

<b>Report to:</b>	<b>Health and Wellbeing Board</b>
<b>Relevant Officer:</b>	Dr Simon Jenner, Principal Educational Psychologist/ SEND Service Manager, Blackpool Council.
<b>Relevant Cabinet Member:</b>	Councillor Graham Cain, Cabinet Secretary (Resilient Communities)
<b>Date of Meeting:</b>	21 <sup>st</sup> October 2015

## SPECIAL EDUCATIONAL NEEDS AND DISABILITIES UPDATE

### 1.0 Purpose of the report:

- 1.1 To update the board on the progress of the implementation of the 2014 Children and Families' Act across agencies and outline recent developments in the area. A written and verbal report was made to Health and Wellbeing Board on the 9<sup>th</sup> July 2014 to update on progress towards the implementation of the Act (September 2014). It was agreed that a report would occur 12 months following this.
- 1.2 To update the Board on the new OFSTED/ Care Quality Commission inspection framework for Special Education Needs (0-25 year olds and their families) in a local area.

### 2.0 Recommendation(s):

- 2.1 To note that current work continues to meet statutory obligations and work to prepare for external inspections should continue.

### 3.0 Reasons for recommendation(s):

- 3.1 Blackpool is continuing to meet its statutory obligations and self evaluation has indicated that some areas for future inspection still need work on them. The Blackpool area needs to be ready for potential inspections.

- 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

3.3 Other alternative options to be considered:

None, the obligations are laid in statute and the pending OFSTED / Care Quality Commission inspection framework is applicable to all local areas nationally.

**4.0 Council Priority:**

4.1 The relevant Council Priorities are:

Tackle child poverty, raise aspirations and improve educational achievement and safeguard and protect the most vulnerable.

**5.0 Background Information**

5.1 The 2014 Children and Families Act was implemented in September 2014 (the youth offending aspects from April 2015). A national Code of Practice was released, outlining statutory and non statutory duties. There were significant changes for Special Education Needs and disability, as outlined below with Blackpool progress noted against the headings. Work streams had met since 2012, including parents, care, health, colleges, schools and others. The work outlined below is a summary of the key aspects of the initiatives taken.

**The approach to identifying Special Education Needs was changed from service led to person centred**

Significant training across health, education and care has occurred, with trainers trained in the area. This has involved providers and members of staff continue to roll out training. The department for area advisor, local charities and parent groups have noted how person centred the approach is now within Blackpool.

**Statements of Special Education Needs have been replaced by Education, Health and Care (EHC) Plans**

Blackpool has maintained a 100% record for completing these on time and moderation by the Department for Education has highlighted how they “totally” meet the spirit of the Code. Councils have to convert all existing Statements of Special Educational Need to Education, Health and Care Plans within the next three years. Close work with health has ensured this has occurred. The Council had to publish a plan on this. Department for Education monitoring has highlighted how Blackpool is one of the few authorities, regionally, to be on track to do this within the statutory timescales, whilst still using a person centred approach. The target for August 2015 was to convert 232 Statements of Special Educational Need / their post school equivalent. 231 were converted or close to the final point in the process. Close work has occurred with health and care to ensure that aspects of the Plan cover all relevant areas and assessments are joined up.

### **Approaches have to be outcome focussed and aspiration driven**

This has been a key ethos change away from the needs driven approaches used previously. Parents have commented how the person centred/ outcome focussed approach has made a big difference. The service will need to ensure that the ethos change for service delivery is maintained as other pressures (budgetary/ meeting statutory targets) occur.

### **Increase to a 0-25 age range**

The Act covers to the age of 25, whilst previously it was to the end of schooling. Post school covers when the young person is in education and/or training. Outcomes in terms of being in employment or an alternative are important. Work has occurred with colleges and post 16 providers to ensure that provision meets need and a specific post 16 Special Educational Need Officer appointed.

### **Personal budgets**

If there is an Education, Health and Care Plan the young person post 16, or parent, can have access to a personal budget for aspects of this. Blackpool had a significant take up of personal budgets in regard to care provision for disabled children and young people and this has been built upon.

### **Coproduction**

All strategic and personal plans have to be co-produced with parents and young people. Blackpool has been praised by parents and charities for this. There have been some significant events that have input into the co-production process and stakeholder engagement occurs in all work streams and strategic groups.

### **Local Offer**

There is a duty on the local authority to host an offer of all provision available within the area for children and young people with Special Educational Needs and their families. This is a web site within the Family Information Service. Other communication routes including deaf text and the use of leaflets/ meetings are also utilised. Initially all legal aspects were put onto the offer site and this was monitored by the Department for Education. A part time local officer has been appointed on a temporary basis to ensure the site is now more user friendly. It continues to be updated and modified following feedback. The site is also a two way communication for service users to feed into the commissioning process. A national charity highlighted Blackpool's Local Offer as one of four national examples of good practice.

### **Joint Commissioning**

This has to occur between the Clinical Commissioning Group and local authority. A strategic board has been set up and meets regularly. The Joint Strategic Needs Assessment, other assessments and service user comments feed into this

## **Mediation**

If there is a dispute about aspects of an Education, Health and Care Plan the Local Authority or the Clinical Commissioning Group has to commission independent mediation. This has occurred via an independent firm. Work has also occurred with independent parent supporters, supplied by Barnados for Blackpool.

## **Early stages of support**

Work is ongoing to ensure that needs are identified at as early a stage as possible and statistics indicate that this is the case. However, there are corresponding increases in needs amongst early years (due for instance to more babies surviving traumatic births), a rise in the number of cases of autism identified and that Blackpool is a net importer of need. Work has occurred with early years' providers, schools and colleges to improve their identification processes and provision. A reasonable expectations document, outlining the type of provision to be expected from school provisions, has been developed and shared at the SENCO conference in June.

- 5.2 Blackpool is one of 13 local authorities nationally to be engaged in a pilot to extend the remit of tribunal (a legal process led by a judge) to rule on care and health aspects of an Education, Health and Care Plan as well as education ones, if there is a disagreement that can not be resolved. It is early days yet in the pilot, which was promised as part of the national changes. Blackpool has a tradition of low numbers of cases needing to go to tribunal.
- 5.3 OFSTED and the Care Quality Commission (for health) have been charged with inspecting local areas in relation to Special Educational Needs. The promised draft criteria is yet to be published, but will occur in the near future. Once it does a desk top exercise will occur to review Blackpool against the criteria.
- 5.4 The inspection will cover a local area, including health (adult and children), the Council (adult and children services) and providers (schools, colleges, early years settings, care providers for example). The first inspections nationally will be likely from May 2016. Members of the Board may be interviewed as part of the process. Many aspects of the inspection framework have been released informally and a self evaluation has occurred. There are many areas that Blackpool is seen by the Department for Education as doing well in and we have been asked to present regionally on these. Some areas for improvement or possible concern have been identified and action plans are in place/ being developed to address these. They include the involvement of children and young people, securing a robust data set, reducing numbers that have to use expensive out of borough specialist provision, secondary academic attainment and ensuring the joined up work across agencies strategically also occurs when delivering services.
- 5.5 Does the information submitted include any exempt information? No

**5.6 List of Appendices:**

None

**6.0 Legal considerations:**

6.1 The statutory obligations under the act are monitored and continue to be met. National case study judgments from high courts and first tier tribunals are considered as part of future decision making.

**7.0 Human Resources considerations:**

7.1 None

**8.0 Equalities considerations:**

8.1 Under the Equalities Act the needs of those with disabilities are met. Race/ gender / free school meal data is kept to ensure no discrimination occurs.

**9.0 Financial considerations:**

9.1 The obligations are met within budget and the two new burdens grants from central government to all local authorities (covering the financial years 2014/2015 and 2015/2016). The Council is yet to hear of a grant for 2016/2017.

**10.0 Risk management considerations:**

10.1 If we fail to meet statutory obligations in terms of the Act the authority and/or health bodies would be at risk from individuals taking legal action and/or central government / OFSTED/ CQC taking action.

**11.0 Ethical considerations:**

11.1 The needs of a vulnerable group within the town continue to be met appropriately.

**12.0 Internal/ External Consultation undertaken:**

12.1 There is a duty under the Act to co-produce all policies with parents and children/ young people (CYP). Positive feedback has occurred from parent and charity groups to the DFE about parental engagement and engagement with children/ young people was seen as not being a major concern on a DFE monitoring visit. However, it has been highlighted by internal self evaluation that engagement with children and young people could be better and work is ongoing to put in further structures to enable this to improve. It was also recognised that “hard to reach” parents’ views

have not been obtained and a parent telephone survey is proposed.

**13.0 Background papers:**

13.1 None