

Open Report on behalf of Debbie Barnes, Executive Director of Children's Services

Report to:	Children and Young People Scrutiny Committee
Date:	27 May 2016
Subject:	Progress report on the implementation of the Special Educational Needs and Disability reforms

Summary:

This report provides an overview of the first full academic year following implementation of the Special Educational Needs and Disability (SEND) reforms; comparative financial information between 2014/15 and 2015/16; a brief update on activity so far this current academic year and information on key lessons learned to date.

Actions Required:

The Children and Young People's Scrutiny Committee is invited to consider and comment on the contents of the report and direct any questions to the Special Educational Needs and Disability (SEND) Service representative in attendance at the meeting.

1. Background

Part 3 of the Children and Families Act 2014, enacted on the 1 September 2014, aligns and 'streamlines' the system of SEN assessment, support and provision for children and young people 0-25, bringing together the provisions of a variety of Acts covering education, health and care as well as introducing new provisions, statutory implementation of associated duties, regulations and a new SEND Code of Practice.

The SEND Reforms set out in the Act include:

- i. Extending the SEND system from birth to 25, giving children, young people and their parents/carers greater control and choice in decisions about provision;
- ii. Replacing Statements and Learning Difficulties Assessments (LDA) with a birth-to-25 Education, Health and Care (EHC) Plan;
- iii. Offering families the option of personal budgets when an EHC plan is implemented;

- iv. Improving co-operation between all the services and requiring particularly local authorities (LA) and health authorities (HA) to work together;
- v. Requiring LAs to involve children, young people and parents in reviewing and developing provision for those with special educational needs and to publish a 'local offer' of support; and
- vi. Publication of a new SEN Code of Practice and regulations covering the work of early years providers, schools and post-16 education providers, LAs and HAs.

There is a sharper focus on the measurable outcomes for Children and Young People. It is expected that the majority of children with SEND will have their needs met and outcomes achieved through mainstream education provision and will not need EHC Plans. These are explicit themes running throughout the SEND Code of Practice 2015.

Parents and young people must be involved directly in discussions and decisions about the support available to them individually and more strategically, particularly through the 'co-production' and delivery of the SEND assessment, the EHC planning process and the Local Offer.

Each stage of the EHC Needs Assessment process is subject to appeal to the Special Educational Needs and Disability Tribunal and in some cases the Local Government Ombudsman.

National Context

A child or young person has special educational needs (SEN) if they have a learning difficulty or disability which calls for special educational provision to be made for him or her.

In July 2015 1.3 million (15.4%) pupils in England had special educational needs.

- Moderate learning difficulty was the most common type of need; 23.8% of pupils with a primary need recorded had this type of need.
- Autistic spectrum disorder was the most common need for those pupils with a Statement of SEN or an Education, Health and Care (EHC) Plan.
- SEN is more prevalent in boys across all age groups in state-funded schools. 16% of boys require SEN support compared to 9.2% of girls.
- Pupils with SEN are twice as likely to be eligible for free school meals as those without SEN (28.2% compared to 12.8%).
- The percentage of pupils placed in Special Schools increased by 2.8% from 2010 - 2015.
- In 2013/14, 20.5% of pupils with SEN achieved 5+ GCSEs at A*- C or equivalent including English and mathematics compared to 65.3% with no SEN.
- 84.8% of 16/17 year olds with SEN and/or Disabilities (SEND) were in education and training in June 2015, compared to 89.7% without SEND.
- 49% of pupils with SEN in schools progressed to Higher Education compared to 59% of those without SEN. 34% of those with Learning

Difficulty or Disability (LDD) in colleges progressed to Higher Education compared to 40% of those without LDD (2013/14 destinations).

- Pupils with SEND are more likely to be absent from school and be excluded.

Lincolnshire context

Pupils with identified special educational needs supported through notional SEN funding

Schools and Academies for the 2015/16 financial year had, through most of their formula factors, a notional SEN funding allocation from which they were expected to contribute the first £6,000 towards a pupil who requires SEN/Additional Needs support. The higher level needs (top up funding) and targeted support provision remained outside of this notional SEN funding.

In the October 2015 School Census, 16,235 (15.63%) pupils in Lincolnshire maintained or academy schools had identified SEN, in-line with the England figure of 15.4%.

Of those children and young people who have identified SEN, supported by mainstream schools (SEN Support) without a Statement or EHC Plan, the breakdown by district was:

District Area	Number	% of all SEN Support	% of Total Pupil Headcount in District
Boston	1,686	13%	17.8%
East Lindsey	2,413	18%	13.7%
Lincoln	1,952	15%	14.1%
North Kesteven	1,852	12.5%	11%
South Holland	1,657	12.5%	13.4%
South Kesteven	2,172	16.5%	10.5%
West Lindsey	1,512	11.5%	12.5%
Countywide Teaching and Learning Centre (TLC)	115	0.9%	83.3%
Countywide Pilgrim School	10	0.1%	7.2%
Grand Total	13,369	100%	

School Census October 2015

In the October 2015 school census there were 1610 children and young people identified with SEN that had not previously been identified in any school census in the preceding two years. However, overall the number of children and young people with identified SEN has dropped in the last five years. In October 2010 the total number of young people receiving SEN support in Lincolnshire was 17,450. The decrease follows the national trend; in 2010 21.1% of the school population in

England had SEN. This number fell to 17.9% in January 2014 with a steeper drop in January 2015 to 15.4%. This may be due to more accurate identification of those with SEN following implementation of the SEND system reforms.

In England in 2015 the numbers of young people with SEN supported without a Statement or EHC Plan fell for the fifth year in a row from 18.3% in 2010 to 12.6% in 2015. In Lincolnshire the number is 12.9%.

Pupils with Statements of SEN or EHC Plans

The numbers of children and young people with a Statement or an EHC Plan attending Lincolnshire maintained or academy schools in October 2015 is illustrated below.

District Area	Statement of SEN	EHC Plan	% of all Higher Needs Support	% of Total Pupil Headcount in District
Boston	107	16	4.3%	1.3%
East Lindsey	465	131	20.8%	3.4%
Lincoln	579	106	24%	4.9%
North Kesteven	187	26	7.4%	1.3%
South Holland	390	35	14.8%	3.4%
South Kesteven	429	40	16.47%	2.3%
West Lindsey	286	61	12%	2.9%
TLC	6	0	0.2%	4.3%
Pilgrim School	1	0	0.03%	0.7%
Grand Total	2,450	415	100%	

School Census October 2015

In addition to those identified through the School Census there are a number of young people with Statements, EHC Plans or LDA in independent specialist provision outside of Lincolnshire, independent schools/provision in Lincolnshire or in Further Education. In January 2016 the county had a total of 3,397 young people with a Statement or EHC Plan and a further 105 learners who still had an LDA.

The tables above tell us that:

- Boston has the highest percentage of children and young people with identified SEN in proportion to the numbers of school children in the district
- Despite being the 4th highest district in terms of the overall numbers of pupils in the county receiving SEN Support, Boston is the district with the lowest percentage of all Statements or EHC Plans
- Whilst the Teaching and Learning Centre makes up a tiny percentage of all pupils with SEN, those pupils with SEN attending this countywide provision represent a significantly high proportion of the overall pupil number on roll,

which highlights the high rate of exclusion or risk of exclusion amongst SEN pupils

- Lincoln has the highest percentage of children and young people with a Statement or EHC Plan in proportion to the number of school children in the district
- South Kesteven has the lowest number of children and young people with SEN Support in proportion to the number of school children in the district and has a relatively lower proportion of children with Statements or EHC Plans than a number of the other districts

High Needs Funding Analysis (not including short-term medical provision)

All EHC Plans have been issued in accordance with the evidence provided by schools and other contributing agencies.

The table below highlights the total funding allocated over the last five years (1 April 2011 to 31 March 2016) for learners with high level needs who attend mainstream schools and academies.

Year	April Figure*	March Figure**
2015/16	£8,164,267.00	£10,130,761.74
2014/15	£9,846,406.65	£11,840,432.13
2013/14	£9,966,642.90	£11,292,527.00
2012/13	£9,274,169.84	£10,960,505.06
2011/12	£8,565,547.73	£10,094,748.72

Source: SEND data management/financial system.

***April Figure** – initial higher level needs funding allocated to schools during the budget share process at the start of the financial year.

****March (following year)** – final expenditure for all higher needs funding for the financial year.

Whilst initially the figures suggest that 2015/16 has seen a reduction in high needs funding it is important to note that an additional £2.4m was devolved to schools during this year to ensure that they have the notional funds to meet their responsibility for SEN support. If that figure was included in the high needs funding analysis then the figure for 2015/16 would be £12,630,761.74.

The provision of targeted support for schools with unusually high numbers of high needs pupils was previously agreed by the Schools Forum. In 2015/16 the additional targeted funding given to schools totalled £1,355,685. The budget identified to support schools with unusually high levels of high needs pupils was £892,739 therefore there is an overspend of £462,946.

It is also important to note that Special Schools have received an additional £117,964.15 over the last financial year to support them in maintaining placements that would otherwise have broken down.

NB. All costs contained in this report are as accurate as is possible given the on-going challenges the Council is experiencing with the Agresso system used for all finance activity.

Activity in Lincolnshire following implementation of the reforms

In the first year following the implementation of the SEND reforms the service received 543 requests for EHC Needs Assessment. In 2013/14 the service received 476 requests for statutory assessment. There was a 12% increase in requests in the first year of the implementation of the reforms. At the end of April 2016 the service had received 456 requests for EHC Needs Assessment from 1 September 2015. On average there are 50 requests per month. If this continues for the remainder of the current academic year this will mean a further 10% increase in requests in year two.

Whilst approximately 26% of requests result in a 'no to assessment' decision there is no material difference from 2013/14, when the 'no' figure was very similar. This still requires the first 6 weeks of the process to be completed to reach that decision at the Allocations meeting.

The requests for EHC Needs Assessments continue to come primarily from the primary school sector (around 80%). This is almost exactly the same figure as it was in 2013/14 when the requests were for Statutory Assessment for SEN Statements.

In 2014/15 the service received around 40 requests for EHC Needs Assessments for those in the 17-25 year age group. Previously it was not possible to request Statutory Assessment for young people in this age range. Most of these are young people in their early 20s where their FE colleges have recently been refused further Post 19 High Needs funding for them.

Approximately 70% of the requests for EHC Needs Assessment are for boys. The main requesters of EHC Needs Assessments are schools, parents and early years' settings.

Using the 4 categories of special educational need as set out in the Code of Practice 2015 the following demonstrates the type of need the requests relate to:

- Communication and Interaction – 38%
- Cognition and Learning – 26%
- Social, emotional and mental health – 23%
- Sensory and/or physical needs – 13%

Autism and ADHD/ADD still account for a high proportion of the specified need of the children referred.

The increase in numbers of requests for statutory assessment and overall increase in the numbers of young people with a Statement of SEN/EHC Plan is in-line with the national picture.

In addition to EHC Needs Assessment requests the SEND Service also receives requests for Assessment Places for early years aged children; Exceptional Places (in Special Schools); Medical Funding to support children with conditions such as diabetes and epilepsy and places in the 3 primary school Speech and Language Units. Comparative data in the first two years since the reforms is as follows:

Request	2014-15	2015-16
Assessment Placement	18	12
Exceptional Placement	11	7
Medical Funding	59	44
Speech and Language Place	6	2
Grand Total	94	65

The reduction in all 4 types of request reflects the challenges that the SEND Service have made to schools and partner agencies around managing need in an existing setting with the resources available to support the child e.g. Assessment places – the Code of Practice stipulates that the majority of children should have their SEN needs met in mainstream provision therefore this is the setting in which most children can be appropriately assessed. Assessment of early years' children should be carried out in their private, voluntary or independent nursery rather than in a special school where the conclusion has frequently been that they require special school provision. Where assessed in a mainstream setting the outcome is more evenly balanced between special school provision and mainstream.

The EHC Needs Assessment process is 20 weeks rather than the 26 weeks that were allowed to undertake statutory assessment for Statements. The timescale for transfers from Statement to EHC Plan was extended from 14 weeks to 18 weeks during 2015 (for those begun after the 1 September 2015) and relevant legislation enacted to enable the change. There has been an acknowledgement by the Department for Education of the significant challenges the new process brings and the extra human resource required when undertaking person-centred planning rather than a paper driven process.

In the first year following implementation of the SEND Reforms the service struggled to meet timescales for a variety of reasons. The processes and key decision-making points have been reviewed to refine the procedures. To date, this academic year, 89% of EHC Plans reaching completion have been within the 20 weeks.

Source of EHC Needs Assessment requests and demographic breakdown

Source	Percentage
Schools	45%
Parents/Carers/Family	25.9%
Early Years	20.8%
FE Settings	5%
Local Authority	1.3%
Other	2%

Locality	Percentage
North Kesteven/South Kesteven	35%
Lincoln and West Lindsey	30%
East Lindsey	17.7%
Boston and South Holland	17.3%

The Local Authority *ceased to maintain* 32 Statements/EHC Plans in the financial year 2015/16. This is a small increase on the previous year when 31 Statements were ceased. However, the previous year had seen a significant increase given that the average in the 3 years prior to that had been 17 per year; a low figure for an authority of this size. The Local Authority can only cease to maintain a statement if schools and others involved, through the annual review process, are of the view that the statement needs to cease. There is far greater challenge to schools about the need to maintain Statements/EHC Plans which probably accounts for the increase in *cease to maintain* numbers.

How does Lincolnshire compare?

- In England the proportion of children and young people with a Statement or EHC Plan remained consistent at 2.8% between 2007 and 2015. In Lincolnshire the figure is 3.3%, above the England average. However, in the first published data following the implementation of the SEND reforms there was a trend emerging across England of an increase in numbers of EHC Plans compared to Statements of SEN. This is likely to be, in part at least, a result of the extended age range of learners who may be eligible for an EHC Plan (0-25 years).
- The requests for EHC Needs Assessments in Lincolnshire continue to come primarily from the primary school sector (around 80%). The national picture in 2015 showed 61% of combined Statements and EHC Plans being in the 0-10 year old age group with a peak around the age of 9 and 10.

In Lincolnshire at the 31 December 2015 the breakdown, by age group, of those with EHC Plans (either newly issued or through transfer from Statement) was:

Age Group	Number	% of all EHC Plans
0-4 years	79	7.3%
5-15 years	602	55.7%
16-18 years	355	32.9%
19-25 years	44	4.1%
Total	1080	100%

The England data published in May 2015 showed:

Age Group	% of EHC Plans (4,205)
Under 5 years	16.1%
0-5 years	44.8%
11-15 years	31.6%
16-19 years	7.3%
20-25 years	0.2%

- Lincolnshire now has more children and young people with a Statement or EHC Plan placed in Special School provision than mainstream school. In 2007 37.9% of all children and young people in England, with a Statement, were in Special Schools; in 2015 this number was 43%. In Lincolnshire 49% of children and young people with a Statement or EHC Plan are educated in Special Schools with around 45% in maintained or academy mainstream schools.
- Lincolnshire has seen an increase from 3% in 2013 to 4.5% in 2015 of young people placed in Independent Non-Maintained Specialist Services. This increase reflects the national trend, albeit Lincolnshire is below the national average. In 2013 the national picture showed 5.6% of pupils with a Statement or EHC Plan in 'other' specialist provision; in 2015 this figure was 6.1%.

National comparative data will be released in July 2016.

Transition from Statements to EHC Plans

By the 1 April 2018 all local authorities must have transferred all children and young people with Statements of SEN to the new SEN and disability system who meet the criteria for an EHC Plan.

The statutory guidance places an expectation on local authorities to undertake this transfer process through the routine annual review cycle and specifically where there are key transition points in a young person's life. Lincolnshire commissioned its Special Schools to undertake the transfers for their students over a two year period. The draft EHC Plans are submitted to the local authority for consideration, any required amendments are returned to the schools and the Plans are finally signed off by the authority.

Each local authority is required to publish its Transition Plan. Initially Lincolnshire planned to undertake the transfer process over two years. Like other authorities who also shared the same ambition this had to be reviewed given the enormity of the task, the new EHC Needs Assessment requests coming in and the existing Statement reviews. The transfer process will now be undertaken over the full three years.

The 'must do' group for 2014/15 were those learners transferring from school (including school sixth forms) to a post-16 institution or onto an apprenticeship. Local Authority Caseworkers completed the transfers for mainstream learners whilst the Special Schools completed transfer for their leavers. Despite not

concluding these transfers by the deadline of the 31 May 2015 all transfers were completed for September with all but 4 learners moving on to further educational/training provision. The 4 remaining cases had particular complexities which needed to be resolved.

For the current academic year all school leavers have been allocated a SEND Caseworker who will either undertake the transfer to an EHC Plan or will work with the Special Schools who remain commissioned to complete their students' transfers. All leavers' transfers had to be completed by the 31 March 2016. This has proved challenging. At the 31 March 58% of transfers were completed. All transfers will be completed by the 31 May and all young people will have their September destination identified in good time for the start of the new academic year.

Whilst the SEND service received a significant number of requests for EHC Needs Assessments for Early Years children (0-5) these were spread across the year in 2014/15. Learning in year one identified that if an EHC Plan is required in readiness for transition to primary school requests need to be received by mid-April of the academic year prior to September entry into primary school in order to allow for the 20 week process to be completed. The SEND service has worked with the Early Years colleagues to ensure that early years' settings are aware of this, particularly where primary schools are going to require additional funding at the point of entry. Early Years colleagues, who provide inclusion funding to support early years settings with children with SEND, have a prioritisation process so that those children that will require an EHC Plan to aid transition to primary school are referred to the SEND service in good time to allow the EHC Needs Assessment to be completed.

Over the current academic year there is a statutory requirement for the local authority to transfer the following groups of children and young people from Statements to EHC Plans:

- Children moving from early years setting to school
- Children moving from infant to junior school
- Children moving from primary to secondary school
- Children in Year 9
- Children or young people moving from school (including school sixth forms) to a Post -16 institution or an apprenticeship (by 31 March 2016)
- Those moving from mainstream school to special school or vice versa
- Those leaving Youth Custody, on release
- Young people who receive support as a result of an LDA who intend to be in education beyond 31 August 2016

The Lincolnshire Special Schools will be completing transfers for the remainder of their students this academic year.

One young person will have their Statement transferred specifically under Chapter 10 of the SEND Code of Practice 2015 which relates to young people entering or exiting custody.

Out of County Placements

Out of County placements are made only when Lincolnshire Schools have stated that they cannot meet the special educational needs of a particular learner. There is a continuing pressure on meeting the needs of those learners with Autistic Spectrum Disorders and specifically those with challenging behaviours. Out of county placements go through a rigorous commissioning process.

Young people with Autistic Spectrum Disorders and Behavioural, Emotional and Social Difficulties make up 71% of all Out of County placements. It is frequently their challenging behaviour that has led them to be placed in provision outside of Lincolnshire.

Out of County Special School placements had decreased over a number of years but between 2013 and 2015 the number had risen, by approximately 23 places, to 100 at the 31 March 2015. The cost of placements was £6.9m in 2014/15 which was a significant over-spend on the agreed £5m budget. The Schools Forum agreed to another £2m being added to the Out of County budget. The SEND Service has made strenuous efforts to reduce the number of Out of County placements and, at the 31 March 2016 the number of children and young people in Independent Non-maintained Special Schools was 95. However, whilst the numbers have dropped the cost has increased to £7,813,689 in 2015/16.

Independent School placements in Lincolnshire

In addition to Out of County placements there are currently 59 children and young people placed in independent schools in Lincolnshire. The nature of these placements is complex but falls into 3 broad categories: parental preference where the cost of the provision is such that it is the best value for money for the authority; parental preference where parents pay general fees and the county funds the higher needs costs or where maintained or academy schools have said they are unable to meet need.

The cost in 2015/16 of these placements was £1,260,756. The budget for these placements was set at £704,620 and is therefore over-spent by £556,136. A significant element of the increased expenditure is as a result of the number of placements at one specific school which has been used increasingly for young people who can no longer be managed by Lincolnshire Schools or who have been permanently excluded. Although costly these placements are significantly less expensive than an Out of County placement.

Impact of SEND Reforms

The SEND reforms have had a significant impact on the activity around special educational needs. There is undoubtedly increased expectation from parents who are exercising their rights and preferences. The SEND Service is clear that every decision is based on assessed need and the efficient use of public funds but this is increasingly being challenged and balanced against parental preference. Some significant successes at Tribunal provide confidence that decisions made in the

service are sound; nevertheless Tribunals are costly and currently there is an increase in the number of parents lodging appeals to the First Tier Tribunal.

Numbers of Tribunals

2013-14	2014-15	2015-16 (to date)
16	29	36

Mediation

Under the Special Educational Needs and Disability Code of Practice (2015) parents can also request mediation when they disagree with a decision made by the multi-agency decision panel. This is a step before lodging tribunal and must be considered if a parent is thinking about lodging an appeal to the First Tier Tribunal. Mediation is delivered by two independent trusts; Kids and the Together Trust. Costs range from £650 to £895 per mediation. Since the implementation of the reforms mediation has been requested in 112 cases. There are some significant issues emerging from mediation sessions. Whilst the authority’s decision has been upheld in 46 cases, and in 7 cases additional funding to support the child in school has been an appropriate outcome, 59 cases have resulted in the authority agreeing to assess after initially not having the information to support that decision. Using mediation to uncover additional information that would result in the authority making a different initial decision is costly. The service is currently considering an earlier step to resolve disputes and reduce the need to go to mediation (see Lessons Learned).

Key Lessons Learned

1. The process from request for assessment to the 20 week completion of an EHC Plan is extremely tight and challenged the service and its partners in the first year. Refining aspects of the process has significantly increased levels of performance in terms of timescales but there is nevertheless no room for manoeuvre.
2. Person-centred working requires case work which the former Additional Needs Service was not familiar with. The former statutory assessment process was very much paper driven and most staff were office based. The complete re-structure of the SEND service to meet the new demands took almost the full first year to embed. Many new staff were appointed who were new to the local authority and needed to familiarise themselves with a new organisation as well as a new process with new legislation.
3. There was no ‘blueprint’ to work with which inevitably presented some challenges. After 6 months the process was reviewed with all stakeholders and changes were made where it was clear that the original plans were not operating as had been expected. An example of this was the ‘next steps’ process. This was designed to be an opportunity for families to meet with a Keyworker when the local authority had decided not to undertake a statutory assessment. What families reported was that the Keyworker was not offering

them anything they hadn't already been told by phone and in a follow-up letter and therefore the face to face meeting was surplus to requirement. The 'next steps' meetings were stopped and staff (who had been appointed temporarily) were deployed to other work where they could be more effective. Their role had only ever been anticipated as explaining the decision and signposting families to universal services.

4. Following on from Point 3 the number of mediation meetings is significant and, on review, it is clear that whilst the 'next steps' meetings did not work families are simply requesting mediation to challenge the authority's decisions; essentially mediation is being used to resolve disputes. As described above mediation is costly and, in more than half the cases reviewed, has resulted in the local authority over-turning its original decision when new information has come to light at the mediation meeting.

Having considered what other authorities are doing to resolve disputes it is clear that those with the lowest rates of mediation have a process between *decision* and *mediation* to try to resolve differences. The SEND Service has given clear messages to schools, who provide the majority of the information on those known to have involvement with a child, to ensure that parents are asked to give the details of any agency or organisation that knows the child and may have information that would influence the Council's decision on whether or not to assess or issue an EHC Plan. Managers are reporting that too often they are barely into a mediation session when further information is shared that has resulted in the manager immediately over-turning the earlier decision. To attempt to combat this issue the SEND Service is currently considering trialling a 12 month post, operating along the lines of the Family Group Conference Practitioners, to meet directly with any family who is unhappy with the Council's decision to consider how the decision was reached and hopefully to tease out any additional information at that stage that might lead the Council to review its decision. The Council will use part of the implementation grant issued by the Department for Education to fund the post which, if successful, could reduce costs of mediation by approximately 66%.

5. The value of working in partnership with parents, carers and young people cannot be underestimated. The Code of Practice is clear that co-production is essential to the success of the new legislation and in securing better outcomes for young people. Parents and carers have been involved consistently in developing processes, procedures and documentation, including the EHC Plans. Young people have also contributed in the design of the Plans, producing information and in providing feedback. It is clear that Lincolnshire would not have the arrangements it has today without these valuable partnerships. Lincolnshire Parent Carer Forum has been a key partner in the success of the implementation of the reforms in Lincolnshire. It has provided constructive challenge and positive encouragement in equal measure and never fails to attend regional and national briefings alongside Council officers.
6. The importance of the Local Offer. It is a statutory requirement that every local area has a published Local Offer. This is not intended to simply be a directory

of services and there is an expectation that it is kept up to date and that it should 'grow'. The Local Offer should link to the offer of all schools and colleges in the local area and provide a 'one stop shop' for parents, carers, young people and those working with them for all the information they require in relation to SEN and Disability. The new Ofsted and Care Quality Commission (CQC) Local Area Inspections that commence this month have a strong focus on the Local Offer; it is what the inspectors will look at first before arriving in the authority area. The SEND Service is funding a 12 month post, using the implementation grant, to employ a practitioner based in the Commissioning Team to continue the development of the Local Offer and to work with partner organisations to ensure that all services are included on the Local Offer. The practitioner will also work with the Digital Engagement Team to ensure that the website is user-friendly and easily navigable.

7. The need to scrutinise from all perspectives the legal compliance of the EHC Plan design and to ensure that the correct information is contained legally in the right sections. This sounds fairly straightforward but is one of the lessons learned. As there was no stipulation about what an EHC Plan should look like Lincolnshire's EHC Plans were co-produced with parents, carers and young people as well as other partner agencies and were based on the sections set out in the Code of Practice. They were reviewed by a legal adviser and went into operation for several months before discovering that a couple of specific elements meant that they were not always legally compliant. The Plans have been reviewed and re-designed in co-production with parents, carers and other agencies and a new version has been developed which has been considered by counsel and colleagues in the region and Department for Education and is now in operation. The authority has maintained the integral design of the Plans as these were done by children and young people but they should now stand up to any legal challenge.
8. Commissioning Special Schools to undertake the EHC transfers for all of their own pupils was a decision made jointly between the Project Board and the schools in 2014. Special Schools know their pupils well and are used to person-centred planning therefore it made sense to commission the Special Schools, through a Memorandum of Understanding, to manage this process. This technically freed up the local authority to concentrate on the transfers from Statements of SEN to EHC Plans for all mainstream pupils and those in Out of County placements. What was not anticipated was the difficulty there is in a Special School being able to identify the support a young person will require when they move on to another setting e.g. Further Education college or supported internship. They understand well the support a young person requires in a school setting but the progression towards more independent learning or employment raises different issues. As a result a great deal of extra local authority time has been spent in re-drafting Plans and in consulting colleges over placements. At the same time the process needed to factor in draft versions of plans, scrutiny by the SEND Service, re-writes and final sign off by the local authority (which is ultimately responsible for the Plans) which stretched the timescales to their limits (and beyond in the first year). This was unforeseen but the challenges it has brought have been managed and the 2

year transfer process for Special Schools ends this academic year. The authority is grateful to the schools for their support and patience.

9. The Designated Medical Officer role is one that has now been reviewed by the Clinical Commissioning Groups (CCG). Since the implementation of the reforms this role has had a commitment of 1 day per week shared between 2 people. They have participated fully in the Allocations Meetings, where decisions are made about whether to undertake an EHC Needs Assessment, and the Multi-Agency Hub process where EHC Plans and the allocation of resources are agreed. Their support has been invaluable however the time allocated for the role has meant limited resources for direct awareness raising and training for health practitioners. The CCGs have reviewed this position and are currently in the process of developing a full-time post.
10. The Educational Psychology Team has inevitably seen an increase in the number of statutory assessments they are required to undertake as a result of the increased numbers of EHC Needs Assessments. As a result the Children's Services' Directorate Management Team (DMT) and Children's Service Manager commissioned a peer review of the functions and model of working currently operated by the team. A series of recommendations have been made to re-model service delivery. These are currently being worked up into a number of options for DMT to consider at the beginning of June and will inform the future way in which Educational Psychology operates in the county.
11. Provision to be needs led and not service led. The Code of Practice is clear that the needs of children and young people with SEND should inform the services delivered by agencies rather than the child or young person fitting into what is on offer. If the child has an identified need there is a duty to resource provision to meet the need. This is challenging as many services have historically been block commissioned and organisations are tied into contracts. As a result, and in order to comply with the Code of Practice, the local authority has been in a position whereby it has to spot purchase services, usually from independent providers, to meet the identified needs of the child; this can be very costly. Further work is being undertaken to change practice and move to a position whereby services are tailored to meet demand. Services are still at the early stages of capturing themes around identified needs so that they can inform future commissioning arrangements.
12. The take up of Personal Budgets has been less than was anticipated before implementation. This is in part because there is not the market from which to purchase services but also because many organisations are not yet in a position to release funding to offer a Personal Budget due to commitments to block contracts. The information being accumulated through the EHC process will indicate to services where parents, carers and young people would have preferred to take a Personal Budget and will, once again, inform future commissioning arrangements. In some instances families do not want the additional responsibility of becoming an employer with responsibility for all that this entails.

13. Finally, we now have confirmation of the new Framework for joint local area inspections of SEND. The framework and handbook were published on the 27 April and inspections begin this month. The inspection cycle is five years and Lincolnshire will be inspected at some point during that period. The Director of Children's Services will be given 5 days' notice and the inspection team, comprising Her Majesty's Inspector Ofsted, a CQC Inspector and a specialist SEND Ofsted Inspector will undertake a week long inspection of a wide range of services and providers across the local area. Preparations are well underway for inspection and again these are being co-produced with a range of agencies and schools, colleges, early years' representatives and parent carers. Young people and their families will be pivotal to the inspection when it comes.

2. Conclusion

The Committee is invited to consider and comment on the summary of the first full academic year following implementation of the Special Educational Needs and Disability (SEND) reforms and the 13 key lessons learned to date.

3. Consultation

a) Policy Proofing Actions Required

n/a

4. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Special Educational Needs and Disability Code of Practice: 0 to 24 Years (2015)	www.gov.uk/government/publications
The Children and Families Act 2014	www.legislation.gov.uk

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