

Local Members' Interest
N/A

Prosperous Staffordshire Select Committee – 17th December 2015

Impact of SEND reforms

Recommendations

1. That the Select Committee comments on the progress being made with the embedding of the new legislation and ways of working in SEND.
2. Members scrutinise the progress to date in undertaking the transfer process from the previous system of SEN Statements to the new Education, Health and Care Plan.
3. Members plan further updates and review toward the end of the second year of the transformation programme in 12 months time.

Report of Cllr Ben Adams, Cabinet Member for Learning and Skills

Summary

What is the Select Committee being asked to do and why?

4. The Prosperous Staffordshire Select Committee is being updated on the progress and impact that the implementation of the Children and Families Act 2014 is having within Staffordshire. Members are being asked to review the report and comment as appropriate so that the committee can continue its overview and scrutiny of the implementation of the SEND reforms.

Report

Background

National Context

5. The Children's and Families Act 2014, set out the need for wide ranging changes to the way in which children and young people with SEND are supported to learn and achieve and lead full and fulfilling lives
6. The Children's and Families Act set out significant changes to statutory processes that needed to be implemented from September 1st 2014. These included:
 - a. The introduction of a single assessment and person centred support plan across education, health and social care for 0-25 year olds with SEND to replace Statements of Special Educational Needs.

- b. The publication of a 'Local Offer' making it clear what support is available to support children and young people with SEND, and how this support can be accessed.
- c. The introduction of joint assessment and planning across education, health and social care, to ensure that partners are commissioning in a joined up and coherent manner across the whole system.
- d. Access to personal budgets where families want them, really enabling people to have maximum personal choice and control about how they are supported.
- e. That all existing Statements of Educational Need are converted to an Education, Health and Care Plan by 2018 as part of a transfer programme.

Staffordshire's Approach

7. Staffordshire's approach to the reform programme is set out in "Achieving Excellence in Learning and Skills: Implementing the 0-25 Special Educational Needs System – Strategic Development Plan 2014-2016" (see background papers). This establishes eight critical success factors for the delivery of the reform and link to an action plan that sets out what success will look like. The eight success factors are:
- a. Seamless Joint Commissioning – Education, Social Care and Health Commissioners working together to improve the assessment and planning to meet need, and commissioning provision to meet that need
 - b. Appropriate Local Offer – a clear and accessible directory of what is available to children, young people and their families
 - c. Strong Provider Collaboration – professionals working together in a team around the child to provide early help and tailored support
 - d. Children, Young People and their families as equal partners – shaping the design of the system to work for them, engaged and active partners in the local system
 - e. Single Integrated Assessment – combining all aspects of a child's special educational need, including health and social care elements
 - f. Effective Personalised Plan – focused on outcomes and supporting the child or young person to achieve to their full potential
 - g. Greater Choice and Control – with clarity over choices and control over decisions and opportunity to manage a personal budget, where eligible
 - h. Positive Resolution to Difficulties – where problems arise they are resolved together or through mediation to avoid recourse to tribunals
8. 'Doing things differently' was a programme of transformational change that ran up to autumn 2014 to enable Staffordshire to respond to the reforms as required. This programme managed the redesign of the Staffordshire SEND Pathway, re-organised teams and functions and, most importantly, engaged the key partners in developing the new system, including parents and carers of children and young people with a special educational need and disability. Through the delivery of this programme Staffordshire has sought to achieve statutory compliance and implement both the spirit and the letter of the new legal framework for SEND.

Evaluating Progress

9. Staffordshire's progress is reported on and monitored by the Department for Education (DfE). This consists of monitoring surveys and there have been visits by DfE leads to discuss detail on at least two occasions. The most recent visit, in October 2015 gave positive feedback and good assurance in regard to Staffordshire's progress in implementing the reforms. No further visits or review are deemed necessary and

although the reform process continues, Staffordshire is meeting the expectations of the DfE in the progress we have made in implementing the reforms to date.

10. Across the country a number of pathfinders piloted the SEND reforms and the Department of Health produced in July 2015 a Final Impact Research Report that has evaluated the SEND pathfinders Programme. The key findings are as follows:-
 - a. Higher overall satisfaction with the family- centred approach and that the process of having an EHCP had improved.
 - b. No change in the extent to which families thought that the decisions reached about their child were fair.
 - c. There still remain a number of families who are still not satisfied and enter a formal tribunal process.
 - d. A positive improvement in relation to choice and the sufficiency of provision however stated there is further work to do.
 - e. Little evidence was found in relation to significant improvements in parental outcomes or in either children's health or quality of life.
11. The national evaluation concluded that the Department for Education and Local Authorities need to undertake ongoing work in taking the reforms further forward and to refine and improve local delivery so that it delivers all of the aspirations of the SEND reforms.
12. Staffordshire has made positive progress in implementing the reforms, making progress toward the success factors. However, in line with national findings, we recognise that there is still further to go to complete the implementation of the reforms and to unlock the full benefits that are intended.
13. Staffordshire developed and implemented a new person centred pathway and redesigned the existing team to work in a more person centred manner that keeps the child, young person and their families at the heart of all we do. The pathway was implemented in September 2014, and the newly formed team was finally in place by October 2014. The team have undertaken a full induction programme and to date they have completed and issued 223 Education, Health and Care Plans with a further 126 assessments ongoing.
14. As per the recommendations of The SEN Code of Practice, Staffordshire has commissioned an external lead market provider in order to deliver person centred practices and tools to all practitioners involved in the assessment, planning and support process to ensure the child / young person and their parents / carers are able to express their wishes, outcomes and aspirations and enable them to fully participate in the decision making process, thus preparing them effectively for adulthood.
15. To date, Staffordshire has delivered person centred practice training to 160 colleagues across education, health and social care, including Social Workers, teachers (including nursery, primary, secondary, special and FE staff), Nurse Practitioners, CAMHS practitioners and our Specialist Support Services, with a further 120 colleagues scheduled to attend before the end of the current financial year.
16. In order to promote future sustainability in regards to the delivery of person centred values and practices, Staffordshire has commissioned the external provider to deliver it's

'train the trainer' package to 8 specifically identified colleagues, who will lead the delivery of person centred practice training, with the support of our multi-professional Person Centred Work Champions, across education, health and social care in future.

17. The DfE have recently issued the September 2015 update on the new performance measures relating to SEND assessment processes and Staffordshire was shown as exceeding in a number of the new indicators. Details are shown in the table below:-

Data Item	Comment	Staffordshire Performance
Proportion of new EHC plans issued within 20 weeks-excluding exception cases	New Indicator	100% compared to the England average of 64.3%
Proportion of all new EHC plans issued within 20 weeks	New Indicator	100% compared to the England average of 61.5%
Proportion of newly issued statements and plans, with a placement in a maintained mainstream schools	New Indicator	44.8% compared to the England average of 52.4%
Percentage of SEN statements issued in 26 weeks excluding exceptions		99.0% compared to the England average of 89.0% Quartile A and ranked 52 nd LA
Percentage of SEN statements issued in 26 weeks as proportion of all		98.9% compared to the England average of 79.1% Quartile A ranked 28 th LA.

18. Feedback from families has in the main been positive, however in line with the National findings there are a number of families that are still proceeding through to tribunal to resolve their concerns – recognising that in the transition between the previous system and the new system the progress of disputes does not correlate precisely with the implementation of the new systems. In the period September 2014- September 15 there were 51 tribunal cases heard. This compares with a total of 55 tribunals for the year 2014/15. The trends identified are that an increase in tribunals usually occurs during the month of February as the secondary transfer process takes place; otherwise a variety of reasons are recorded as why hearings are lodged.
19. A number of families have used the newly commissioned mediation service to try and resolve any potential disputes at an informal stage. The uptake of this service thus far has been that 35 families have accessed mediation. Of the 17 cases mediated between January and end September 2015 only 4 have continued onward to tribunal hearing to date.

Transfers from SEN Statement to Education, Health and Care Plan

20. Staffordshire produced a transfer strategy that explained the process of having an existing statement of educational needs transferred to an EHCP and the numbers that would be converted each academic year. In Staffordshire we have over 3500 statements to convert by the year 2018. To date only 158 transfer reviews have been undertaken out of a potential 869 children (a number of these children will remain in school therefore will not be transferred until Year 14 or at the point they leave school or enter further education). There is a plan to undertake 900 transfers over the next academic year.
21. A temporary transfer team was planned to be in place by September 2014, but delays resulted in this team not being functional until January 2015 and this has significantly impacted on the planned schedule for completing transfer reviews.

22. However, Staffordshire has continued to stick to the core principles of the transfer being undertaken in a person-centred manner fully including the child, young person and their family, and the pace of the programme, though delayed has been improving in recent months. There is evidence that other Local Authorities have completed transfers faster by taking a desk-top approach to conversions. Therefore, a balance has to be achieved between securing pace of transfer and ensuring quality and the integrity of the reform ambitions.
23. Recognising the delay to our local transfer schedule, close monitoring of the transfer process has been implemented. The Head of the Assessment and Planning Service, alongside senior officers, have implemented an action plan to improve the performance of the transfers, including addressing any remaining gaps in team capacity within the service to assist with the transfers.

Other Key Aspects of the Reform

24. The Staffordshire Local Offer went live on 1st September and can be found on the Staffordshire Marketplace. Further information, advice and guidance was also added to the Staffordshire Cares website to enable families to have a better understanding of the work that was being undertaken and how to access other support available in their local communities. The local offer is now going to be reviewed to ensure that there is equity and the correct support, services and provision available for children and young people to access.
25. Staffordshire is in the process of issuing their first education personal budget to a young man with a special need on the Autistic Spectrum -His transfer review was undertaken and parents expressed a preference for a personal budget as they felt that he required a more bespoke package to enable him to access appropriate education The EHCP was finalized offering a personal budget which would enable parents to employ a tutor for 16 hours per week.
26. A joint commissioning group was set up with the agreement to take forward a fully integrated approach to commissioning and development of services that support children and young people with SEND. The original action plan has been updated with the identified priorities across Education, Health and Care. The arrangements for integrated commissioning are still very new and will need to evolve and mature over time, particularly in regard to joint commissioning with Health partners. However, positive progress in establishing the infrastructure and mechanisms has been made in the first phase of implementing the SEND reforms.

Next Steps

27. To conclude, Staffordshire's response to the Children's and Families Act 2014 has seen considerable progress toward the successful implementation of new ways of working and has provided a very solid foundation to now build upon in the way that children with a special educational need are supported to achieve their learning goals. We continue to develop and improve our approach and are mindful of the areas for further development so that the full ambitions of the reform programme can be delivered. Therefore it is recommended that a further update is provided to Select Committee to reflect the second full year of the reform programme in due course.

Link to Staffordshire County Councils Strategic Objectives

The Children and Families Act supports the County Councils **vision for a connected Staffordshire** by ensuring that appropriate prevention, assessment and supports are in place to support people's health, wellbeing and independence. . These mechanisms will be inter-agency and will reflect the wider commissioning ethos of the authority.

In terms of **prosperity**, the Children's and Families Act, endeavors to improve the educational outcomes for children and young people with SEND and therefore increase the prospects of further education, training and employment for this group of individuals..

In terms of **be healthier and more independent**, the philosophy of the Children and Families Act is to achieve better outcomes for children and young people with SEND by joining up the support around the child from education, health and social care.

Supporting children and young people of Staffordshire to feel safer, happier and more supported in and by their community is a key element to the reforms.

Link to Other Overview and Scrutiny Activity

Corporate Review Select Committee

Community Impact

A Community Impact Assessment accompanied The Corporate Review Select Committee Report 2nd September 2014.

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Background papers

Achieving Excellence in Learning and Skills: Implementing the 0-25 Special Educational Needs System – Strategic Development Plan 2014-2016