

Local Members' Interest
N/A

## **Prosperous Staffordshire Select Committee – 26<sup>th</sup> July 2016**

### **Impact of SEND Reforms**

#### **Recommendations**

1. That the Select Committee receives an update on the progress being made with the embedding of the new legislation and ways of working.
2. Members scrutinise the progress to date in undertaking the transfer process.
3. Members to scrutinise the forthcoming Local Area Review for SEND

#### **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 and is being asked to review the report and comment as appropriate so that the committee can continue its overview and scrutiny.

#### **Report**

##### **Background**

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. '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.
6. The Children's and Families Act set out clear changes that needed to be implemented from September 1<sup>st</sup> 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 commissioning across Education, Health and Social Care, to ensure that partners are planning in a joined up and coherent manner across the whole system.
  - d. 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.
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. 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 remains 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.
9. The evaluation concluded that the Department for Education and Local Authorities need to undertake ongoing work in taking the reforms forward and further refining and improving local delivery. Staffordshire has made positive progress in implementing the reforms and in 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.
  10. 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 509 Education, Health and Care Plans with a further 176 assessments ongoing.
  11. The percentage of statements/EHCP's maintained by Staffordshire County Council continues to be relatively stable around 3% - this is in keeping with statistical and national averages. Requests for new EHC needs assessments are increasing however again this is consistent with the National picture.
  12. As per the recommendations of The Code of Practice, Staffordshire has commissioned an external lead market provider in order to deliver person centred practices and tools to all practitioners whom are 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.
  13. 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.
  14. 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.

## **Performance measures**

15. Staffordshire has continued to maintain a high performance rate in relation to the new SEND assessment process and the new performance measures. Overall since the

implementation of the SEND Reforms in September 2014, the percentage of new Education, Health and Care plans issued within 20 weeks without exceptions is 90% and the number of new Education, Health and Care Plans issued including exceptions is 87.9%. Further national and regional benchmarking data sets are not yet available as Dfe data collections are currently taking place and benchmarking comparisons will be published later this year however informal intelligence via feedback from regional workshops indicates that Staffordshire's performance remains comparatively high.

## Tribunals

16. Feedback from families in relation to their overall experience of the new system remains largely positive. Staffordshire has taken part in the trial of the Personal Evaluation Outcomes Tool (POET) developed by In Control which has been designed to assess the process of obtaining an Education, Health and Care Plan and in some cases, a personal budget, for children and young people, families and practitioners' and the outcomes of having a plan. It is an authoritative, nationally recognised method to understand the experiences of families and children and young people of the process and impact on day-to-day life of having an Education, Health and Care Plan. The number of surveys returned as at the end of December 2015 for Staffordshire was as follows;

a. 14 parents/carers

b. 39 practitioners

c. 3 children and young people

17. This pattern was consistent with the average number of returns both regionally and nationally. Parents are involved in two parent steering groups and have taken part in parent workshops. Parents were considered to be largely well engaged in strategic planning and co-production of SEND services as reported in the DfE SEN Reforms Autumn 2015 Local Implementation Survey.

18. A small number of parents have disagreed with the Local Authority's decision made in relation to their child's Education, Health and Care needs assessments or EHC Plans. In these cases, parents have the right to appeal to a special educational needs tribunal. Tribunal rates are measured by the number of appeals registered per 10,000 of the school population. In the academic year 13/14, Staffordshire's Tribunal rate was slightly lower than the national average and marginally higher than the regional average. In the academic year 14/15, Staffordshire's Tribunal rate was higher than both the national and regional averages but the actual rate in Staffordshire has remained relatively constant.

**Table: Appeals Registered per Local Authority per 10,000 of the School Population**

	Academic Year 13/14	Academic Year 14/15
Staffordshire	4.5	4.6
West Midlands	4.4	4.0
England	4.9	3.7

**Source:**

<https://www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2015> LA and Regional Tables SFR16/2015, and GAPS2

## Transfers

19. The Local Authority is required where appropriate to transfer statements of special educational needs to Education, Health and Care plans. In Staffordshire, transfer reviews are taking place in a person centered manner in line with the SEND reform. In Staffordshire there are approximately 3,500 statements to transfer. A transfer plan has been produced which takes into account Government priorities for transfer groups. To date 432 statements have been converted to Education, Health and Care Plans, with 524 currently in the process of being transferred.
20. It should be noted that during the first year, the number completed did not reach expected levels. This was largely due to delays in staff recruitment. The figures for the current academic year show that a total of 28% of transfers have been completed. This means that Staffordshire is behind schedule. We have a total of 2874 transfers left to complete by 2018. We have increased the team by two temporary full time members of staff to give additional capacity. Retention of the 8.0 FTE staff until March 2018 will increase output and ensure that statutory requirements are met. Resourcing for additional workload has been made available from the SEND Reform Grant. Progress is being monitored by the new Head of SEND and the Transfer Manager.
21. Close monitoring of the transfer process has been implemented. The head of the assessment and planning service alongside senior officers are looking at what options there are to improve the performance of the transfers. The options currently been looked at are; examining if we can implement more efficient ways of working to speed up the process and exploring if there is any additional capacity within the service to assist with the transfers.
22. The Staffordshire Local Offer went live on 1<sup>st</sup> 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.
23. 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.
24. 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 and this will be refreshed at the next joint commissioning meeting that will be held in October. Operationally there have been some excellent examples of organisations working together to meet the needs of children and young people with SEND.

## **Ofsted and CQC consultation: inspection of local area SEND arrangements**

25. All local areas will be inspected over a five-year period, from May 2016. Areas for inspection in a given year will be selected to ensure a spread across the country and will, where possible, take account of the timing of any other Ofsted or CQC inspection activity. There will be a risk assessment element to the selection where Ofsted or CQC have significant concerns about an area's ability to fulfil its responsibilities, for example weaknesses found in the area's education inspections.
26. Inspection teams will usually consist of one of Her Majesty's Inspectors (HMI) from Ofsted, a Children's Services Inspector from CQC, and a trained inspector from a local authority (not from the area being inspected), who will have specialist knowledge of disability and special educational needs and have a health, social care or education background. It will be expected that the local area has a good understanding of how effective it is, including of any aspects that require development, and it is not expected that specific preparations for inspection will be required. Inspectors will report where evidence supports the area's own evaluation, and where it does not; they will also report on where an area does not have a good enough understanding of its effectiveness in identifying and meeting needs and improving outcomes.
27. Inspection will evaluate how effectively the local area meets its responsibilities for disabled children and young people and those who have special educational needs, including children and young people both with and without education, health and care plans. While the LA has the key leadership role within its area, it cannot implement the reforms on its own; success requires full involvement of the local area. The inspection will therefore evaluate the effectiveness of the local area as a whole – including the local authority, clinical commissioning groups (CCGs) and NHS England (for specialist services), early years settings, schools and the further education sector – in working together to identify children and young people early and appropriately, and in meeting these needs and improving outcomes. Inspectors will look at a wide range of groups of children and young people in different settings, including those in youth justice provision and not attending school. The evaluation of social care and health responsibilities will focus on how these services contribute to meeting the needs of children and young people who are being assessed for, or are subject to, education, health and care plans; the evaluation does not extend to a broad inspection of these services' responsibilities for all children and young with disabilities and special educational needs.
28. The inspection will last five days, and the Director of Children's Services (DCS) and the Chief Executive for the clinical commissioning groups (CCGs) will be notified two working days before it starts. Ofsted and CQC will publish an inspection report in the form of an outcome letter that will be sent to the LA, with a request to circulate it to early years and education settings and other services involved in meeting the needs of the area's children/young people with disabilities and/or special educational needs; a copy of the letter will also be sent to the Chief Executive of the CCG, with a request that it be circulated to healthcare services and settings as appropriate. The report will outline what inspectors looked at, with a summary of their findings including key strengths and areas requiring further development; there will be no overall graded judgement, but there will be recommendations, including any priority areas for action.
29. Ofsted will determine, under revised Children Act 2004 (Joint Area Reviews) Regulations 2015 (SI 1792, no. 2015, coming into force on 9 November 2015), whether a written statement of proposed action should be made and, if so, by whom; if it is so

decided, Ofsted and CQC will pay particular attention to how the local area (not just the LA) intends to respond to the inspection's findings. Any further action by Ofsted and CQC – from requesting further detail on steps to be taken through to further inspection – will be determined by the inspection findings and the statement of proposed action.

30. To conclude, Staffordshire's response to the Children's and Families Act 2014 has seen the successful implementation of new ways of working and has provided a solid foundation to now build upon. Significant progress has been made in undertaking fundamental reform to the way children with a special educational need are supported to achieve their learning goals. We will now continue to develop and improve our approach and have launched the next phase to further develop and expand on these reforms in the wider context of system and process change and are mindful of the areas for further development so that the full ambitions of the reform programme can be delivered.

### **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 2<sup>nd</sup> September 2014.

### **Contact Officer**

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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