with children, young people their families and carers.
 - the conversion of approx. 600 existing statements of SEN to Education, Health & Care Plans and the associated assessments across Education, Health and Social Care
 - additional capacity in the Special Educational Needs Service, Disabled Childrens Teams, Personal Budgets Team, Key Workers to support families through the process
 - extended support for young people in transition to adulthood.
 - additional input / capacity may also be required from a range of health services
 - a number of one-off costs including workforce training and development
- 4.10 Transitional costs for 2014/15 have been assessed at £0.760m. These are being met by a £0.410m one-off SEND Reform Grant alongside contributions from Health and Dedicated Schools Grant funding to meet the identified cost pressures.
- 4.11 In June, the government announced an additional SEND implementation grant of £0.273m for 2014/15 and, indicatively, around £0.191m in 2015/16. The combined 2

year allocations under the new grant would offset the anticipated transitional cost pressures for 2015/16.

Longer-term cost pressures

4.12 The most significant longer term financial risk is the rising population and of children and adults with SEND in Nottingham as well as the increased statutory duties that the SEND reforms places on the Authority and our partners.

4.13 A short summary of the demographic demands and the challenges this area faces are below;

- 70% National increase in disabled population (1976-2006).
- Fastest growing section of disabled population is under 16 age group.
- No. of BME disabled children will double over next 5 years.
- No. of children born with complex needs surviving into adolescence is increasing.
- Increase in annual births within the city from 3,200 in 2000 to 4,500 in 2011.
- 29% increase in the number of 0 to 4 year olds, rising from 15,457 in 2001 to 19,959 in 2011.
- Ave. annual % increase in NCC School Roll since 2009 of 8.45%.
- 21.3% of NCC School Roll have SEN (national rate 18.7%).
- Ave. annual % increase in NCC Special Schools pupils since 2009 of 3%.
- Ave. annual % increase in Disabled Children Team referrals since 2009 of 10.3%.

(See Annex 1 for further information)

4.14 Some of the reasons for this demand are as follows;

- General National and local rise in population.
- High percentage of BME representation within Nottingham.
- Developments in medicine are increasing the ability of health professionals to sustain and prolong the life expectancy of children born with profound disabilities.
- High percentage of EU economic migrants in Nottingham having children with severe SEN and disabilities who've had limited access to education services requiring intensive specialist interventions.

4.15 Some research from Adult Social Care suggests that, at worst, personal budgets will be cost neutral and even slightly less than the cost of traditional services. However, there is no current evaluation on the cost impact of Children's personal budgets

4.16 These potential cost pressures will be monitored as accurate calculation is difficult at this stage as it is unclear what the extra demand for support will be in practice.

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

5.1 These requirements represent a major change to the system for supporting children and young people with SEND.

5.2 A key risk related to our ability to meet a wide range of minimum requirements within the Act by September 2014. This risk has been successfully mitigated and, as reflected in earlier paragraphs, we are confident that we have now met, and in a number of cases exceeded, these requirements.

- 5.3 A range of other risks however remain, including the risk of additional financial costs as a result of demographic demand and the implementing of the reforms. Mitigations have, or are being, put in place to address these known risks as part of the standard project management practice.

6. EQUALITY IMPACT ASSESSMENT

Has the equality impact been assessed?

Not needed (report does not contain proposals or financial decisions)

No

Yes – Equality Impact Assessment attached

Due regard should be given to the equality implications identified in the EIA.

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

None

8. PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

Children and Families Act 2014

SEN Code of Practice June 2014

Health and Well Being Board Oct 2014 – Annex 1

Demographic demand analysis of Children & Young People with Special Educational Needs and Disabilities (SEND)

Marie Halford, Service Manager, Inclusion & Disabilities
Janine Walker, Service Manager, SEN Services



National demographics (JSNA 2010)

- 70% increase in disabled population (1976 – 2006)
- Fastest growing section of disabled population is under 16 age group
- No. of BME disabled children will double over next 5 years
- No. of children born with complex needs surviving into adolescence is increasing

Local demographics

- 21.3% of Children on Roll in Nottingham Schools have Special Educational Needs (down from 24.2% in 2012) compared to the national rate of 18.7% (down from 19.8% in 2011).
- Nottingham City has the highest incidence of SEN and disabilities (SEND) across the nine East Midlands authorities.
- Nationally numbers of SEN are in top 20% of all LAs
- Higher numbers of SEN overall than majority of statistical neighbours
- Numbers continue to increase in a way consistent with increase in population
- The January Census 2014 reported 5605 Nottingham City pupils at SA and 2133 pupils at SA+. 580 Nottingham City pupils had a statement.
- There is a rising population in Nottingham City. There has been a 29% increase in the number of 0 to 4 year olds, rising from 15,457 in 2001 to 19,959 in 2011. The number of annual births within the city has gone from 3,200 in 2000 to 4,500 in 2011.



Local demographics

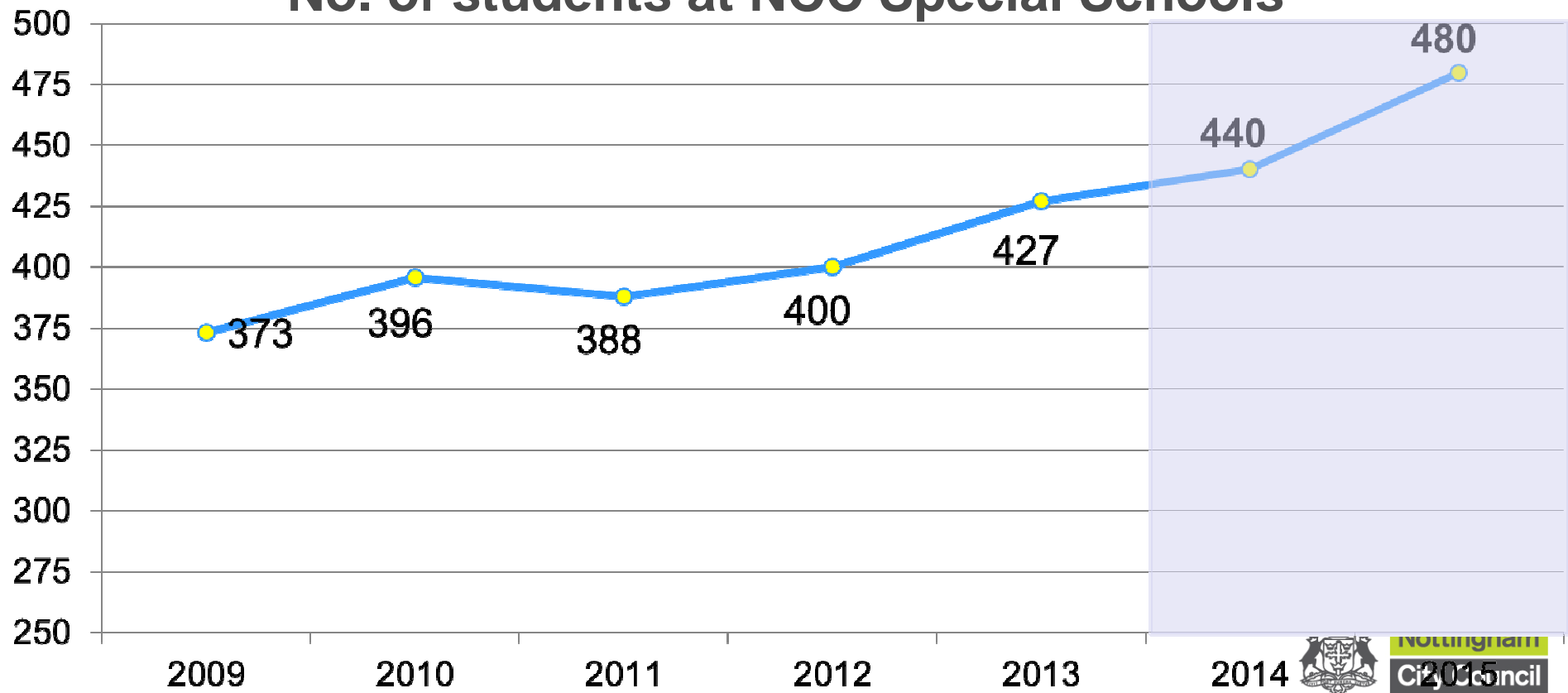
- The City school population has risen by more than 3,000 (3,248) pupils since 2009, an increase of 8.45%, and looks set to continue increasing with a rising birth rate in the City.
- Nottingham City has a rising population of disabled young people.
- Developments in medicine are increasing the ability of health professionals to sustain and prolong the life expectancy of children born with profound disabilities.
- Economic migrants from countries within the European Union are choosing to settle in Nottingham, where they find good access to services and thriving international communities. In many cases, migrant children with severe SEN and disabilities have had limited access to education services in their home countries, with the result that intensive specialist interventions are required upon arrival in the City



NCC Schools data

- 21.3% of NCC School Roll have Special Educational Needs (national rate 18.7%).
- Ave. annual % increase in NCC School Roll since 2009= **8.45%**
- Ave. annual % increase in NCC Special Schools 2009 - 2013 = **3%**

No. of students at NCC Special Schools

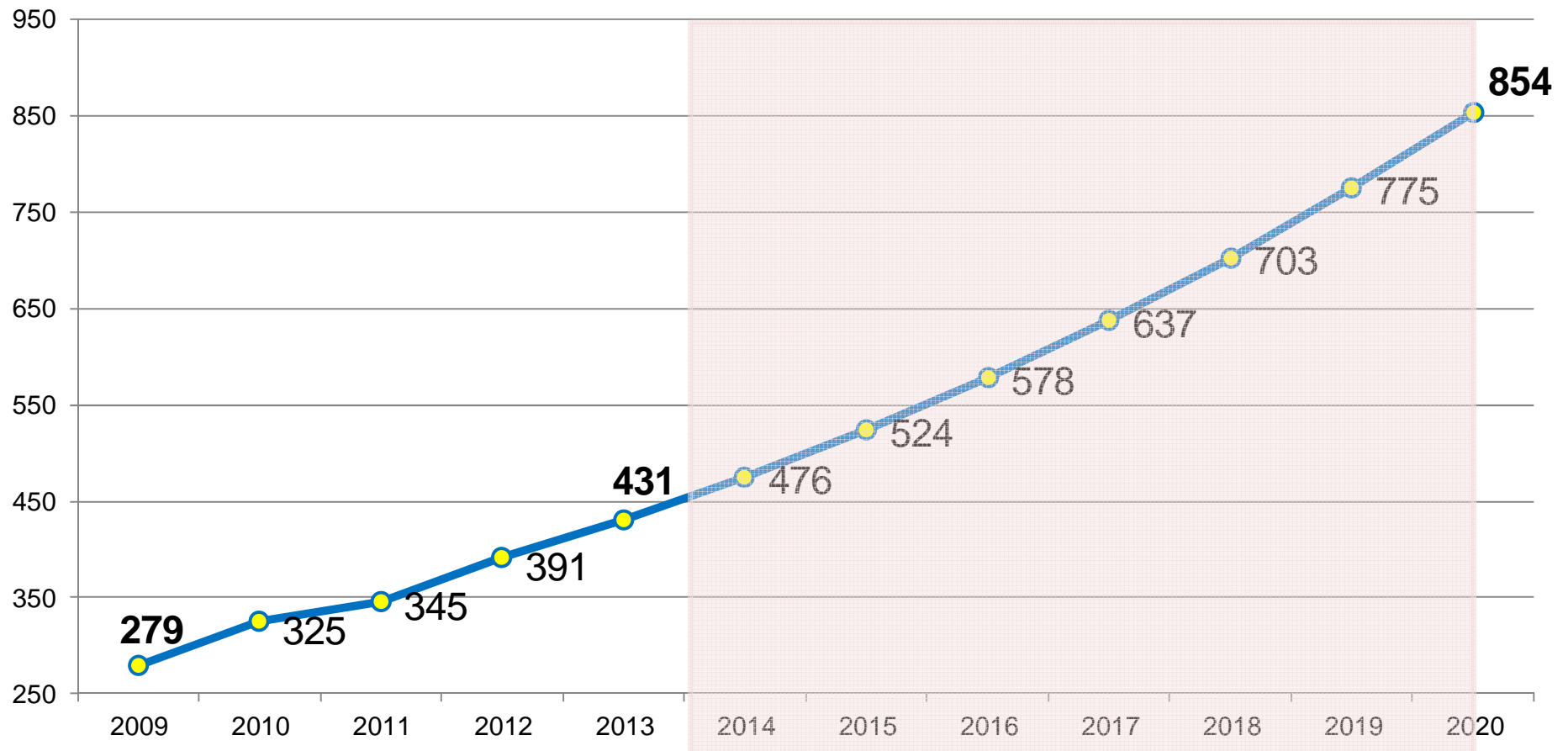


DCT referrals 2009 – 13 and forecast to 2020

Ave. annual % increase 2009 - 2013 **10.3%**

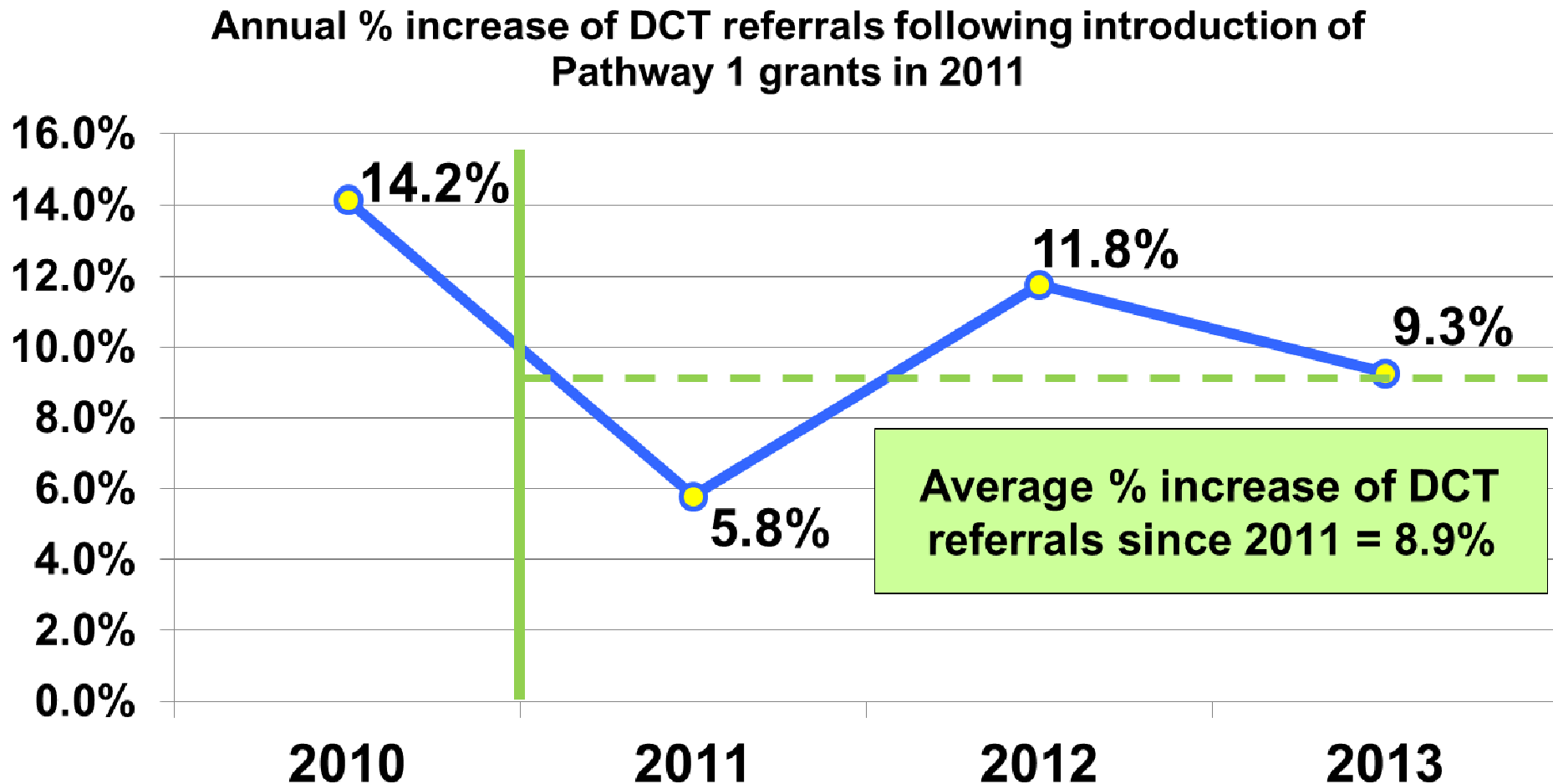
% increase 2009 - 2013 **54.5%**

Forecasted % increase 2013 - 2020 **98.1%**



Early Intervention and Prevention

The introduction of Pathway 1 in 2011 had the net effect of **reducing the increase in DCT referrals by 5%.**



Early Intervention and Prevention

The introduction of Pathway 1 and impact on DCT referrals in 2011:

Year	2009	2010	2011	2012	2013
Annual Total	279	325	345	391	431
Annual +/-		46	20	46	40
Annual % +/-		14.2%	5.8%	11.8%	9.3%

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 Adjust the policy/proposal Adverse impact but continue Stop and remove the policy/proposal

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
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