



Health and Wellbeing Board

8 January 2014

Report title	Implementation of Special Educational Needs and Disabilities (SEND) reforms	
Cabinet member with lead responsibility	Councillor Sandra Samuels Health and Wellbeing	
Wards affected	All	
Accountable director	Sarah Norman, Community	
Originating service	Health, Wellbeing and Disability	
Accountable employee(s)	Kathy Roper	Commissioning Team Manager
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Report to be/has been considered by	Communities Directorate Management Team	2 December 2013

Recommendation(s) for action or decision:

The Health and Wellbeing Board is recommended to:

- 1 Approve the revised governance and accountability for the SEND project in relation to the Health and Wellbeing Board. The draft Code of Practice recommends that Health and Wellbeing Boards have oversight of the delivery of the SEND reforms.
- 2 It is therefore proposed that the SEND Strategy Group becomes a time limited sub group of the Health and Wellbeing Board and reports progress on a regular basis, and risks and issues by exception.

Recommendations for noting:

The Health and Wellbeing Board is asked to note:

1. The progress to date with regard to phase 1 of the SEND reforms
2. The high level project plan for phase 2 of the project (Appendix 1).

1 Purpose

- 1.1 The purpose of the report is to provide members of the Health and Wellbeing Board with a progress report on the reforms outlined in the Children and Families Bill 2013 in relation to children with Special Educational Needs and Disabilities (SEND) in Wolverhampton.
- 1.2 This report outlines the progress to date, the key actions required by September 2014, the current risks and issues and activity planned to mitigate against these issues.

2 Background

- 2.1 The Government published 'Aiming High for Disabled Children: Better support for families' (AHDC) in May 2007. The vision behind AHDC was for all families with disabled children to have the support they need to live ordinary lives.
- 2.2 Aiming High for Disabled Children has now been superseded by the Children and Families Bill 2013 which includes proposals to reform provision for children and young people with special educational needs or with disabilities (SEND), Draft clauses intended to make up the part of the Bill dealing with SEND were published in September 2012, which were then followed by the Children and Families Bill in early February 2013, the draft regulations and the draft Code of Practice.
- 2.3 The key points of the proposed new approach to identifying and responding to SEND are:
 - Early Identification and Assessment
 - For children with more complex needs, an integrated assessment and a single Education, Health and Care Plan (EHCP) from birth to 25
 - The development of a Local Offer of all services available, with greater control for parents and young people
 - Parents or young people have the right to a Personal Budget for their support
 - Local authorities and health services jointly plan and commission the services that children, young people and families need
 - Mediation is available prior to tribunal
 - Better transition from children to adulthood services, with aspirations for children and young people raised through an increased focus on life outcomes, including employment
 - Staff have the knowledge, understanding and skills to provide the right support.
- 2.4 The School Funding Reform 2013/14, which also formed part of the Children and Families Bill 2013 sets out new arrangements for local authorities to allocate the schools block

element of the Designated School Grant to schools. From April 2013 changes have been made to the way that all providers within the schools sector receive their funding, with a higher proportion of funding going to schools/settings via a notional SEND budget to meet pupils' additional needs. The aim of this reform is to get equity in the way in which children and young people (birth up to the age of 25) with SEND are funded across the range of provision.

- 2.5 The Schools Funding Reforms 2013/14 have been successfully implemented. This activity was reported as a project to the City Council Corporate Programme Office, and is being seen as the first phase of the larger project to implement the SEND reforms.
- 2.6 A number of Local Authorities have been awarded Pathfinder status to support the implementation of the SEND reforms. Wolverhampton was not formally a Pathfinder; however, the work it has undertaken has been recognised nationally by the Children and Families Minister and we have been invited to attend the Pathfinder meetings. In addition good practice from Wolverhampton is cited in the Department for Education publication of December 2013 'Implementing the 0-25 special needs system: Government advice for local authorities and health partners', and a case study from Wolverhampton will be included in the updated Pathfinder toolkit in February 2014.

3 Progress

- 3.1 The project is required to deliver the following outputs by September 2014:-
- A web based Local Offer for Children and Young People 0-25 for the City of Wolverhampton and, ultimately, neighbouring authorities
 - An Education, Health and Care Plan to replace the current Statement of Special Educational Needs
 - A Schools' Local Offer (to ultimately connect with the wider Local Offer)
 - Personal Budgets for Children and their families. The first phase of this will be linked to service developments in Children's Short Breaks.
- 3.2 The primary stakeholders that need to be engaged in the project are:-
- Children and Young People 0-25 years with Special Educational Needs and Disabilities
 - Their parents and carers
 - Key workers and case workers
 - Parent Partnership and Voice for Parents and Include Me Too
 - Connexions
 - Clinical Commissioning Group (CCG)
 - Schools/ ASPIC (Association of Special Provision in the City)
- 3.3 The Education, Health and Care Plan work stream has developed 2 pilots. The first of these is working with two groups of families to pilot the EHC Plan with young people currently with statements and families whose children are waiting for an assessment. This

pilot is currently being evaluated. The second pilot will work with young people in the transition phase.

- 3.4 An initial Local Offer implementation plan is complete, a Local Offer Project Manager has been appointed for a six month period, and the Aiming High for Disabled Children Partnership Board has been transformed into the new Local Offer Steering Group to ensure that all key stakeholders are involved in its development. Evaluation has been completed of the draft legislation and code of practice, to map the exact requirements of the Local Offer. The Local Offer must be co-produced by children, young people and their families, this will be initiated through engagement with Voice for Parents, Include me Too and Changing our Lives.
- 3.5 Personalisation and Individual Budgets are being developed initially through the Children's Short Breaks work stream recently approved by Cabinet.
- 3.6 Each of the four project work streams will report to an officer led Task and Finish group who will oversee day to day delivery of the work plan. This group will report to the SEND Strategy Group, which will act as the Project Board. The draft Code of Practice recommends that Health and Wellbeing Boards have oversight of the delivery of the SEND reforms. It is therefore proposed that the SEND Strategy Group becomes a time limited sub group of the Health and Wellbeing Board and reports progress on a regular basis, and Risks and Issues by exception.

4 Risks

- 4.1 The Children and Families Bill 2013 and the Code of Practice make specific reference to joint working and joint funding of services across the health and social care economy. Clause 25 of the Children and Families Bill places a duty on local authorities to exercise their functions to promote integration between special educational provision, health and social care, and clauses 28 and 31 require health bodies to co-operate with the local authorities to identify and support children and young people with SEND. Clause 26 requires local authorities and Clinical Commissioning Groups to commission services jointly for children and young people with SEND. There is involvement and willingness to work jointly on behalf of RWT, however at present there is no involvement from the CCG in this area, which is a major concern. There is a risk that if the CCG does not fully engage with their required commitment to the SEND Reforms work, that there will be insufficient health provision to the young people with SEN and Disability in Wolverhampton.
- 4.2 The timescales for implementation of the SEND reforms means that much work is being undertaken before the Bill has been passed as legislation. Current debate around the Bill is making on average 60 amendments a day. There is therefore a risk that key areas for implementation will be missed. This is being mitigated through attendance at the Pathfinder meetings and national forums. In addition the Local Offer project officer has lead responsibility for reviewing the situation.
- 4.3 The project documentation includes a comprehensive Risk Actions Incidents and Decision (RAIDD) register which is reviewed and updated on a monthly basis by the task and finish group

5 Financial Implications

- 5.1 The budget for this project will be met within existing resources and from a SEND Grant Determination (22.10.2013), which makes £0.075m available to support delivery of key elements of the project. The initial allocation of this money is set out below, with priority being given to the involvement of young people and family carers in the work and increasing capacity to deliver the project on time.

Activity	Allocation	Responsible Officer
Staffing	£10,000	Kathy Roper
Parent and young person Engagement including voluntary sector	£15,000	Lucy Harris
Marketing and Publicity	£5,000	Kathy Roper/Lucy Harris
Support for EHCP New Assessment Process	£20,000	Sandy Lisle/Jill Wellings
IT	£10,000	Kathy Roper/Jill Wellings
Personalisation	£15,000	Kathy Roper/Mai Gibbons
Total	£75,000	Kathy Roper

- 5.2 For the Short Breaks Work Stream, there is a savings target on the Residential Short Breaks of £0.500m and £0.063m for Community Based Short Breaks. This is being managed through a separate financial plan.

[NM/23122013/T]

6.0 Legal implications

- 6.1 Advice will probably be taken from legal colleagues but accountability for appreciating and detailing the legal implications remains with the accountable officer(s). The SEND Strategy Group and the Health and Wellbeing Board will be kept informed of any material changes to the Children and Families Bill 2013 and any related legal implications as the Bill passes through Parliament.

[AS/23122013/R]

7 Equalities Implications

- 7.1 There are equalities implications associated with this work as it relates to changes to services for disabled children and their families. Equalities analysis has been completed for the Schools Funding Reforms, and the short breaks work streams. A new equalities analysis will need to be completed for the second phase of the project. This will be completed by the end of January 2014.

8.0 Environmental implications

- 8.1 There are no direct environmental implications which arise from this report.

9.0 Schedule of background papers

9.1 None