

Report to:	Health and Wellbeing Board
Relevant Officer:	Dr Simon Jenner, Chief Educational Psychologist, Blackpool Council
Date of Meeting:	9 th July 2014

Changes for services for 0-25 year olds, with Special Educational Needs (SEN) and/or disability and their families, relating to the Children and Families Act 2014

1.0 Purpose of the report:

- 1.1 To give a progress update in regard to the implementation SEN and Disability aspects of the 2014 Children and Families Act.
- 1.2 To consider the implications of the changes for partner agencies.
- 1.3 To update on other changes relating to SEN and disability for 0—25 year olds and their families within Blackpool.

2.0 Recommendation(s):

- 2.1 To endorse the approach taken by Blackpool Council and Health partners along with required changes to all the relevant policies and procedures.
- 2.2 To agree that a regular reporting mechanism occurs to the Health and Wellbeing Board. That this occurs on at least an annual basis in regard to the progress of the changes, their impact and implications for the commissioning of services for 0-25 year olds with SEND and their families in Blackpool.

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 require implementation by 1st September 2014. As a result, there are significant implications for both the Council and health services. The final Code of Practice (setting out legal duties) and statutory guidance will be published before September and this may require plans to be updated in light of any changes. The DfE is monitoring the progress made by local authorities and health in implementing the changes Feedback has been positive in that Blackpool is ahead of many nationally.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes, but extra finance from Central Government will be required as well

3.3 Other alternative options to be considered:

None, this report relates to statutory changes.

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 will 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 most significant changes are:

- a local offer being developed to outline what statutory services are offered for SEND, which is interactive and dynamic, influencing commissioning
- joint commissioning between health and the local authority 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, for instance the co-production of individual and strategic plans.
- 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 Significant work has occurred locally to prepare for the legal implementation

on the 1st September 2014. This work has involved consultation with families and young people and includes:

- 2 large scale parent events
- Parental engagement and involvement in all work streams
- Work with various youth groups

Work has occurred across the agencies of health commissioning, health providers, children and adult social care and education, as well as parent representatives and charities, to produce plans and agree ways forward that meet the legal duties. All aspects of the Act will be ready for implementation on time. Relevant papers (see appendices) have been shared by health partners within the CCG and Hospital Trust. Parent groups have been involved in their co-production.

- 5.3 There are significant pieces of work that will need to be continued post September 2014. All current Statements of SEN & LD assessments for students in colleges (650 in total) will have to be transferred into Education, Health and Care Plans. This will triple the current annual number of statutory assessments. Some funding has been made available by DfE and a new temporary post has been created to increase capacity. In addition, there are new duties to fund mediation and disagreement services from a non-statutory body, enable advocacy and to administer the local offer, delivering information in a parent / child friendly way.
- 5.4 The special school review has come to a conclusion. The proposal is that all three schools cover the age range of 2-19 years. Park and Highfurlong special schools have a proposal for slightly different designation of complex needs for Park and complex needs/ physical disability for Highfurlong to reflect their current cohorts. Woodlands designation remains the same.
- 5.5 Demographically there are significant pressure pressures on early years services, as indicated by the referral rate into the SEN council early years team. The figures are due to increased survival rates for babies with complex needs and an increasing diagnosis of autism. These increasing numbers will put more pressure on existing services as cohorts of children move through the system.

Early Years Case Loads for local authority services

Year	Number of Portage referrals	Children Supported in Nursery settings	Total
2002	16		16
2003	34		34
2004	32		32
2005	33		33
2006	37		37

2007	41	91	132
2008	19	72	91
2009	32	63	95
2010	36	52	88
2011	45	78	133
2012	55	74	129
2013	57	108	165

- 5.6 There are also indications nationally that as the new legal systems embed there may be extra pressures, for instance the parent right to go to mediation and the duty of health/ local authority representatives to attend these

Does the information submitted include any exempt information?

No

List of Appendices:

These are available if required on the site listed in section 13.

6.0 Legal considerations:

- 6.1 The statutory legal implications, indicated in the second draft Code of Practice (April 2014) and draft statutory guidance, 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.

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

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 and will be funded by the funds from Central Government.

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 funds. 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:

- 10.1 The authority and health board are at risk if the approaches are not agreed by :
- Not meeting legal duties
 - Being open to challenge from parents/ young people, for instance more tribunals (a legal process)
 - Loss of confidence in the council from the parents, young people , statutory bodies and charities who have helped develop the approaches outline
 - Being open to poor future inspections of council and/ or health services

11.0 Ethical considerations:

- 11.1 None

12.0 Internal/ External Consultation undertaken:

- 12.1 With chairs of governors / Headteachers and SENCos of schools at various meetings

2013/14, and as part of the membership of work streams

- 12.2 With early years providers at an event in May 2014 and via work streams
- 12.3 With colleges as part of work streams and direct work with them to develop their skills and provision.
- 12.4 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 change
- 12.5 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. This has included papers being taken to key panels in trusts
- 12.7 Ongoing dialogue as the agenda developed from central government

With charities/ other bodies as part of the parent events/ involvement in work stream
- 12.8 With the lead Member via membership of bodies overseeing the work (Healthy Lifestyle group) and direct briefings

Background papers:

13.0

The following are available in the SEN section of the site below:

- 13.1
 - 1. Joint commissioning strategic plan
 - 2. Education Health Care Plan Template
 - 3. Education/ Health Care Plan processes- 2 documents
 - 4. Tell Us Once approach
 - 5. Personal Budget process/ plan
 - 6. Local Offer splash page. This is currently being developed on the Family Information Service site ready for September
 - 7. Local Offer Processes
 - 8. The second draft of the government code of practice on SEN, including legal duties
- <http://www.blackpool.gov.uk/Residents/Education-and-schools/School-improvement/School-improvement-officers.aspx>
beneath these are other documents relating to processes available on request

The Children and Families Act is published on the site:

<http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>
part 3 relates to SEN and disability