

## Health and Wellbeing Board

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Date of Meeting: 26 November 2013  
Report of: Tony Crane, Director of Children's Services  
Subject/Title: SEN Strategy

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### **1. Purpose of the Report**

- 1.1. This paper sets out Cheshire East strategic priorities relating to Special Educational Needs (SEN) and the implementation of the new Code of Practice as part of the Children's Act.
- 1.2. The strategy is supported by a detailed action plan and is set in the context of the Life Course Project.

### **2.0 Recommendations**

- 2.1 That the Board note the report.
- 2.2 Request regular updates on the progress of the strategic priorities.

### **3.0 Background**

- 3.1 The Government is reforming the system for supporting children and young people with Special Educational Needs (SEN) in England. The Act, includes measures to:
  - give young people with special educational needs in further education and training aged 16-25 rights and protections comparable to those in school;
  - require local authorities and local health services to plan and commission education, health and social care services jointly;
  - require local authorities to publish in one place a clear and easy to understand 'local offer' of education, health and social care services to support children and young people with SEN and their families;
  - require co-operation between local authorities and a wide range of partners, including schools, academies, colleges, other local authorities and services responsible for providing health and social care;
  - require local authorities to consult children and young people with SEN and their parents in reviewing special educational provision and social care provision;
  - introduce a more streamlined process for assessing the needs of those with more severe and complex needs, integrating education, health and care services and involving children, young people and their parents;
  - replace statements and Learning Difficulty Assessments with a new 0-25 Education, Health and Care Plan, which will co-ordinate the support for children and young people and focus on desired outcomes including, as they get older, preparation for adulthood;
  - encourage parents and young people to consider mediation to resolve disagreements before they register a Tribunal appeal;

- give parents and young people with an Education, Health and Care Plan the right to a personal budget for their support;
- All SEN duties to apply equally to all schools, inc. Academies and Free Schools

3.2 The Bill places legal duties on local authorities, early education providers, schools, colleges, health bodies and those who work with them for identifying children and young people with SEN, assessing their needs and providing support to them and their families. The detailed requirements of those legal duties are set out in the draft regulations and guidance on carrying out the duties in the Bill and regulations are given in a draft 0-25 Special Educational Needs Code of Practice. Subject to Parliament, the Bill will come into force from September 2014.

## **4.0 Strategic Priorities**

1.3. There are 7 strategic priorities for SEN which aim to address the introduction of the New Code of Practice and the development of provision and support to children and young people with SEN.

### *1.4. Strategic Priority 1. Implementation of the New Code of Practice.*

The most significant changes to the existing SEN Code of Practice are to be introduced in September 2014 as part of the Children and Families Act. These changes are far reaching and probably the most fundamental is the original SEN Code of Practice of the early 80's. The code introduces fundamental shift in assessment and the way children and young people's needs will be identified and supported. There is a need for extensive development work with service and school staff. Existing guidance and support will have to be completely redrafted.

### *4.3 Priority 2. Joint Planning and Commissioning*

Local authorities are required by clause 25 of the Children and Families Bill to exercise their duties and powers under the Bill with a view to ensuring the integration of special educational provision with health and social care provision where they think this would promote the wellbeing of children or young people in their area who have SEN, or improve the quality of special educational provision. Clause 26 of the Children and Families Bill requires local authorities and their partners CCG to commission services jointly for children and young people with SEN, both those with and without EHC plans. Those arrangements could involve joint funding agreements or pooled budget

### *4.4 Priority 3. Improve the organisation and delivery of SEN services*

In Cheshire East the DSG and base budget allocates approximately £30m to SEN for pupil support and services. Over the last 4 years the expenditure on individual support has continued to rise yet outcomes do not follow the same pattern. Challenge to in regard to support for pupils from various services is at variable. The various teams have genuine pupil and family focus. Given the introduction of the new code of the code practice and the move to greater commissioning of services and support there is a need to examine the role of the teams and to considered different models of delivery.

### *4.5 Priority 4. Implementation and delivery of a coordinated assessment and Education and Health and Care plan*

The statutory joint assessment process must be co-ordinated across education, health and care to ensure a cohesive experience for children, parents and young people. Education, Health and Care plans are integrated support plans for children and young people with SEN from 0 to 25. They are focused on achieving outcomes and helping children and young people make a positive transition to adulthood, including into paid employment and independent living. The plans will be produced in partnership with parents, children and young people and will be based on a coordinated approach to the delivery of services across education, health and care.

The Act also introduces personal budgets which can include funding from education, health and social care sources. Local authorities and their partners must set out arrangements for the local agreement of personal budgets in their joint commissioning arrangements. Where local governance or pooling arrangements exist, funding in a personal budget can be used to commission joint provision across all three services.

Consideration will also need to be given around the delivery of mediation and dispute resolution services in line with the reforms. Local authorities must arrange for disagreement resolution services to be available to parents and young people

#### *4.6 Priority 5. Prepare and Publish the 'Local Offer'*

The Children and Families Bill, the Government plans to require all local authorities to publish, in one place, information about provision they expect to be available for children and young people from birth to 25 years old who have special educational needs – this will be known as the “local offer”.

The local offer must include both local provision and provision outside the local area that the local authority expects is likely to be used by children and young people with SEN for whom they are responsible, including relevant national specialist provision.

The process of developing the local offer is intended to help local authorities to improve provision. The local offer should not simply be a directory of existing services.

#### *4.7 Priority 6. Preparation for Adulthood*

In line with the Children and Families Bill, Cheshire East will take steps to ensure that young people with SEN and Disabilities have equal life chances as they move into adulthood. For example: paid employment, housing, independent living, choice and control, community inclusion, friends and relationships.

#### *4.8 Priority 7. Scope and prepare the business case for additional SEN provision in the borough.*

Following Local Government Review Cheshire East inherited only four of the existing 14 specials in the former County. These schools cater for two distinct

types of need Severe and Complex Learning Difficulties and Behavioural, Emotional and Social Difficulties. The council currently spend approximately £10m on inter-authority and independent schools fees for children with SEN.

The authority is working in the National Autistic Society to establish a specialist free school for children with Autism on the former Church Lawton School site. The school is unlikely to open before January 2015 but a principal designate has been appointed and this will be followed by more appointments. The NAS is

currently exploring options in how to support children identified to start in September 2014 until the school opens.

## **5.0 Further Information**

- 5.1 Further information and documents related to this strategy can be obtained from Fintan Bradley at [fintan.bradley@cheshireeast.gov.uk](mailto:fintan.bradley@cheshireeast.gov.uk).