


<p align="center">London Borough of Hammersmith & Fulham</p> <p align="center">CHILDREN AND EDUCATION POLICY & ACCOUNTABILITY COMMITTEE</p> <p align="center">19 September 2016</p>		
THE IMPACT OF RECENT SPECIAL EDUCATIONAL NEEDS POLICY CHANGES		
Report of the Director of Education		
Open Report		
Classification: For Information Key Decision: No		
Wards Affected: All		
Accountable Executive Director: Clare Chamberlain, Executive Director of Children's Services		
Report Author: Ian Heggs, Director of Education	Contact Details: Tel: 020 7361 2338 E-mail: ian.heggs@lbhf.gov.uk	

1. EXECUTIVE SUMMARY

This report provides an overview of recent developments in national policy in relation to children and young people with special educational needs (SEN). It also provides a summary of how Council services have implemented the changes and are supporting children, young people, parents and education settings. Finally it describes service improvements that are taking place now and in the near future.

2. RECOMMENDATIONS

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

3. INTRODUCTION

- 3.1. The Children and Families Act 2014 introduced significant changes to the way services are coordinated to support children and young people with SEN. The overall aim was to improve cooperation between education, health and social care services and to introduce a more person-centred and outcomes-focused approach to supporting children and young people with special educational needs and disabilities, and their families.

- 3.2. Key changes and developments resulting from the Act include the replacement of statements of SEN with Education, Health and Care Plans; the extension of the age range for which a child/young person could be eligible for support from 19 to 25; the development and publication of a “local offer” of services and provision for children and young people with SEN and disabilities; active involvement of children, young people and parents in planning and decision making (known as co-production); joint planning with nurseries, schools, colleges and other settings; joint planning with other services, and better planning to support transition to and preparation for adulthood.

4. EDUCATION, HEALTH AND CARE PLANS

- 4.1. ‘Statements’ of SEN are being replaced with a new outcome focused ‘Education, Health and Care (EHC) Plan’, which may be maintained by the local authority for children and young people from birth to 25. Decisions to issue EHC plans follow a 20-week assessment of the education, health and social care needs of individual children or young people. Where a plan is required, the expected outcomes for the child or young person, and the support and resources required to achieve the outcomes are all specified in the EHC Plan.
- 4.2. From January to December 2015, the borough finalised 25 new Education Health and Care Plans. From national SEN¹ data, 54.2% of these plans were completed within 20 weeks, compared with 59.2% nationally. 18 week ‘Transfer reviews’ have also been taking place for children and young people who had statements under previous legislation. Whilst the transfer review process is taking place, children and young people continue to receive the support identified through their statement of special educational needs. The transfer review process then establishes whether an EHC Plan needs to be issued and, if it does, the support and resources required to achieve the agreed outcomes.
- 4.3. The DfE expects that all the transfer review processes will be completed by 1 April 2018. The most recently published national data set was in December 2015, when the borough had completed 2.3% of transfer reviews, compared with a national average of 18.2%; this is due to the local authority focusing on quality and co-production wherever possible, combined with the significant pressures the new legislation has put on partner services who are now actively involved with the assessment and re-assessment processes. A more recent review of progress with transfer reviews is underway and revised data is expected later this month.
- 4.4. There has been a staged process in place to carry out Transfer Reviews, prioritising children and young people in the school year before they go through significant transitions (Years 6, 11 and 13) to ensure their next education placements can be identified by February 15 (a statutory requirement) in the year before they transfer. The SEN Service is writing to parents of children where a transfer review is needed, seeking implied consent to start the process. There has also been communication between SEN keyworkers and SENCOs so that schools can start to plan dates for Transfer Review meetings (which happen at the beginning of the process) in liaison with parents. To ensure the 2018

¹ Statements of SEN and EHC Plans, England, 2016, Department for Education

target is more likely to be met whilst maintaining a high standard, additional interim resources are being put in place. To be successful, currently 677 Transfer Reviews need to take place by April 2018. There are milestone targets for 271 of these to have been completed by April 2017 and the remaining 406 to have been completed by April 2018.

- 4.5. There have been a range of responses from parents and carers based upon their experience of processes resulting from the Act. There were high expectations both locally and nationally that the process of identifying and meeting special educational needs would immediately improve. However, in practice, time has been needed to identify and develop the resources, knowledge and training required to deliver the changes demanded. Parents who have experienced previous SEN legislation and approaches have tended to experience the new processes as more interactive. A particular challenge has been the demand that all EHC assessments are completed within 20 weeks regardless of the complexity of child's needs and some parents have expressed the priority of ensuring the assessment is accurate leading to meaningful outcomes over the time taken to conclude the assessment and issue an EHC plan.
- 4.6. Some issues have been identified in relation to application of the new processes to children aged under 5. These are related to the tendency for there to be fewer reports available and diagnoses to inform decisions to proceed or not with an EHC assessment and that there is not usually an Educational Psychologist report available at this stage. With more children being assessed before they are 5, the need for special school provision is identified earlier and there is not always sufficient local provision to meet identified needs. There is also a greater need for professionals from different agencies to work in a more coordinated way, to deliver holistic outcomes.
- 4.7. A number of parents have made use of new provisions to take advice and make use of mediation processes when there are disputes over decision making. From October 2015 to date, 17 families have made use of mediation after receiving advice.

5. THE LOCAL OFFER

- 5.1. The Children and Families Act required all Local Authorities to publish a 'Local Offer' outlining the services that are available to children and young people with Education, Health and Social Care needs, and their families.
- 5.2. An initial version of this was published on the Council website in September 2014. Following significant consultation with local parents and young people, a new site was developed offering clearer, more comprehensive and accessible information for children and their families. The local Parent Carer Forum, Parentsactive have been a key partner in developing the new site. A "soft launch" of the site has taken place with full implementation due before the end of 2016.
- 5.3. Consultation with young people themselves is crucial for the development and improvement of our Local Offer. Children and young people in a range of

settings including Ealing, Hammersmith and West London College have contributed over a number of sessions to provide feedback about the website. This has led to improvements, e.g. to change the type of social media used to one which is more relevant to young people and adding pictures to illustrate activities on offer. Other suggestions have been included in a future development plan for the site.

6. CO-PRODUCTION

- 6.1. Under the Act, the local authority must ensure that parents and young people are actively included in strategic planning and decision making regarding meeting special educational needs. Work with Parentsactive, the support group for parents of children and young people with SEN or disabilities in Hammersmith & Fulham, has enabled further opportunities for parents to participate in the development of services. This has been facilitated particularly through the initiation of a Parent Reference Group, a joint initiative with other key stakeholders and partners concerned with the SEND remit of the Children and Families Act, which started meeting in April 2014.
- 6.2. The Parent Reference Group includes representatives from local support groups for parents of children and young people with SEN and disabilities: the Information Advice and Support Service, Independent Supporters and from Barnardo's. This group has provided a mechanism through which parents can contribute to and influence the development of new systems required as part of implementing the Act. This has recently facilitated a means of coordinating feedback from the first parents and young people to have gone through the new joint education, health and care assessment process.
- 6.3. Coproduction has also had a positive impact on local processes for assessing children and young people. For example, the EHC Needs Assessment includes Draft Plan meetings where parents, carers and young people meet with key workers and the professionals who have contributed advice to discuss the outcomes that they would like to achieve and how such outcomes might be supported. In addition, we are developing a mechanism to include a parent's perspective in decision making and the panel process. This is expected to be a similar approach to the way that the perspectives of professionals such as educational psychologists, head teachers, health professionals, outreach advisors etc, are already represented in such forums. A workshop will take place to consider the advantages and challenges of approaches already in place in some other local authorities. We will also consult Parentsactive over the options which emerge.
- 6.4. The expertise and experience of parents or carers of children with SEN or disabilities has been used to inform and lead a programme of training developed for professionals who work directly with such children, young people and their families. Led by Parentsactive in partnership with similar parent advocacy groups based in Westminster and Kensington and Chelsea, the "Parent's Perspective" training helps professionals to better understand the challenges of managing family lives when one or more children have SEN or disabilities. This has led to excellent feedback from the professionals who have attended and further sessions are planned.

7. JOINT PLANNING WITH NURSERIES, SCHOOLS, COLLEGES AND OTHER SETTINGS

- 7.1. Education settings have been actively engaged by the local authority in supporting the implementation of the Act. Head teachers and SENCOs are represented on the Children and Families Act Executive Board and participate in multi-agency decision making panels. To ensure all settings across the borough are well informed, the SEN Service has developed a toolkit for local settings and professionals which explains the expectations, processes and documentation associated with the Children and Families Act, and provides a useful reference point in addition to the information available on the Local Offer website. This is reviewed and updated as national and local learning takes place, and is currently undergoing a detailed review. Training has been provided to SENCOs, head teachers of mainstream and special schools and settings, health professionals, Social Care colleagues and key workers around the Education Health and Care Needs Assessment processes, focusing particularly on person centred approaches to planning and developing effective and appropriate outcomes. This is being embedded through a peer-to-peer training model. This training is one of a range of strategies to support schools to meet expectations of them under the Act.
- 7.2. Education settings have received guidance from the local authority on how to respond to a requirement to publish an SEN Information Report, which confirms how they identify, support and monitor the progress of children and young people with SEN. School leaders including governors, the senior leadership team and SENCO have responsibility to publish and update this report. Further work is planned to continue to improve schools' responses to this requirement.
8. As is the case with parents, schools also have a mixed response to implementation of the Act. There have been challenges in the transition from the previous process with which all schools were very familiar, and a lack of confidence around the new processes, expectations and demands, but also a positive approach to learning about the new legislation. There has been good feedback about the new "keyworker" model where named workers are linked to individual schools. There has also been enthusiasm for the more holistic and outcomes-focused approach of EHC planning as opposed to a previous system which tended to focus solely on the educational needs of a child regardless of complexity of a child's other needs. Schools are required to be significantly more involved in a joint assessment and decision making process and this has led to increased demands on staff time.

9. BETTER PLANNING TO SUPPORT TRANSITION

- 9.1. Joining up services to work together on transition planning was identified as a manifesto priority of the current Administration with an expectation that adult and children services should be working together to plan this once children reach the age of 14.
- 9.2. Some young people now continue to have support through EHC plans to the age of 25. More extensive and coordinated planning has therefore been taking place to meet the needs of young people with EHCPs as they go through key

transitions at the ages of 16 and 19 years of age. There is also a greater need to ensure there is sufficient education, health and social care provision and resources available to ensure effective transitions and the consequent placements, over the longer timescale.

- 9.3. A tracking meeting is being established for young people aged 14 and above to ensure that where needed, the SEN Service, the Children with Disabilities Service and Adult Social Care develop robust, coordinated transition plans as part of the Preparation for Adulthood process. The meeting will review cases across Hammersmith and Fulham as well as Kensington and Chelsea and Westminster.
- 9.4. A Supported Employment Provider (SEP) Network has also been meeting since July 2016 involving parents and carers, schools, colleges, supported employment providers, Job Centre Plus, Housing, Economic Development, the Volunteer Centre and Education Business Partnership. The group aims to develop a supported employments pathway (identified through the Local Offer), a Supported Employment Strategy, better data systems to track employment and training of young people with SEND and jointly developed performance indicators for all providers.
- 9.5. Particular local developments have included the extension of Queensmill School's 19-25 years education pilot offer for young people who have autism. This will be delivered at Options Day Centre and will jointly develop their work experience and internship model to benefit both young people with complex autism and the adults who use the Day Centre. In addition, a supported internship scheme has been set up by the Council which has created six opportunities for young people with SEN and/or disabilities who have an EHC plan. The young people will spend 4 days of each week in the workplace with support from specialist Job Coaches with one day a week of complementary study provided by Ealing, Hammersmith and West London College.

10. SERVICE IMPROVEMENTS

- 10.1. A Commissioning Strategy is being developed as part of a joint commissioning project with the Children with Disabilities Service, Health and Adult Social Care. The programme includes an assessment of key service areas, analysis of current and projected future demand for services followed by the development of a Commissioning Strategy to identify opportunities in response to the identified demands.
- 10.2. The analysis has identified key priority areas including an anticipated increase in the proportion of the SEN cohort who are of secondary school age. Autistic Spectrum Disorder is the main primary need of children and young people with statements or EHC plans and this level of need will remain high; it is possible that it will continue to increase. The analysis also identified the significantly higher cost of independent and non-maintained educational provision, particularly when outside of the borough compared with state funded local provision.

- 10.3. Service developments are now being planned and developed with Health and Adult Social Care which prioritise therapies (including Speech and Language Therapy, and Occupational Therapy); early identification pathways; personal budgets for children, young people and their parents/carers to purchase identified support; SEN outreach services; externally commissioned short breaks and a review of the use of residential placements within the context of developing local provision.
- 10.4. The above developments exemplify improvements to joint working between education, health and care agencies which have resulted from implementation of the Act. While significant progress has been made, further developments to organisational structures to meet ongoing demands resulting from new ways of working are needed and are being actively pursued. This has led to a newly created role of Assistant Director for SEN and Disabilities to which Mandy Lawson, the former Head of Disabled Children's Services, has been appointed. This role will provide a single strategic lead for services relating to SEN and education of vulnerable and Children with Disabilities. The new service will be called the SEN and Disabilities (SEND) Service.
- 10.5. In addition to the creation of the new Assistant Director role, work is underway to create additional management and practitioner capacity in the SEN Service. The recruitment process for these roles is being supported and informed by head teacher and parent forum representatives.
- 10.6. A new Transfer Review Team is appointing a small team of keyworkers to lead on the transfer of statements to EHC plans. This team will work towards completing all the transfer reviews by April 2018. This initiative will also enable the core keyworker team to focus on completing new EHC assessments within the 20-week deadline.
- 10.7. Management capacity is also being increased in the area of SEN: two new Deputy Head of Service posts have been created to increase both the focus on effective service delivery and on quality assurance.
- 10.8. Management capacity is also being increased in the Children with Disabilities Service, to take forward the improvement plans for these services. Recruitment has recently taken place for an interim Head of Social Work Services and an interim Head of Short Breaks and Resources.

11. EQUALITY IMPLICATIONS

12. Significant numbers of children and young people who have special educational needs will also have a disability which is a protected characteristic under the Equality Act 2010. The purpose of this report is to describe the local authority's actions to better meet the needs of children and young people who may have this protected characteristic as well as plans to continuously improve services.

13. LEGAL IMPLICATIONS

The report sets out an overview of the changes introduced by the Children and Families Act 2014 (the Act) in relation to Local Authorities duties towards children with special educational needs. There are no legal implications arising from this report. The aim of the report is to inform the Committee of the progress the

Council has made in relation to the implementation of the changes introduced by the Act and to invite their comments upon the same.

Hazel Best, Principal Lawyer Social Care and Education, Legal Service

14. FINANCIAL AND RESOURCES IMPLICATIONS

14.1. Implementing the Act has led to significant financial implications for Children's Services expenditure when comparing 2013/14 and 2015/16. This has included:

- A 40% increase in placement costs, with additional costs incurred from placing higher numbers of young people aged 16 plus.
- A 21% increase in transport costs again resulting particularly from higher levels of provision for young people aged 16 plus.
- Additional staffing costs have also been incurred partly funded by the SEN Reform and Burden's Grants provided by the DfE to help support the implementation of the Children and Families Act.

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

None.