

# REPORT TO: Health and Wellbeing Board

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**Date of Meeting:** 26<sup>th</sup> July 2016

**Report of:** Kath O'Dwyer  
Executive Director (People) and Deputy Chief Executive

**Subject/Title:** **Special Educational Needs & Disability (SEND) Update**

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## **1 Report Summary**

1.1 This report is in two sections:

Section 1 - describes the progress being made in meeting our collective SEND responsibilities defined in the Children and Families Act from September 2014 in relation to the implementation of the 0-25 SEND reforms and the governance arrangements established in Cheshire East to fulfil the requirements and lead the implementation of the reforms.

Section 2 - outlines the principles set out in the Disabled Children's Charter and the work the Local Authority is taking prior to bringing back to this board for consideration and collective formal sign up to the Charter.

## **2. Recommendations**

2.1 The Health and Wellbeing Board to comment on the progress being made.

2.2 The Health and Wellbeing Board to comment on the 0-25 Governance arrangements and to commit to multi-agency ownership and active participation in these arrangements.

2.3 That the Health and Wellbeing Board endorses the principles set out in the Disabled Children's Charter and undertakes to give future consideration to signing up to the Charter.

## **SECTION ONE - 0-25 YEARS SEND REFORMS**

### 3. **Key Aspects of the SEND Reforms**

3.1 The Children and Families Act is the statutory framework for the integration and personalisation of services for children and young people (CYP) that require services across Education, Health and Social Care to work closely to provide the right support for children and young people and their families. This is at both a strategic joint commissioning level and integrated service delivery through Education, Health and Care Plans (EHCPs).

3.2 Implementing the Children and Families Act and developing a shared vision and strategy will be key in developing integrated, person centred services for children and young people.

3.3 The requirements under the 0-25 SEND Reforms are set out in the Children and Families Act September 2014. Key aspects of the reforms include:

- ***Replacing Statements of SEN with Education, Health & Care Plans***

One of the major changes introduced by the Children and Families Act 2014 is the replacement of the current Statement system with new Education and Health Care Plans (EHCP). EHCP will also be extended to young people aged up to 25 to support young people into adulthood

- ***Services Working Together***

Children and young people with SEN need well coordinated, coherent support across education, health and social care to help them achieve their agreed outcomes. Under the new Act, Local Authorities and other key agencies will be required to link up and jointly plan services for disabled children and young people

- ***Birth to 25 years***

The Act extends the SEN system from birth to 25 years, which will support young people into further education, employment and independent living

- ***Personal Budgets***

Parents of children or young people themselves with an EHC Plan have the right to request a personal budget for their support. A personal budget is an amount of money provided to the family to enable them to directly purchase all or some of the provision set out in their EHC plan. By having a say in the way this budget is used, a parent or young person can control elements of their support

- ***Local Offer***

Every council is required to publish a details of the local support there is available for children and young people with SEND. The Local Offer provides clear and accurate information about local education, health and care services.

- ***Engaging Parents, Children and Young People***

Local authorities **must** ensure that parents, children and young people are involved in discussions and decisions about every aspect of their care and support, planning outcomes and agreeing services & activities to meet those outcomes. They must also take steps to ensure that parents and/or young people are actively involved in contributing to assessments, planning and reviewing EHC plans. In addition, Early Years providers, schools and colleges should fully engage parents and/or young people with SEN when drawing up the plans policies that affect them

- **Resolving Disputes**

Local authorities must make clear how disagreements will be resolved and how complaints will be dealt with. It is recommended that local authorities commission an independent disagreement resolution services that will be available to parents and young people

3.4 SEND Code Of Practice January 2015 : More detail can be found at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/398815/SEND\\_Code\\_of\\_Practice\\_January\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf)

3.5 The 2001 code still applies for those who have a SEN statement under part 4 of the Education Act 1996, rather than an education, health and care (EHC) plan under the Children and Families Act 2014

3.6 There is therefore a requirement for all children and young people with a SEN Statement of Education Needs to be transferred into more holistic EHC plans.

#### **4. Current Performance**

4.1 Through lots of dialogue with schools, parents, other professionals, it is clear there is some frustration across the SEND partners. In particular there is a concern about the sufficiency of places for children to be appropriately placed in borough; funding; timeliness of partners working to deliver EHC plan on time; levels of integration and joint ownership across partners of the SEND reforms.

#### **4.2 Education Outcomes**

92.7% of Schools in Cheshire East are currently judged Good or Outstanding by Ofsted. This places the country third nationally for schools judged at least Good. This gives Cheshire East a very good foundation from which to move forward.

### 4.3 Outcomes for Children with SEND

The table below summaries the last 2 years of performance across educational outcomes and compares them with national averages.

SEND	2014	2015	Change		National 2015 and RAG	
<b>Key Stage 1</b>						
Phonics Year 1	39%	43%	4pp		39%	
Reading Level 2+	59%	60%	1pp		59%	
Writing Level 2+	47%	46%	-1pp		51%	
Mathematics Level 2+	68%	71%	3pp		67%	
<b>Key Stage 2</b>						
Read, Write & Maths L4+	41%	37%	-4pp		39%	
<b>Key Stage 4</b>						
5+A*-C inc English & Maths	22%	22%	0		20%	

Overall this presents a good news story but KS1 writing and KS2 overall need intervention. Cheshire East also has high expectations to be well above the national average.

### 4.4 Compliance Standard

The Local Authority is scrutinised against how compliant the borough is in meeting national set guidelines for transferring SEN Statements to EHCP, and for completing new plans within a 20 week timescale. Current performance for Oct 15 – May 2016 is :

- EHCP Transfers within 20 weeks 40.5%
- EHCP Transfers not within 20 weeks 59.5%
- New EHCPs within 20 weeks 49.75%
- New EHCP not within 20 weeks 50.25%

Progress is being made and the above is in line with the national picture but Cheshire East has higher targets in place to achieve improved performance.

### 4.5 Efficiency of Funding

Currently there are 494 Children placed in non- Cheshire East Provision. The funding for these placement is summarise below:

- Non Maintained and Independent      204                      Cost: £4,607,800
- OLA Provision                                      290                      Cost: £3,373,300\*
- (\*this relates to the top-up and does not include the first £10k held by the School)
- Post 16    Cost £3,273,700
- Transport Costs overall for SEN over £5 million

Whilst Children and young people are having their needs met this money is moving out of the borough and many children are having to travel long distances, away from their communities, to access education.

## 5. Improvement Plans

In order to improve the local picture for SEND the Local Authority is leading an improvement journey and setting clear objectives. These include:

- To improve partnership engagement and ownership of the SEND reforms.
- To improve the timeliness and quality of EHC Plans
- Review and clearly define the decision making processes for services and allocation of funding and apply them consistently and in a transparent manner
- Undertake and full sufficiency assessment of placements and match these to need.
- Engage and improve the relation with Parent / Carers and schools.

## 6.0 Progress on 0-25 Governance Arrangements

6.1 New Governance arrangements have been put into place to create some multi agency work streams and to improve scrutiny of progress and accountability. Appendix A sets out the organisational arrangements of the 0-25 SEND reform implementation programme.

### 6.2 0-25 SEND Partnership Board

A 0-25 Multi-Agency SEND Partnership Board has recently been established and has met twice to date. The board, which meets every six weeks, is the partnership body responsible for developing and delivering an integrated strategy to maximise life opportunities and positive outcomes for children and young people with special needs and/or disabilities and their families.

The primary objective of the Board is to develop and monitor a strategy that will ensure a more personalised response to the needs of children and young people with special needs and disabilities, giving families more choice and control, and helping them to live fulfilling lives and be as independent as possible.

The Board and strategy will cover any service that impacts on the lives of children and young people with special needs and/or disabilities from birth up to the age of 25 years.

The Board will provide strategic leadership and direction in the development, implementation and monitoring of the Cheshire East SEND Strategy and Action Plan, and take corrective actions, if required, to keep the Action Plan on course.

The Board will also ensure that all approaches in relation to SEND take into account and align where applicable with other Cheshire East strategic priorities contained within:

- The Children & Young People's Plan
- The Health and Wellbeing Strategic Priorities 2014-16
- The Disabled Children's Charter

- 6.3 A draft **SEND strategy** is been drawn up and will be presented to the board for ratification and implementation later this year.
- 6.4 A **Children and Young Peoples Joint Commissioning** Strategy has been drafted is being presented to the Health and Wellbeing Board on 26<sup>th</sup> July 2016. The strategy and plan respond to the 2014 SEND Reforms and local requirement for Clinical Commissioning Groups (CCG), NHS England and Local Authorities to align / join commissioning plans and integrate services for children, young people and families. The strategy sets out the joint commitment of all key partners delivering to improve the lives and life chances of all children and young people (aged 0-25 years) in Cheshire East to a joint commissioning approach that delivers integrated services for children, young people and families.
- 6.5 Ensuring all partners take active ownership and input into the joint strategy via an agreed approach is a clear requirement in the Ofsted single inspection of Children Services and a prominent element of the recently announced **Local Area SEND inspection framework**.
- 6.6 The Joint Commissioning Strategy identifies priorities for 2016-2018 that include the work being planned via the SEND Governance work streams described in this report.
- 6.7 Each work stream outlined in Appendix A has an agreed Terms of Reference, multi-agency membership, and is now formulating an action plan,

incorporating a lot of what we know is not working and building on those areas perceived as strengths.

6.8 **Participation and engagement** are viewed as key areas requiring investment to embed co-production. The Local Authority have facilitated a SEND Conference for Governors and Head teachers, and also started to build on the Cheshire East Parent Carers Forum to ensure that both schools and parents have a clearer voice in the development of SEND services.

6.9 A draft policy on the use of **Personal Budgets** is also being drafted and will be presented to the board later this year.

6.10 In relation to **Independent Specialist Placement Procedures** proposal to extend the options post 16 and 19 including non-formal provision routes are currently being reviewed and considered.

## 7.0 Key Immediate Tasks

7.1 The key immediate tasks being undertaken by work streams include:

- **Communication & Engagement**
  - Developing Effective relationships with the Parent/Carers Forum
  - Effective CYP Forums
  - Robust and dynamic Local Offer
  
- **Assessment & Planning**
  - Redesign of LA SEND Team and services
  - Redesign EHCP pathways with a focus on more timely production of EHCPS
  
- **Preparation for Adulthood and Transition**
  - Development of robust transition plan
  - Development of pathways for formal and non-formal post 16/19 provision
  
- **Joint Commissioning and Resources Allocation including sufficiency**
  - Adopt and implement the recently agreed Joint Commissioning Strategy
  - Prepare a Sufficiency Statement that highlights gaps in provision and proposes plans to meet the identified gaps

- Use of Personal Budgets
- Resource Allocation Systems
- **Workforce Development & Performance**
  - Review of team structures & roles
  - Workforce Training and Development Plan
  - Partnership Ownership, Engagement & Comms

Progress will be monitored by the 0-25 SEND Partnership Board.

## **8. Impact on Health and Wellbeing Strategy Priorities**

- 8.1 Outcome one of *The Joint Health and Wellbeing Strategy for the Population of Cheshire East 2014 - 2016*, 'Starting and Developing Well' sets out the Health and Wellbeing Board's priority to ensure that children and young people have the best start in life; they and their families or carers are supported to feel healthy and safe, reach their full potential and are able to feel part of where they live and involved in the services they receive.

## **SECTION 2 - DISABLED CHILDREN'S CHARTER**

1. The national Disabled Children's Charter sets out how public sector organisations should '*Strategically plan*' to meet the needs of children with a disability. Many H&WB Boards have committed to the principles contained within the Charter.
2. The LA is undertaking a self assessment of where we are, in order that we can present a clear proposal to the HWBB about the benefits, as we see it, to the Health and Wellbeing Board signing up to the Charter and meeting its commitments which include:
  - Publicly articulate a vision for improving the quality of life and outcomes for disabled children, young people and their families;
  - Understand the true needs of disabled children, young people and their families in our local area and how to meet them;
  - Have greater confidence in targeting integrated commissioning on the needs of disabled children, young people and their families;
  - Support a local focus on cost-effective and child-centred interventions to deliver long-term impacts;
  - Build on local partnerships to deliver improvements to the quality of life and outcomes for disabled children, young people and their families;

- Develop a shared local focus on measuring and improving the outcomes experienced by disabled children, young people and their families;
- Demonstrate how our area will deliver the shared ambitions of the health system set out by the Government in 'Better Health Outcomes for Children and Young People: Our Pledge' for a key group of children and young people.

### **3. Next Steps**

- 3.1 A further report will be presented to the HWBB seeking support and agreement to sign the Charter and deliver, together, the commitments outlined above.

### **4. Impact on Health and Wellbeing Strategy Priorities**

- 4.1 Outcome one of *The Joint Health and Wellbeing Strategy for the Population of Cheshire East 2014 - 2016*, 'Starting and Developing Well' sets out the Health and Wellbeing Board's priority to ensure that children and young people have the best start in life; they and their families or carers are supported to feel healthy and safe, reach their full potential and are able to feel part of where they live and involved in the services they receive.

The background papers relating to this report can be inspected by contacting the report writer:

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