

	<p style="text-align: center;">London Borough of Hammersmith & Fulham</p> <p style="text-align: center;">CHILDREN AND EDUCATION POLICY AND ACCOUNTABILITY COMMITTEE</p> <p style="text-align: center;">10 FEBRUARY 2015</p>
<p>SEN ARRANGEMENTS</p>	
<p>Report of the Director of Schools</p>	
<p>Open Report</p>	
<p>Classification - For Review and Comment Key Decision: No</p>	
<p>Wards Affected: All</p>	
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1. EXECUTIVE SUMMARY

- 1.1. The requirements of the Children and Families Act, which came into effect from 1 September 2014, represent some of the most significant changes to the way that services are delivered for young people with special educational needs (SEN) in the past 30 years. The changes aim to improve cooperation between all the services that support children and their families. 'Statements' of SEN have been replaced with a new jointly assessed 'Education, Health and Care plan', which is available for an extended age range (from birth to 25). Local authorities are required to publish a 'Local Offer' outlining the provision that is available for young people with SEN and disabilities, and are required to offer families the option of a 'personal budget' with which to purchase services.
- 1.2. These changes have come into effect at a time when significant service changes are being made within the Special Educational Needs Service. These changes are to address the requirements of the Act and also to establish a shared service across Hammersmith and Fulham, Kensington and Chelsea and Westminster.

- 1.3. This report outlines the key developments since the last update was provided to the Committee.

2. RECOMMENDATIONS

- 2.1. The Committee is asked to review and comment upon the contents of this report.

3. ESTABLISHING A NEW SPECIAL EDUCATIONAL NEEDS SERVICE ACROSS THE THREE BOROUGHES

- 3.1. At the time of writing, recruitment to the service is almost complete, with recruitment to the Head of SEN post taking place on 27 January. Recruitment to two SEN Keyworker posts, one Finance Officer post and Business Support posts are on-going.
- 3.2. Sue Jenkins has joined the service as Assistant Head of SEN Casework and Commissioning. Sue has a specialist focus on developing our offer for young people aged 16-25 and developing our links with Health and Social Care services. She is also the lead for Looked After Children with a statement and those young people that are engaged with the Youth Offending Team. Sue is the lead SEN management contact for schools in Westminster.
- 3.3. Fiona Phelps has also joined the service as Assistant Head of SEN Casework and Commissioning. Fiona has a specialist focus on Early Years provision and will be leading on the recommissioning process for the Portage Service. Fiona is the lead SEN management contact for schools in Hammersmith and Fulham.
- 3.4. Seán Richings has joined the service as Assistant Head of Specialist SEN Business and Finance Administration. Seán has already made progress on developing the business administration processes for the newly joined up service as well as addressing IT and telephony issues that have been experienced.
- 3.5. Following the creation of the single SEN Service there are a significant number of new staff both at operational and management levels. Staff members at all levels are adapting to a significantly new way of working, implementing a person-centered 'key working' approach to assessment and planning.
- 3.6. We are providing access to training courses for all members of staff to increase their competence in key working approaches; however we understand that this new way of working is more suited to some staff than others and it may take some time for all members to feel confident in their new roles.

4. WORKING TOWARDS A NEW AND IMPROVED IT SOLUTION FOR THE SERVICE

- 4.1. The new service is still using three separate IT systems, all of which are limited in their ability to address the monitoring and reporting needs of the new legislation. Interim arrangements have been developed, but a fully functioning system is needed as soon as possible.
- 4.2. An Education Systems Project Board (chaired by the Director of Schools) is in place to ensure that an aligned IT system is delivered. This will be a complicated and slow process. In the interim, the Tribal system is being upgraded in LBHF and this upgraded system will be adopted in RBKC. In WCC, the Capita One system is being upgraded. These upgrades are being undertaken to ensure that the statutory SEN2 returns (where the service has to report the numbers of young people they are working with, the specific needs of these young people and other performance management information) can be completed in January 2015. It is vital that we are able to undertake this task efficiently, producing clear and accurate data that can be reported to the Department for Education and to Members.
- 4.3. Once the local upgrades have taken place and the SEN2 returns have been successfully delivered, a new longer-term project will be initiated to manage the link between the SEN IT systems and the overall ICS convergence programme. A new, fully functioning SEN case management system will be live from 1 April 2015. This will enable live tracking of cases, allowing for better performance management of staff and improved financial monitoring. An integrated system will enable staff to access records from across the three boroughs in a more efficient and effective manner, improving the quality, accuracy and timeliness of responses to enquiries from parents, schools and Members. A full training programme for all Key Workers within the service will be implemented.

5. SINGLE ASSESSMENT PROCESS FOR EHC PLANS

- 5.1. We have established new Education, Health and Social Care 'Statutory Assessment and Resource Allocation Panels'. The panels meet on a weekly basis and the first cohort of children and young people are currently going through the new statutory 20 week assessment process.
- 5.2. At the time of writing, we have received a total of 34 requests for assessment in Hammersmith and Fulham. Twenty of these requests have been agreed and are now going through the full assessment process, while nine have not been progressed to full assessment and will receive SEN support from the provision which is normally available in the local offer. Three cases are still to be considered by the panel, while one case has been deferred and one young person has moved out of the borough since their request was made.

- 5.3. When compared with previous experience, it is not considered that the number of requests received has increased following the implementation of the new legislation on 1 September 2014.
- 5.4. We have also established a new Tri-borough Complex Needs Panel, which considers those cases from Education, Health and Social Care where provision costing in excess of £50,000 per year is requested. This panel meets on a monthly basis and the first two panels have now taken place, considering a total of six cases.
- 5.5. Officers from Education, Health, Family Services and Adult Social Care are represented on all panels along with headteacher representatives from local schools.

6. TRANSITION FOR CHILDREN AND YOUNG PEOPLE WHO ALREADY HAVE A STATEMENT

- 6.1. The legislation states that all children and young people with a statement of SEN are entitled to transfer to an Education Health and Care Plan via a 14 week transition process. Local Authorities have three years to complete this process. Across the three boroughs, we have over 2,000 children who need to undergo this process.
- 6.2. Our proposed process for undertaking the 14 week transfer was subject to a legal challenge by Independent Parental Special Educational Advice (IPSEA). As a result, our transition plan for transferring statements into EHC Plans has been amended. Previously, we were planning to transfer young people in years 3, 7, 10, 13, 14 and in nursery during 2014/15. Following advice from the DfE, we will now only be transferring those in years 11, 13 and 14. This means that fewer young people are being transferred from a statement to an EHC Plan in the first year of the legislation, reducing the risk of the local authority being challenged on the process. However, there will now be more transfers undertaken in 2015/16 and 2016/17 than was originally envisaged, which will result in inevitable pressure on capacity, and this will need to be managed.
- 6.3. The number of children and young people that will have a transfer review in this academic year is outlined below, broken down by year group:

2014/15	
Year Group	Total
Year 11	59
Year 13	23
Year 14	40
Total	122

- 6.4. The year groups below have been identified as transferring to EHC plans in the years 2015 to 2017. This will be reviewed following the implementation and learning from the 2014/2015 transfers. This plan will be reviewed in the summer term of 2015 and updated accordingly.

2015/16		2016/17	
Year Group	Total	Year Group	Total
Reception	11	Year 3	55
Year 1	65	Year 4	46
Year 3	55	Year 5	43
Year 5	43	Year 7	49
Year 7	49	Year 9	47
Year 11	65	Year 10	54
Year 13	32	Year 11	65
Total	320	Total	359

- 6.5. We have quarterly meetings with the Department for Education to monitor our progress in implementing the reforms. At the most recent of these, held in December 2014 and attended by representatives from local parental support groups, it was acknowledged that the timescale local authorities have been given to implement the reforms and complete all transfer reviews is very challenging.
- 6.6. The challenges that local authorities are facing in implementing the reforms are recognised by the DfE and additional support has been provided in the form of the Additional Burdens Grant and the SEN Reform Grant (which has just been extended to continue into 2015/16). These grants, which are not ringfenced and are therefore held by corporate finance, fund the additional capacity that is required to address many of the short to medium term issues that are highlighted within this briefing. As the spend will be spread throughout the three year period of implementation, it is vital that Children's Services are able to carry balances over between financial years and are able to draw down the funding as costs are incurred.

7. DEVELOPING THE 'LOCAL OFFER'

- 7.1. It is a statutory requirement for all Local Authorities to publish a 'Local Offer' that outlines the services that are available to children with Education, Health and Social Care needs. We worked with parents to develop a template to collect key information from Education, Health and Social Care services in each of the three boroughs. The information on these services has been presented in PDF form and made available on each borough's website along with all additional information that has to be included in the Local Offer, such as process for assessment, transition plans, the policy for personal budgets and eligibility guidelines.

- 7.2. So far we have had feedback from Parentsactive that the website in Hammersmith and Fulham could be more user-friendly, that it is currently difficult to navigate and does not allow for detailed searches.
- 7.3. Work is currently being undertaken to address these issues. Regular updates are being made to the content of the local offer and a new version of the LBHF Local Offer website was reviewed by Parentsactive and launched in January.

8. ENSURING SCHOOLS ARE IMPLEMENTING THE NEW LEGISLATION AND AWARE OF CHANGES TO COUNCIL PRACTICE

- 8.1. Schools are key partners in supporting the local authority to implement the reforms. Although we have headteacher representation on the Children and Families Act Executive Board and on the new multi-agency decision making panels, we still need to ensure that the 150 schools across the three boroughs are informed about the changes and able to implement new processes effectively.
- 8.2. The SEN Service has developed a toolkit for local schools and education, health and social care practitioners. This explains the new Education, Health and Care assessment processes and has been very well received.
- 8.3. Training has been delivered to SENCOs, Special School Headteachers and key workers around person centered approaches to planning and this is being embedded via a peer-to-peer training model.
- 8.4. We are now reviewing the take up of Children and Families Act training by schools. During the spring and summer terms 2015 we will target and support those schools which have yet to attend.

9. ENGAGEMENT WITH PARENTS

Providing support to parents and carers

- 9.1. There are three established groups where parents and carers of children with special educational needs and disabilities can get information, advice, guidance and support.
- Parent forums
 - Information Advice and Support Service
 - Independent Supporters
- 9.2. **Parent forums** are a helpful source of information and guidance as well as support for families of disabled children. Parent forums keep parents informed through coffee mornings, events, websites, training and workshops. They give free practical independent advice to parents and young people.

- 9.3. The parent forum group in Hammersmith and Fulham is called 'Parentsactive', and the Coordinator of the group, Nandini Ganesh, is a co-opted member of this Committee.
- 9.4. As a result of the new legislation, from the 1 September 2014 the Parent Partnership Service in Hammersmith and Fulham became the **Information Advice Support Service (IASS)**.
- 9.5. Their free confidential service is available to parents, children and young people who live in Hammersmith and Fulham (IASS provide Independent Supporters who can advise and support parents in meetings). They help local parents by providing access to impartial guidance and support on matters relating to the law, local policy and practice, the local offer and Education, Health and Care (EHC) assessments.
- 9.6. **Independent Supporters** work with families going through the new EHC assessment process or help with existing statements transferring to the new EHC plan. Their role is to help parents and young people gather the information required to draft an EHC plan.
- 9.7. Independent Supporters offer a range of time-limited support such as discussion across different agencies and advice on personal budgets. The level and nature of that support will be tailored to the particular needs of individual families.
- 9.8. The local Independent Supporter service is provided by Barnardos.

The Parent Reference Group

- 9.9. A key element of the change in legislation relates to the enhanced role of parents and carers not only in planning for their own child but also more broadly in the commissioning of services for children with SEN.
- 9.10. During our preparation for the implementation of the Act we quickly established the importance of being able to engage with parent groups in a structured way and therefore set up a 'Parents' Reference Group'. This group meets on a monthly basis and enables parents to have a voice and ownership of the way in which the changes that the Act brings are implemented over time.
- 9.11. Representatives from each of the groups listed in paragraph 9.1 are members of the Parent Reference Group.

Feedback from Parentsactive

- 9.12. Through their attendance at the Parent Reference Group, Parentsactive were able to provide Councillor Macmillan with detailed feedback on the progress of the implementation of the new legislation and raise key areas where local parents felt that the local authority needed to provide more focus. These key areas are outlined below:

Transfer and Assessment of Education Health and Care Plans and communications to parents

- 9.13. Parentsactive highlighted that letters sent to parents of children with statements regarding their transfer to Education, Health and Care plans did not provide enough clarity on the process for conversion. They also highlighted that young people aged 16 and above had not been contacted regarding the process for transferring from a Learning Difficulty Assessment (LDA).
- 9.14. As outlined in section 6 of this report, these letters were sent out at a time when our transfer process was being reviewed in light of a legal challenge, and this may have contributed to some of the issues.
- 9.15. Schools and parents have now been contacted about the revised transfer review process. The letter for parents provides information about the revised plan for transfer reviews and includes a leaflet with the contact details of Information Advice Support Services and Independent Supporters.
- 9.16. The SEN Service have also now written to young people with an LDA to indicate that they may request an Education, Health and Care assessment any time between now and September 2016, and this letter was copied to their parents. Current LDAs are valid until the end of the academic year 2015/16.
- 9.17. To ensure clear communication with the SEN Service all schools in the borough will have an allocated SEN key-worker who is responsible for the transfer reviews of children with statements of SEN in that school. The newly appointed Assistant Head of SEN Casework and Commissioning, Fiona Phelps, is the next point of contact for communication with LBHF schools. The first point of contact for parents remains their child's school SENCO.

Personal Budgets

- 9.18. Parentsactive highlighted that parents are not clear as to how personal budgets will work under the new system and who they need to speak with for more information.
- 9.19. The legislation introduces new duties for Local Authorities and Clinical Commissioning Groups and the provision of a more extensive offer of a Personal Budget for children and young people will take further time to develop.

9.20. As per advice from the Department for Education, we have started by offering personal budgets in areas where we have previous experience of delivering these across Education, Health or Social Care, namely:

- Home to School Travel Assistance
- Personal Care
- Short Breaks
- Equipment and disposables

9.21. The Provisional Personal Budgets Policy & Guidance is available on the Local Offer website. In section 18 of the policy, we have indicated that working with local parents and young people, the Council and Inner London CCGs will be working to expand the needs and services covered by personal budgets. This will include looking at identified therapy needs as an immediate priority for early inclusion.

Cross Service Communication

9.22. The difficulty in bringing together the practice and advice and guidance of Education, Health and Social Care was highlighted.

9.23. As we are implementing the new legislation, we are all continually learning what this means for practice and working to ensure that Education, Health and Social Care practitioners receive consistent briefing and training.

9.24. To help practitioners have a shared understanding of duties under the new legislation we have provided legal training for managers during the summer term and briefings for practitioners during the autumn term.

9.25. Furthermore, briefings on the practical implications of the Act have been delivered to over 200 multi-agency staff and a specific workshop has been delivered to post 16 providers on the importance of developing the post 16 Local Offer.

9.26. We are pleased to report that emerging collaborative practice, which will result in more joined up planning for young people, is already evident in the development of decision-making processes that include adult and children's service managers working together. However, it is expected that practice will continue to evolve over the three year period for implementation of the new legislation.

Other areas

9.27. Parentsactive also highlighted concerns regarding the development of post 16 provision, the engagement with schools and the staffing of the SEN service, which are all addressed in separate sections of this report.

10. DEVELOPING POST 16 PROVISION

- 10.1. The legislation has extended the age range of eligibility to a formal assessment and support plan from 0-16 to 0-25. This means that there is a greater pressure on local authorities to ensure that there is a high quality offer of courses and support for young people with SEN and disabilities in local further and higher education institutions.
- 10.2. We are working with providers and Adult Social Care commissioners to map the current Post 16 offer for young people with SEN and disabilities and will make recommendations regarding future developments in this area. This work has already resulted in the development of a new pilot Post 19 programme for young people with complex needs at Queensmill Special School, working with Adult social Care. It has also increased engagement with further education colleges, raising their knowledge of the duties and expectations of them under the new legislation.

11. EQUALITY IMPLICATIONS

- 11.1. As this report is intended to provide an update on recent developments, there are no immediate equality implications. However any equality issues will be highlighted in any subsequent substantive reports on any of the items which are requested by the Committee.

12. LEGAL IMPLICATIONS

- 12.1. As this report is intended to provide an update on recent developments, there are no immediate legal implications. However any legal issues will be highlighted in any subsequent substantive reports on any of the items which are requested by the Committee.

13. FINANCIAL AND RESOURCES IMPLICATIONS

- 13.1. As this report is intended to provide an update on recent developments, there are no immediate financial and resource implications. However any financial and resource issues will be highlighted in any subsequent substantive reports on any of the items which are requested by the Committee.

LOCAL GOVERNMENT ACT 2000

LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT

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