

<b>Report to:</b>	<b>Health and Wellbeing Board</b>
<b>Decision or Item number</b>	<b>7</b>
<b>Relevant Officer:</b>	Dr Simon Jenner, Principal Educational Psychologist, Blackpool Council
<b>Date of Decision</b>	4 <sup>th</sup> June 2014

## Quality Care Update- Children and Families Bill

### 1.0 Purpose of the report:

- 1.1 To consider the legal implications in regard to the SEN and Disability aspects of the 2014 Children and Families Act and agree the proposed future strategic approaches/ plans

### 2.0 Recommendation(s):

- 2.1 To approve the approach taken by Blackpool Council and Clinical Commissioning Group along with all the relevant policies and procedures.
- 2.2 To note that these can change, if statutory guidance and/or the final Code of Practice mean that they have to do so and to also note they can be modified if required, following feedback from parents of and/or children/young people with SEN and/or a disability

### 3.0 Reasons for recommendation(s):

- 3.1 The Children and Families Act, 2014 introduced "*the largest scale changes for a generation*" in relation to 0-25 year olds with SEN and/or a disability and their families. The majority of these changes have to be implemented by 1<sup>st</sup> September 2014. There are significant implications for both the council and health.

### 3.3 Other alternative options to be considered:

The option would be not to implement the changes but this would leave Blackpool open to legal challenge, lead to dissatisfaction from parents/ young people/ other agencies who have been involved in developing the work and leave the town vulnerable to future inspections

#### **4.0 Council Priority:**

4.1 The relevant Council Priorities are

- Tackle child poverty, raise aspirations and improve educational achievement
- Safeguard and protect the most vulnerable
- Improve health and well-being especially for the most disadvantaged
- Deliver quality services through a professional, well-rewarded and motivated workforce

#### **5.0 Background Information**

5.1 The Children and Families Act, 2014 is to lead to significant changes for health commissioners/ providers and the local authority in terms of work with 0-25 year olds with SEN and/or a disability and their families. The highlighted changes are:

- joint commissioning for 0-25 year olds with SEND and their families
- education, health and care plans (EHCP) replacing Statements, with an age range of 0-25 years covered
- full involvement of parents and young people in approaches
- a local offer being developed to outline what statutory services offer for SEND, which is interactive and dynamic, influencing commissioning
- options of personal budgets for families and young people post statutory school age
- new appeals processes in place if parents/ young people disagree with an approach/ provision.

5.2 Please refer to the background paper SEN and Disability Aspects of the Children and Families Act 2014: Key Local Changes and Plans, for a fuller explanation of these changes.

Significant work has occurred locally to prepare for the legal implementation on the 1<sup>st</sup> September 2014.

Does the information submitted include any exempt information?

No

**List of Appendices:**

Appendix 7a Briefing Note

Appendix 7b: Joint SEND Commissioning Plan

Appendix 7c: Local Offer Processes

Appendix 7d: Meeting SEND within Blackpool Schools and Early Years Settings

Appendix 7e: Blackpool Council and Clinical Commissioning Group Personal Budget Plan

**6.0 Legal considerations:**

6.1 The statutory legal implications, indicated in the second draft Code of Practice (April 2014) have been incorporated into all the plans enclosed, with other aspects covered by both system and procedure.

**7.0 Human Resources considerations:**

7.1 Agreement has already occurred for the employment of posts on a temporary basis to implement aspects of the Act, using resources highlighted by central government to do so. Other posts have been slightly amended and the work force trained in the new approaches required, for instance person centred planning.

7.2 Any future human resources implications will go through due process. These will only emerge once the proposed systems have been implemented and reviewed following a year.

**8.0 Equalities considerations:**

8.1 The strategic approaches all meet the needs of children/ young people with SEN and/or a disability. All strategic approaches will be available in a user friendly version on the Local Offer site. Documents and links will also be available in a number of formats (larger print, via voice and in main community languages). An advocacy charity will be commissioned on a year's basis to trial work to further engage children/ young people unable to make their views known verbally. This is the same charity currently working with adults with learning disabilities.

## **9.0 Financial considerations**

- 9.1 Finance will be required to implement and sustain the changes. The full implications will not be fully known until the governments final Code of Practice has been published and locally analysed. Local Authorities have been given initial start-up money (Blackpool, £127 000). This is to transfer current Statements of SEN into EHCPs, put in place communication, initial training and system changes. Mid-term resource from central government, in terms of new burden finance is likely, but the exact amount is yet to be established.

## **10.0 Risk management considerations:**

The authority and health board are at risk if the approaches are not agreed by :

- 10.1 Not meeting legal duties
- 10.2 Being open to challenge from parents/ young people, for instance more tribunals (a legal approach)
- 10.3 Loss of confidence in the council from the parents, young people , statutory bodies and charities who have helped develop the approaches outlined in the enclosed paper
- 10.4 Being open to poor future inspections of council and/ or health services

## **11.0 Internal/ External Consultation undertaken:**

- 11.1 With chairs of governors / Headteachers and SENCos of schools at various meetings 2013/14, and as part of the membership of work streams
- 11.2 With early years providers at an event in May 2014 and via work streams
- 11.3 With colleges as part of work streams and direct work with them.
- 11.4 With parents as part of regular meetings at parent's forum, 2 large scale parents' events (April 2013, March 2014) and their involvement in work streams. A DVD of the event in 2013 has been produced to help inform the ongoing work around the changes.
- 11.5 With children / young people via various meetings 2013/14 and via a DVD of their views, which has fed into various work streams.

12.6 With health as part of work streams/ involvement in parent events. Ongoing dialogue as the agenda developed from central government

12.7 With charities/ other bodies as part of the parent events/ involvement in work streams

12.8 With the lead Member via membership of bodies overseeing the work (Healthy Lifestyles group) and direct briefings

**13.0 Background papers:**

13.1 None