

Local Members' Interest
N/A

Prosperous Staffordshire Select Committee – 3rd March 2017

Progress on the SEND Reforms

Recommendations

1. That the Select Committee receives a further update on the progress and impact of the SEND Reforms in Staffordshire.
2. That Members scrutinise the progress to date in undertaking the transfer process.
3. That Members scrutinise the progress to date in the next phase of SEND transformation.

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 further updated on the Local Authority's progress in implementing its duties brought about by the Children and Families Act 2014. The Select Committee is being asked to review the report and comment as appropriate so that the committee can continue its overview and scrutiny.

Report

Background

5. On 1 September 2014, the special educational needs and disability reforms came into effect as part of the Children and Families Act 2014 and set out significant changes to the way in which children and young people with SEND are supported. These included:
 - a. The introduction of an Education, Health and Care Plan (EHCP) for 0-25 year olds to replace Statements of Special Educational Needs and a duty to transfer where appropriate Learning Difficulty Assessments to EHCPs by March 2017 and Statements to EHCPs by March 2018.
 - b. The publication of a 'Local Offer' setting out in one place information about provision local authorities expect to be available across education, health and social care for children and young people in their area who have SEN or are disabled.

- c. The introduction of joint commissioning arrangements to ensure integration between education, social care and health to enable partners to make best use of all the resources available in an area to improve outcomes for children and young people with SEND in the most efficient, effective, equitable and sustainable way.
- d. The introduction of Personal Budgets for young people and parents of children with Education, Health and Care Plans enabling them to have greater choice and control over SEND support.

EHC Plans

6. In September 2014, in accordance with the legislation, Staffordshire Council introduced a new person centred EHC assessment pathway and redesigned the SEND team to deliver this. Staffordshire Council now maintains 1792 Education, Health and Care Plans.
7. During the first two full academic years of operation, the number of new EHC assessments conducted increased from 306 in the 14/15 academic year to 546 in the 15/16 academic year. 149 assessments have been agreed so far in the current 16/17 academic year.
8. The number of requests for assessments has also continued to rise. Between 1 September 2014 and 31 August 2015 the Authority received 614 requests for an EHC needs assessment compared to 909 requests between 1 September 2015 and 31 August 2016. The number of requests for EHC assessments remains high. Since the start of the current academic year 357 new requests have been received.
9. Staffordshire's current performance on completion of EHC assessments within the statutory 20 week timescale remains relatively high at 84.46%. Of the new plans made in 2015, 90% of Staffordshire's EHCPs were issued within the 20 week time limit. At that time, this compared to 59.2% nationally and 51.8% regionally. Benchmarking data for 2016 is not yet published however informal intelligence received via regional workshops and visits from the DfE SEND Regional Advisor suggests that Staffordshire's 84.46% performance in meeting the statutory timescales remains good.
10. A small number of parents have disagreed decisions 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. The number of tribunal appeals in Staffordshire has increased as shown in the table below.

Number of Tribunal Appeals Registered in Staffordshire

	Number of appeals	Percentage of appeals per statements/EHCP's maintained
Academic Year 14/15	53	1.36%
Academic Year 15/16	62	1.70%
Academic Year 16/17*	43*	1.26%*

*denotes part year. This figure is likely to increase

11. 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. In the 15/16 academic year, in line with both regional and national averages, Staffordshire's Tribunal rate increased however it remains higher than the regional and national average as shown below:

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

	13/14	14/15	15/16
Staffordshire	4.5	4.6	5.83
West Midlands	4.4	4.0	4.60
England	4.9	3.7	4.34

12. The Children and Families Act 2014 introduced new arrangements for mediation and disagreement resolution with a clear distinction between the two areas. Disagreement resolution arrangements are designed to resolve disagreements about the performance of duties, SEN provision, disagreements over health and social care provision and disagreements between health and local authority commissioners. In Staffordshire, the uptake of disagreement resolution is very low. Mediation arrangements are specifically linked to decisions about EHC needs assessments and plans. In Staffordshire, mediation referrals initially increased but now seem to have levelled. In the academic year 14/15, 9 referrals were made resulting in 3 mediation hearings. This compares to 102 referrals in the following 15/16 academic year resulting in 32 mediation hearings and during the current 16/17 academic year, there have been 48 referrals and 17 hearings.

Progress of Transfers

13. The Local Authority is required where appropriate to transfer statements of special educational needs and learning difficulty assessments (LDAs) in to Education, Health and Care plans. In September 2014, there were approximately 3,500

statements and a further 150 Learning Difficulty Assessments to be transferred. In line with requirements, a transfer plan has been produced and updated which takes into account Government priorities for transfer groups. To date 1058 transfers have been completed which is a significant increase on the number previously reported (432)

14. It should be noted that during the first year, the number of completed transfers fell well below the expected levels as published in the transfer plan. This was largely due to delays in staff recruitment. The figures current academic year show that a total of 28% of transfers have now been completed. Whilst this means that Staffordshire is behind schedule, plans have been put in place to address this and considerable additional resourcing has been made available from the SEND Reform Grant. Progress towards meeting the statutory deadlines is being monitored by the Cabinet Member, the Deputy Chief Executive, Senior Managers, the Head of the SEND Assessment Service and the Transfer Manager and is a priority within the SEND Assessment and Planning Team.
15. The deadline for converting Learning Difficulty Assessments (LDA's) to Education Health and Care Plans has recently been extended from 31 December 2016 to 31 March 2017. In November 2016, it was reported that there were 44 learners ages 19+ with Learning Difficulty Assessments still awaiting transfers. Of these 22 have now been completed. The remaining 22 EHC plans have been drafted and are in the process of being finalised. If these have been prioritised it is expected that these will be completed by 31 March 2017.
16. There is a requirement each year to complete phase transfers (moving between key phases of education for example year 6 to year 7) by 15 February in the year of transfer. In February 2016, only 136 of the 284 phase transfers were completed on time. This year, the Transfer team is on target to complete all a phase transfers on time (subject to extension requests by parents)

Local Offer

17. Local authorities are required to publish a Local Offer, setting out in one place information about provision they expect to be available across education, health and social care for children and young people in their area who have SEN or are disabled, including those who do not have Education, Health and Care (EHC) plans. The Local Offer has two key purposes: To provide clear, comprehensive, accessible and up-to-date information about the available provision and how to access it, and to make provision more responsive to local needs and aspirations by directly involving disabled children and those with SEN and their parents, and disabled young people and those with SEN, and service providers in its development and review
18. The Staffordshire Local Offer went live on 1st September and was initially sited 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 met minimum statutory compliance. Following feedback, the local offer has now been reviewed

and transferred to a new platform, "Open Objects" This was launched in September 2016.

Joint commissioning

19. There is a requirement for joint commissioning arrangements to cover the services for 0 – 25 year old children and young people with SEN or disabilities, both with and without EHC plans. A joint commissioning group was initially set up in Staffordshire 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. Operationally there have been some excellent examples of organisations working together to meet the needs of children and young people with SEND. The Joint Commissioning Strategy has been drafted and governance of joint commissioning arrangements are now overseen by the SEND Partnership Board.

Personal budgets

20. A personal budget is an amount of money identified by the local authority to deliver provision set out in an EHC plan where the parent or young person is involved in securing that provision. Personal budgets are optional for the child's parent or the young person but local authorities are under a duty to prepare a budget when requested. Local authorities must provide information about organisations that may be able to provide advice and assistance to help parents and young people to make informed decisions about personal budgets. There has been a small increase in the uptake of personal budgets rising from 1 to 3 which is in line with the national picture.

Transformation

21. **Starting from Wednesday 1st March 2017** a core group of professionals within the SEND system in Staffordshire will identify and study the SEND system from the perspective of the service user, with a view to making an evidenced based judgement on which aspects of the system can and should be re-designed to improve the outcomes for the children and young people in Staffordshire.
22. **This work will be undertaken on a place based approach focussing on South Staffordshire** initially as a geography to study and be expected to last for up to 6 weeks (elapsed time)
23. **It is planned that the core group will be based geographically in South Staffordshire in a single location** as base of operation. What the group learns from studying points of demand and initial case studies from the system will define the questions that the group needs to answer to understand the system and the settings they need to visit to gain that understanding. In order to minimise disruption to settings, where possible we will try and plan in advance any visits. The purpose of this approach is to understand how effective the system is and why – not to judge the performance of individual people, settings or organisations.

Link to Staffordshire County Councils Strategic Objectives

24. 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.
25. In terms of **pro prosperity**, the Children's and Families Act, endeavours 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.
26. 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.
27. 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