



## London Borough of Hammersmith & Fulham

CABINET

6 OCTOBER 2014

### CHILDREN AND FAMILIES ACT: IMPLEMENTATION PLAN

Report of the Cabinet Member for Children and Education – Councillor Sue Macmillan

Open Report

Classification - For Decision  
Key Decision: - Yes

Wards Affected: All

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## 1. EXECUTIVE SUMMARY

- 1.1. This paper outlines the principles of the initial eligibility guidelines for young people with special educational needs that have been developed and used as a working document as a result of the Children and Families Act, which comes into effect from September 2014.
- 1.2. The paper recommends that Cabinet approves the initial eligibility guidelines to be formally implemented for the academic year 2014/15 and then reviewed with parents and other stakeholders throughout the first year of operation.

**Why are we implementing these initial guidelines?**

- 1.3. The Children and Families Act requires Education, Health and Social Care services to work more closely together and undertake a combined assessment process for young people with complex needs. This assessment process will result in a combined Education, Health and Care plan that will, in effect, replace current 'Statements' of special educational need.

#### **What have we done?**

- 1.4. As part of our preparation for the implementation of the Act, we have reviewed the systems and processes used within the Special Educational Needs Service. This process has required a review of the eligibility guidelines and the processes for assessment for Special Educational Needs to ensure that they meet the requirements of the new Act.
- 1.5. The initial guidelines (Appendix A) will be implemented in line with the Children and Families Act to guide our decision making process under the new system. However, each case will be judged on its merits on the basis of the child's / young person's needs.

#### **Who do these guidelines apply to?**

- 1.6. The government has stated that **all young people who currently have statements of SEN will be entitled to transfer to an Education Health and Care Plan**. There is four-year period of transition for this to take place and, during this period, statements of SEN will continue to have the same legal status as they do currently. This entitlement to transfer to an Education, Health and Care Plan means that **only children and young people who are new to the system will be subject to the revised eligibility guidelines**.

#### **How will we review the effectiveness of these guidelines?**

- 1.7. During the next 12 months we will work closely with parents, Parent Representative Groups and the Hammersmith and Fulham Children's and Education Policy and Accountability Committee to review the effectiveness of the initial guidelines and will consider amendments as required. This process will start following the implementation of the initial guidelines for a six month period.

## **2. RECOMMENDATION**

- 2.1. That approval be given to the initial eligibility guidelines for formal implementation for the academic year 2014/15 as set out in this report.

## **3. CONTEXT**

### **National Legislation and the SEN Service**

- 3.1. The Children and Families Act requires Education, Health and Social Care services to work more closely together and undertake a combined assessment process for young people with complex needs. This assessment process will result in a combined Education, Health and Care plan that will replace current 'Statements' of special educational need.
- 3.2. As part of our preparation for the implementation of the Act, we have reviewed the systems and processes used within the Special Educational Needs Service. This process has required a review of the eligibility guidelines for Special Educational Needs to ensure that they meet the requirements of the new Act. We have been unable to finalise the guidelines until now, as we have been awaiting the final SEN Code of Practice which was published in June 2014.
- 3.3. The principles of the new legislation are based on working more closely with parents throughout the assessment process so that the final Education Health and Care Plan is a result of 'co-production' and that support is provided to achieve jointly developed and agreed outcomes for the young person.
- 3.4. As a result, where assessment was previously considered a broadly administrative process, it will now require a more in depth and detailed approach to produce each young person's plan. We are therefore working on developing future assessment models on the basis that we will concentrate our focus on those children with the most complex needs, while ensuring that support provided in mainstream schools is robust and able to support those who have less complex needs and do not require an Education Health and Care Plan. More detail on the rationale behind this approach is provided in section 5 of this paper.

### **Changes to school funding – High Needs Block**

- 3.5. The principles underpinning the new legislation are;
  - greater involvement of parents/carers in decision-making about a child's plan and;
  - transparency and accountability for the deployment of resources (notional budget) to support a child or young person achieve specified outcomes using resources detailed in the schools Local Offer
- 3.6. The local authority is keen to support schools in having a well-resourced Local Offer to meet children's additional learning needs. The approach that is being taken with regards to High Needs Funding is based on the premise that the majority of children can have their needs met in mainstream schools from available resources and that provision for the children with complex needs such that they have an Education, Health and Care Plans will be funded through a relatively small additional top-up.
- 3.7. Therefore, since April 2014, there has been a slightly different approach to the distribution of High Needs Funding to schools, ensuring that a genuine High Needs Block top-up model is operational for mainstream schools, with the Local Authority

making only making payments for provision over and above the notional £6,000 SEN budget. Please see Appendix B for a diagram which demonstrates this approach.

- 3.8. This approach will ensure that we have identified the required resources for a robust local offer within mainstream schools, to support those young people with special educational needs that are not severe and complex. This will therefore manage expectations and potential strain on High Needs Block – allowing additional support, provided via Education Health and Care Plans, to be focused on those with most complex needs.

#### **4. PRINCIPLES OF THE NEW GUIDELINES**

##### **Who do the guidelines apply to?**

- 4.1. The guidelines have been written in accordance with paragraph 9:16 of the Special Educational Needs Code of Practice 2014 which provides:

“Local authorities may develop criteria as guidelines to help them decide when it is necessary to carry out an EHC needs assessment (and following assessment, to decide whether it is necessary to issue an EHC plan). However, local authorities must be prepared to depart from those criteria where there is a compelling reason to do so in any particular case and demonstrate their willingness to do so where individual circumstances warrant such a departure. Local authorities must not apply a ‘blanket’ policy to particular groups of children or certain types of need, as this would prevent the consideration of a child’s or young person’s needs individually and on their merits”.

- 4.2. The guidelines apply when considering requests for EHC Assessments. They do not apply to those children and young people with existing Statements of Special Educational Needs or Learning Disability Assessments at 1 September 2014.

##### **Why are we implementing the guidelines?**

- 4.3. The guidelines have been produced to assist the Local Authority in deciding whether it is necessary for the Local Authority to initiate an Education, Health and Care Assessment. In addition to the guidelines, all requests for an EHC Assessment will be considered on an individual basis considering some or all of the following:

- The views and evidence submitted by parents/carers
- Where applicable, the views and evidence submitted by the young person<sup>1</sup>
- The evidence presented by the educational setting
- The evidence presented by professionals
- Any other relevant body with information about the child/young person

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<sup>1</sup> The term ‘young person’ refers to those aged 16-25 who are more experienced and able to make decisions for themselves. In this instance, the young person will be the main point of consultation.

### **Who can make a request for an EHC Assessment?**

- 4.4. A request for an Education, Health and Care assessment for a child or young person aged 0-25 years and with special educational needs and/or disabilities can be made by:
- The child's<sup>2</sup> parent
  - A young person aged 16-25 years
  - A person acting on behalf of a school or post 16 institution
  - Children and young people under 19 in youth custodial establishments have the right to request assessment for an EHC Plan.
- 4.5. Following a request for an EHC needs assessment, or the child having otherwise been brought to its' attention, the Local Authority must determine whether an EHC needs assessment is necessary.
- 4.6. The Local Authority must make this decision and communicate the decision to the child's parent within six weeks of receiving the request.

### **Considering a Request for an EHC Assessment – The Legal Context**

- 4.7. The Children and Families Act defines whether a child/young person has special educational needs and requires an Education, Health and Social Care Assessment.
- 4.8. A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for him or her.
- 4.9. A child of compulsory school age has a learning difficulty if he or she:
- Has a significantly greater difficulty in learning than the majority of others of the same age or
  - Has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post 16 provision
- 4.10. A child of under compulsory school age has special educational needs if he or she is likely to fall within the definition above when he/she reaches compulsory school age or would do if special educational provision was not made for him/her.
- 4.11. In some exceptional circumstances, it may be possible for a combination of less severe special educational needs to have a cumulative effect on a child's educational progress. An EHC Assessment will be considered if the cumulative

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<sup>2</sup> The term 'children' refers to those aged 0-16 who do not have the maturity and understanding to make important decisions for themselves. In this instance, parents will be the main point of consultation.

effect may call for special provision which cannot reasonably be provided within the resources normally available to mainstream settings

- 4.12. The four broad categories of needs as set out in the SEND Code of Practice 2014 form the basis for decision-making:
- Speech, language and communication
  - Cognition and learning
  - Social, emotional mental health
  - Physical, sensory medical
- 4.13. In each of these areas the borough has produced guidelines to identify the significance of a child's difficulty and to identify whether there needs can be met through the resources that are available to mainstream school. The questions have been designed by professionals and they act as a guide only in deciding whether or not an EHC Assessment is necessary. The guidelines for each area will be completed by parents, the educational setting and professionals to identify the significance of the child's difficulties.
- 4.14. For each area of difficulty the child's parents/school/professional score the severity of the child's presenting difficulties. If the child reaches a certain score, the Council can use this information to determine whether the child's needs are significant to meet the criteria for an EHC Assessment. It is important to state that the guidelines are not a diagnostic tool and are simply used to weigh how the child's difficulties are reported to impact on their education. In addition to the guidelines the local authority will also consider the information which is gathered as part of the EHC Request for an Assessment process.
- 4.15. For reference, a full copy of the revised SEN Eligibility Guidelines is attached to this document at Appendix A.

## 5. EXPECTED IMPACT OF THE NEW GUIDELINES

- 5.1. The government has stated that **all young people who currently have statements of SEN will be entitled to transfer to an Education Health and Care Plan**. There is four-year period of transition for this to take place and, during this period, statements of SEN will continue to have the same legal status as they do currently. This entitlement to transfer to and Education, Health and Care Plan means that **only children and young people who are new to the system will be subject to the new eligibility guidelines**.
- 5.2. We will be converting statements of SEN throughout the four-year transition period. Given our aim to undertake conversions using the principles of the new Act (i.e. person-centred and outcome focused) and given the capacity of the SEN Team our approach will be to convert every child's statement of SEN during the year prior to changing Key Stage phase. The number of young people that will have their statement converted each year is outlined below, broken down by year group:

5.3.

2014/15		2015/16		2016/17	
Year Group	Total	Year Group	Total	Year Group	Total
Nursery	11	Nursery	0	Nursery	0
Year 2	55	Year 1	43	Reception	26
Year 6	49	Year 5	39	Year 3	46
Year 9	54	Year 8	47	Year 4	43
Year 11	46	Year 10	65	Year 7	45
Year 13	29	Year 12	32		
Beyond 13	17				
<b>Total</b>	<b>261</b>	<b>Total</b>	<b>226</b>	<b>Total</b>	<b>160</b>

- 5.4. Individual personalised letters were sent to parents in August 2014 to ensure that they are informed of the transition plan for their child. The letters outline the year that conversions will take place, in line with the child's transition through a Key Stage.
- 5.5. An EHC Plan will differ from a statement of SEN. Rather than only outlining provision to be received, an EHC Plan will outline a set of agreed outcomes that a child or young person will work towards. Progress towards these outcomes will be reviewed on a regular basis and the plan will be amended accordingly. When a child or young person achieves their outcomes, their plan may end. If a lower level of support is still required, this will be provided from the Local Offer.
- 5.6. Nationally, it is expected that around 2% of the child population in state funded schools will have special educational needs that require support over and above what is normally available and therefore require a statement of SEN.
- 5.7. The most recent figures show that, of the child population in Hammersmith and Fulham that are of statutory school age and attend state funded school provision (14,263), there are 647 young people with a statement. This equates to 4.5% of the borough's the statutory school age population that attend state funded schools. This percentage is in line with the higher levels of children and young people in the borough who qualify for Free School Meals (27% compared with 16% nationally) and who have English as an additional language (36% compared with 17% nationally).
- 5.8. It is anticipated that the implementation of these initial eligibility guidelines will enable us to more effectively target our resources on those young people with the most complex needs, while working with local mainstream schools to ensure the continuous improvement of our ordinarily available offer of support for children with less complex additional needs, thus ensuring that the boroughs resources are used more efficiently and that young people with special educational needs continue to achieve improved outcomes.

- 5.9. In line with the overall ethos of the new legislation, the local authority want to ensure that the children with the most complex needs and their families experience a different, more person-centred approach to assessment. The aim of this approach is to support the active engagement of parents in identifying the outcomes that are important to them and in planning for their child to achieve these goals. To achieve this, SEN keyworkers will need to be in a position to work with other practitioners from, for example, Health and Social Care services in such a way that makes the management of person-centred delivery a reality. Focusing on the most complex children enables SEN keyworker resource to be distributed in such a way that those who are most in need of this specialist SEN support are able to receive it.
- 5.10. Furthermore, the new legislation is very much focused on SEN children achieving outcomes. As a consequence we will be focused on working with parents to track and monitor the outcomes that children with an Education, Health and Care Plan achieve. When a child who has an Education, Health and Care Plan achieves the outcomes that have been identified it would be expected that in a number of cases the local authority would no longer need to maintain an Education, Health and Care Plan for the child and that his/her needs could be met from the Local Offer of provision that is normally available for children with additional learning needs. By focusing on outcomes, more children would have a plan for a time-limited period than is currently the case, where statements of SEN often remain for the duration of their school life.
- 5.11. When compared with previous practice, the new guidelines are more open, transparent and specific in the levels required to qualify for an Education, Health and Care Plan. This will enable clearer decision making by practitioners throughout the assessment process and may result in a different cohort of children and young people qualifying for a statutory plan than is currently experienced.
- 5.12. As part of our preparations for the implementation of the Act and the new ways of working in the SEN team, a full modelling exercise is planned to establish a more detailed outline of the impact that the guidelines will have. This will be undertaken by SEN Management Team. The findings of this modelling will be incorporated into our on-going equalities impact assessment document.

## **6. ELIGIBILITY OF YOUNG PEOPLE AGED 16-25**

- 6.1. Currently, statements of SEN only last until the age of 18. The Act has extended the eligibility for a new Education, Health and Care Plan meaning that, as long as their needs continue to be the same and that they stay in education, young people will be potentially be entitled to funded support until the age of 25. It is estimated that around 10% of young people in further education currently have a statement of SEN. Due to the increase in the age limit; this figure could increase once EHC Plans are introduced.



- 6.2. There is no automatic entitlement to continued support or an expectation that those with an EHC Plan at age 18 must be allowed to remain in education or training from 19 - 25.
- 6.3. The local authority working with the young person, their parent and relevant professionals should consider whether there is clear evidence that special educational provision provided through an EHC Plan will continue to enable young people to progress towards agreed outcomes that will prepare them for adulthood.
- 6.4. The new SEN Code of Practice makes clear that a local authority should continue to maintain an EHC Plan for a 19 - 25 year old where all of the following apply:
  1. The education and training outcomes set out in their plan have not yet been achieved.
  2. The young person wants to remain in education or trainings so they can complete or consolidate their learning, including accessing provision that will help them prepare for adulthood.
  3. Special Educational provision is still needed.
  4. Remaining in education and/or training would enable the young person to progress and achieve those outcomes.
- 6.5. Support should continue to be reviewed at least annually.
- 6.6. When reviewing and EHC Plan or deciding that whether support should end for young people aged over 18, the local authority must consider whether the educational or training outcomes specified in the plan, have been achieved.
- 6.7. Young people have the right to request an assessment of their SEN at any point before their 25th birthday.
- 6.8. Where a young person is 19 or over the local authority must consider whether the young person requires more time to complete his/her education or training when compared with the majority of others of the same age who do not have SEN.
- 6.9. As this is a completely new area for eligibility, we have built upon the content and good practice of the 0-16 guidelines to develop Post 16 guidelines. The further development of these Post 16 guidelines will be done on the basis of consultation with young people who are currently in education and receiving support.
- 6.10. We will ensure that this process incorporates close working with the Hammersmith and Fulham Children and Education Policy and Accountability Committee, which will enable us to review the initial guidelines and their impact with a wide group of residents who attend the meetings.
- 6.11. Young people aged over 18 are currently supported by services provided by Adult Social Care. There is therefore a need for Children's Services and Adult Social Care to work closely to establish any potential financial risks within the post 16 cohort and ensure that these are managed. We urgently need to identify young people that

Adult Social Care teams are currently supporting, the value of the support that they receive and establish which department will be responsible for these costs in future.

## **7. PILOTING NEW GUIDELINES AND THE SINGLE ASSESSMENT PROCESS**

- 7.1. An Education Health and Care Plan format has been agreed and is now in place (Appendix C). A pilot of the plan took place from June to September 2014.
- 7.2. The Education Health and Care Plan was designed using best practice from the national pathfinder boroughs and is aligned with the needs of existing service assessments (Children with Disabilities, Special Educational Needs and Health). Parent representative engagement featured throughout the development of the plan.
- 7.3. Three groups were identified for a small pilot exercise across health, education and social care services: 0-3 age; school age; and a school leaver. Two children / young people from each group were identified to take part. Feedback on the use of the Plan and the new SEN Eligibility Guidelines was gathered to enable learning prior to full implementation from September 2014.
- 7.4. The Special Educational Needs Service has developed the pathway for assessment and planning in order that all Education Health and Care Plans can be produced within the statutory 20 week time limit (current draft at Appendix D).
- 7.5. We recognise that there are also separate eligibility guidelines for access to Children's Social Care<sup>3</sup>, Adults' Social Care<sup>4</sup> and Health Services<sup>5</sup> and that each of these guideline documents will be referred to independently during the single assessment process. We have started a process of reviewing the guidelines for each of these services and understanding how they can be aligned in order to simplify the overall assessment process. The government recognise that this is a significant task that all local authorities will need to undertake during the period of transition, which runs until April 2018.

## **8. LINKS TO THE LOCAL OFFER**

- 8.1. Parents of children and young people with disabilities report that they often feel overwhelmed by the sheer volume of information available to them from differing sources and do not know where to start when searching for services that meet the

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<sup>3</sup>

[http://www.lbhf.gov.uk/Directory/Health\\_and\\_Social\\_Care/Children\\_and\\_family\\_care/Disabled\\_children/28064\\_Disabled\\_children.asp](http://www.lbhf.gov.uk/Directory/Health_and_Social_Care/Children_and_family_care/Disabled_children/28064_Disabled_children.asp)

<sup>4</sup> <http://www.scie.org.uk/publications/guides/guide33/files/guide33.pdf>

<sup>5</sup> <http://www.nhs.uk/CarersDirect/guide/practicalsupport/Pages/continuing-care-children.aspx>

needs of their child. The aspiration is for the local offer to address these issues by providing a single solution that is clear, comprehensive, relevant and transparent, and provides current information in a way that can be understood, accessed by all and most importantly that can be trusted

- 8.2. The local offer is the Council's offer for parents and young people. It will include provision both in and out of school and will include services and support provided by the private and voluntary sectors as well as the Council and the National Health Service. It will also include information about the arrangements for identifying and assessing children and young people's special educational needs and for requesting an Education, Health and Care (EHC) assessment. In addition there will be information on how to raise concerns about services.
- 8.3. Each school will also publish their own school offer (known as 'the SEN Information Report') for children with special educational needs and disabilities. For more information about your school's offer speak to your child's special educational needs co-ordinator or head teacher.
- 8.4. The SEN guidelines are designed to ensure that those young people with complex needs receive an Education Health and Care Plan. Those young people who have less complex special educational needs will still receive support via services that are normally available through the local authority and schools' Local Offer.
- 8.5. Following the production of a first draft of the local offer, consultation was undertaken with parents, carers and young people across the three boroughs. On this basis of this consultation, a format for the second draft was developed by the Local Offer group and signed off by parent representatives from each borough.
- 8.6. Using this format, information has been collated from services across Education, Health and Social Care and has been put together to produce a Local Offer of services available the borough. This was published on the borough's website from September 2014. The current local offer of provision is available on the local authority's website and can be made available in hard copy on request<sup>6</sup>.

## **9. PERSONAL BUDGETS**

- 9.1. Parents have the right to request a Personal Budget when a local authority has completed an Education, Health and Care needs assessment and confirmed that an Education, Health and Care plan will be prepared. As required by the published SEN and Disability Code of Practice, Personal Budgets will be focused to secure the provision agreed in the Education, Health and Care plan and will be designed to secure the outcomes specified in the plan.

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<sup>6</sup> <http://www.lbhf.gov.uk/localoffer>

- 9.2. A child or young person is eligible for a personal budget under the Children and Families Act 2014 if they have been assessed for an EHC Plan and additional needs have been identified and an EHC Plan is to be put in place. This can be:
- A notional budget summarising resources and how they will be deployed
  - A direct payment to the young person or family
  - A direct payment arrangement to a third party which can include a broker, provider or nominee
  - A combination of the above
- 9.3. Personal budgets cannot be offered for services where the funding has been already delegated to the providers, for example a school or college. Additionally, where the support or service is to be delivered in a school, early years setting or college, the headteacher must agree the arrangement and where they do not, the personal budget cannot be allocated.
- 9.4. The Personal Budget can include funding from education, health and social care. However, the scope of that budget will vary depending on the needs of the individual and the areas that a local authority includes in its Personal Budget Policy. From September, the local authority will be building on arrangements that are currently in place in Education, Health and Social Care, formalising these within our new Personal Budgets Policy and Guidance (see appendix E). Therefore, from September 2014, a personal budget option will be offer to any family receiving an Education, Health and Care Plan where the following needs have been identified:
- Home to School Travel Assistance
  - Personal Care
  - Short Breaks
  - Equipment and disposables
- 9.5. The scope of Personal Budgets should increase over time as local joint commissioning arrangements provide greater opportunity for choice and control over local provision.

## **10. CONSULTATION AND REVIEW**

### **With parents**

- 10.1. Consultation and co-production with parents is a key principle of the new legislation. In order to undertake this effectively, we have established a Parents' Reference Group, which contains representatives from the local Parents' Support Group (ParentsActive) and the Parent Partnership Group.
- 10.2. The initial eligibility guidelines were presented to the Parent Reference Group on Monday 21 July 2014. The representatives on the group recognised the increased focus on those young people with the most severe and complex needs and that this will require an effective mainstream local offer for those that have less severe needs.

They highlighted that there is a risk that some children may not qualify for an Education, Health and Care Plan, but could struggle to have their needs met in a mainstream school. The parents' representatives have been reassured that these new guidelines will not impact anyone who currently has a statement of special educational needs and will only apply to those who are new to the system.

- 10.3. During the next 12 months we will work closely with parents and Parent Representative Groups to review the effectiveness of the guidelines and will consider amendments as required. This process will start following the implementation of the initial guidelines for a six month period.
- 10.4. We will ensure that this process incorporates close working with the Hammersmith and Fulham Children and Education Policy and Accountability Committee (CPAC), which will enable us to review the initial guidelines and their impact with a wide group of residents who attend the meetings. CPAC will review all arrangements that have been put into place as a result of Part 3 of the Children and Families Act at their meeting in January 2015 and will make recommendations as required.

#### **With schools**

- 10.5. The principles underpinning the new eligibility guidelines have been outlined in discussions with all headteachers of special schools and additionally resourced units via the Tri-borough Special Heads' Meeting and at local mainstream headteacher meetings. The direction of travel has also been referenced as part of the discussions at the High Needs Block reference meetings attended by mainstream headteachers in each borough. All heads understand the expected impact and are expecting a final version of the guidelines to be distributed at the beginning of the academic year 2014/15.
- 10.6. The Special Schools Headteacher Representative on the Children and Families Act Executive Board welcomed the introduction of the guidelines, stating that they are much clearer and straightforward in their approach to assessment that what is currently used in schools.
- 10.7. We will continue to work with schools to ensure they understand the new guidelines and work effectively within its framework. In order to do this effectively we will be allocating some of the SEN Reform Grant to fund SENCOs from schools across the three boroughs to lead on this.

### **11. LEGAL IMPLICATIONS**

- 11.1. The relevant legislation is the Children and Families Act 2014. Part 3 of the Act together with associated regulations and Code of Practice come into force on 1st September 2014.
- 11.2. The main body of the report sets out the proposed implementation process leading to introduction of the Local Offer including the new eligibility guidelines, and refers at

paragraph 5.1 to the transitional provisions which apply to those who already have a statement of SEN.

- 11.3. Local Authorities are under a duty to keep under review educational provision, training provision and social care provision for children and young people with special educational needs or a disability. Paragraph 1.7 of this report addresses this duty.
- 11.4. Implications completed by Joyce Golder, Principal Solicitor, Bi-borough Legal Services (020 7361 2181)

## 12. FINANCIAL AND RESOURCES IMPLICATIONS

- 12.1. Funding for the delivery of services to support children and young people's education needs is provided through the Dedicated Schools Grant (DSG). This includes post-16 provision that was transferred into the DSG in the last couple of years. There is no indication of additional DSG funding being made available and therefore the expectation is that any spending pressures relating to the educational needs of children who have a combined Education, Health and Care Plan are contained within existing resources. Detailed monitoring of expenditure will be required so that if it becomes apparent that additional burdens are being generated then appropriate representation can be made, especially with regard to post-16.
- 12.2. The table below sets out the numbers and level of support provided to students with statements of educational need (excluding nursery pupils) which is funded through the High Needs block of the DSG.

	<b>Cost (£)</b>	<b>Volume (pupils)</b>	<b>Average Cost (£)</b>	
<b>Independent Schools &amp; Non-maintained Special Schools</b>	855,985	30	28,533	
<b>Other Borough Schools</b>	994,292	91	10,926	
<b>Sub-Total</b>	<b>1,850,277</b>	<b>121</b>	<b>15,292</b>	<b>72%</b>
<b>Maintained Schools and Academies in Borough</b>	4,805,458	521	9,224	28%
<b>Total</b>	<b>6,655,735</b>	<b>661</b>	<b>10,069</b>	

- 12.3. Within the DSG, where a relatively low-level support for children with high needs is being delivered by mainstream schools, this funding is provided through the Schools Block of DSG.

### **Funding for Schools – the ‘High Needs Block’**

- 12.4. The local authority is keen to support schools in having a well-resourced Local Offer to meet children’s additional learning needs. This will require a change in the way that funds are distributed directly to schools. As there are restrictions on the way that school funding can be distributed any transfer of funds is unlikely to completely reflect the way that the number of children with statements are distributed across the borough’s schools. Officers are working to ensure that any change in funding does not disadvantage those schools with a greater than average number of children with statements whilst looking at ensuring that all schools support children with less complex needs. The approach that is being taken with regards to High Needs Funding is based on the premise that the majority of children can have their needs met in mainstream schools from available resources and that provision for the children with complex needs such that they have an Education, Health and Care Plans will be funded through a relatively small additional Top Up.
- 12.5. Consultation and engagement with schools is vital to the success of any proposals. Following consultation with tri-borough Schools Forums, each Borough has established a ‘mainstream school High Needs Block reference group’ to support a partnership approach to the on-going decision-making about the distribution of the High Needs Block.

### **Conversion of current ‘SEN Statements’ into ‘Education, Health and Care Plans**

- 12.6. We will be converting statements of SEN into Education Health and Care Plans throughout the established four-year transition period. During this period, Statements will continue to have exactly the same legal status as they had before the implementation of the Children and Families Act.
- 12.7. A plan is in place to ensure that the conversion process can be completed using the resources available within the Special Educational Needs Service, however, significant engagement will need to be undertaken with parents to ensure that demand for early conversions is managed.

### **Post 16 – expansion of eligibility to 25**

- 12.8. Currently, statements of SEN only last until the age of 18. The Act has extended the eligibility for a new Education, Health and Care Plan meaning that, as long as their needs continue to be the same and that they stay in education, young people will be potentially be entitled to funded support until the age of 25

- 12.9. Young people aged over 18 are currently supported from by services provided by Adult Social Care. There is therefore a need for Children's Services and Adult Social Care to work closely to establish any potential financial risks within the post 16 cohort and ensure that these are managed. We urgently need to identify young people that Adult Social Care teams are currently supporting, the value of the support that they receive and establish which department will be responsible for these costs in future.

### **Staffing implications**

- 12.10. The implementation of the Act and the bringing together of the three previously borough based Special Educational Needs Teams represents an opportunity to review the way in which financial and performance information is managed. Representatives from the SEN Service, Children's Services Finance and Children's Services Business Analysis have worked together to reorganise the entire service. A new staffing structure is in place and assimilation and recruitment into newly vacant posts has been completed.
- 12.11. Implications verified/completed by: Dave McNamara, Director for Children's Services Finance and Resources.

## **13. EQUALITY IMPLICATIONS**

- 13.1. An equalities impact assessment is attached along with this paper. This outlines the predicted numbers of young people whom the guidelines will apply to during the first year of operation and the needs that they are likely to have. It also outlines the risks of implementing the new guidelines.
- 13.2. The key characteristics where an equalities impact could be experienced are 'age' and 'disability'.
- 13.3. The equalities impact assessment will be continuously referred to, redrafted and updated as the guidelines are reviewed during the first year of implementation.



**LOCAL GOVERNMENT ACT 2000**  
**LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

<b>No.</b>	<b>Description of Background Papers</b>	<b>Name/Ext of holder of file/copy</b>	<b>Department/ Location</b>
1.	None.		

**LIST OF APPENDICES:**

- Appendix A. New SEN Eligibility Guidelines in detail
- Appendix B. New funding model for SEN in Mainstream Schools from September 2014.
- Appendix C. Current Draft Education, Health and Care Plan
- Appendix D. Current draft Single Assessment pathway
- Appendix E. Policy and guidelines for Personal Budgets