

9 January 2014

**Item 1**

**Special educational needs and disability reforms and the innovation programme**

**Purpose of report**

For discussion.

**Summary**

Edward Timpson MP, Parliamentary Under-Secretary for Children and Families, will be attending the meeting to discuss:

1. implementing the reforms of the legal system for supporting children and young people with special educational needs and disabilities from September 2014 and
2. the Department for Education's innovation programme for children's services.

This report summarises the key issues to be addressed.

**Recommendation**

Members are invited to discuss the issues raised in the report.

**Action**

To be taken forward by officers as directed by members of the Board.

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**Item 1**

## **Special Educational Needs and Disabilities**

### **Background**

1. Subject to Parliamentary approval, implementation of the new legal 0-25 system of support for children and young people with Special Educational Needs and Disabilities (SEND), in the Children and Families Bill, will start from September 2014. This will place new statutory responsibilities on, and give new powers to, local authorities.
2. The Board has received regular updates on the proposed reforms. The LGA has been lobbying for changes to be made to the Bill, including the need to:
  - 2.1 clarify the circumstances in which provision that would otherwise be health or social care provision, such as speech and language therapy, should be treated as special educational provision;
  - 2.2 improving the complaints and appeals system so that parents and young people have a single point of access; and
  - 2.3 addressing provision for young offenders and for 19 – 24 year olds.
3. We have also submitted comments on the draft statutory SEN code of practice which will, for the first time, apply to the full 0-25 age range and to health and social care partners as well as schools and colleges.
4. The government has now extended the scope of the Bill to include all disabled children and young people and has amended the Bill to address our concerns about health and social care provision. Recent government amendments also address the special educational needs of young people in custody and clarify the position on young people's entitlement to education over the age of 18. House of Lords Report Stage resumes early in the New Year.
5. Children's Minister Edward Timpson MP will be attending the Board meeting to discuss what needs to be done to ensure successful implementation of the reforms. He has been holding a series of roundtable meetings and he has met Directors of Children's Services, local authority Chief Executives and Chairs of Health and Wellbeing Boards. On 9 December 2013, the Minister sent a joint letter with Health Minister Dr Dan Poulter MP to local authority and health leaders (**Appendix 1**) and announced that a £70 million SEN reform grant would be taken from the £150 million early intervention top-sliced grant next year. An implementation pack was also sent out with key questions for strategic leaders, and information about resources and support available. (**Appendix 2**).

**Item 1**

6. Since April 2013, pathfinder champions have provided support and advice in every region, and the champion programme is being extended to March 2015 to share learning and provide support. Non-pathfinder authorities received a total of £9million (£75K per authority) in October to assist with implementation.
7. Based on current data, DfE expect there to be more than 30,000 new entrants who will require an Education Health and Care (EHC) assessment in 2014. In addition, some 260,000 children and young people who already have a Statement, or a Learning Difficulty Assessment, will need to be transferred to the new system within three years. Transfer will involve a reassessment against the EHC plan criteria.

**Issues for discussion**

8. The LGA held a well-attended conference on preparing for implementing the SEN reforms on 10 December 2013 at which the Minister gave the keynote address. Local authority officers and Members at the conference discussed a number of issues about the implementation of the reforms and some of these issues were also raised at the ADCS and SOLACE round table discussions.

**8.1 Transition from Statements to EHC Plans within three years:** the scale of the task will be very challenging without additional resources, particularly in those council areas that maintain large numbers of statements. For example, over sixty councils maintain between 1,000 and 2,000 statements. Councils also expect an increase in parents and young people requesting EHC plans when the new system starts. We will be seeking reassurance on additional resources being available to meet these new duties.

**8.2 The role of Health and Wellbeing Boards,** and the engagement of health partners, particularly Clinical Commissioning Groups in preparing for the implementation of the reforms. The Department for Education (DfE) and the Department for Health need to ensure that it is clear how the responsibilities of health bodies for the SEN reforms fit with their wider responsibilities for the local population.

**8.3 The role of schools, colleges and other education** settings in providing support for children and young people without EHC Plans and ensuring schools and colleges are as well-prepared as possible for the changes and to share the best approaches. With the removal of the 'School Action' and 'School Action Plus' SEN categories, there needs to be a clear message in the new code of practice about good teaching for every pupil, on early and effective intervention and tracking its effect.

**8.4 Challenges around engaging with children and young people** in their own right, as well as making sure that parent carer voices are heard, as their participation in decision-making is one of the key principles set out in the Bill. Pathfinders have

**Item 1**

been working to involve children and young people and promoting their participation but it has also been identified as an issue which needs to be clearly articulated in the new code of practice and on which some councils would welcome further support to prepare for implementation

## **Innovation Programme for Children's Services**

9. In his speech to the National Children and Adults Conference in October 2013, Edward Timpson said that he wanted to drive innovation and fundamentally rethink the approach to children's social care. He cited a number of examples where innovative approaches were being pursued in local areas and he mentioned the LGA's report on better commissioning which argued for more work on hybrid models of care such as 'foster care plus respite' and services that enable families to access flexible 'step down' support. The DfE is inviting the public, private and voluntary sectors to come forward with innovative ideas for changing services for vulnerable children. The parameters are broad but proposals should identify barriers to innovation, such as regulation, and the most promising ideas will be tested later in the year
10. The programme will be 'championed' by Clive Cowdery, a businessman and founder of think tank the Resolution Foundation. A key theme in the Minister's speech was making services more flexible, with the Minister referencing the LGA's call for services to be rewired around families' needs.

### **Financial Implications**

11. There are no additional financial implications arising from this report.