

**LINCOLNSHIRE HEALTH AND WELLBEING BOARD**

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

Report to	<b>Lincolnshire Health and Wellbeing Board</b>
Date:	<b>25 March 2014</b>
Subject:	<b>Support and Aspiration</b>

**Summary:**

This report provides an update for the Health and Wellbeing Board on the progress of the SEN Implementation Project designed to implement the reforms to Special Educational Needs (SEN) support set out in Part 3 of the Children and Families Bill, draft SEN Code of Practice and draft regulations.

**Actions Required:**

This report is for information.

**1. Background**

*The Reforms*

1.1 Part 3 of the current Children and Families Bill (due for Royal Assent in Spring 2014) seeks to align and 'streamline' 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 and introducing new provisions. Statutory implementation of associated duties, regulations and a new SEN Code of Practice are planned from 1<sup>st</sup> September 2104.

1.2 The SEN reforms set out in the Bill are:

- i. Extending the SEN 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 difficulty assessments with a new 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 cooperation between all the services and requiring particularly local authorities and health authorities 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
- vi. Publication of a new SEN Code of Practice and regulations covering the work of early years providers, schools and post-16 education providers, Local Authorities (LAs) and Health Authorities.

1.3 There is a sharper focus on the measurable outcomes for Children and Young People. It is expected that the majority of children with SEN will have their needs met and outcomes achieved through mainstream education provision and will not need EHC plans. These are explicit themes across the new draft SEN Code of Practice.

1.4 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 new SEN assessment and EHC planning process and the Local Offer.

1.5 Central government's expectation is that by 1<sup>st</sup> September 2014 the SEN local offer and arrangements for statutory assessment and EHC planning will be in place for all new applicants. Existing SEN Statements and post 16 Learning Difficulties Assessments will be transferred to the new system over period that is currently subject to consultation (3 years for Statements and 1 year for Learning Difficulties Assessments).

### *The Lincolnshire SEN Implementation Project*

1.6 Implementation of the SEN reforms in Lincolnshire is being managed through a corporate project with a robust model of project governance comprising:

- i. A Project Board consisting of senior representatives from the LA's managed functions in education and children's services, the Parent Carer Forum, and education support across Health and Voluntary sector stakeholders. The Board meets fortnightly.
- ii. Three 'Task and Finish' groups comprising similar representation from LA managed services, Health and other stakeholder organisations, working on the key aspects and products required by the reforms
- iii. A Stakeholder Group made up of representatives of Children, Young People, parents/carers, education, health and care agencies (including relevant statutory and voluntary organisations) across the 0-25 age range.

1.7 The project acts as the focus for the developments that various agencies and services need to undertake in order to be statutorily compliant from 1<sup>st</sup> September 2014 - e.g.;

a) the Council's Additional Needs, Children With Disabilities, Specialist Teaching and Psychology services, Performance Team; b) Clinical Commissioning Groups and; c) therapy and support services delivered by Health Trusts.

1.8 There are 9 major work-streams led by the Task and Finish groups, focused on establishing an effective Lincolnshire Local Offer and new assessment, planning and delivery processes by 1<sup>st</sup> September 2014, i.e.:

- i. Engagement of Children, Young People and Families
- ii. Cohesive Assessment
- iii. Cohesive Planning
- iv. Personal Budgets
- v. Support for vulnerable Children and Families
- vi. The Local Offer
- vii. Transition planning, support and implementation
- viii. Commissioning
- ix. Training and development

1.9 The project (supported to a large extent by the expectations of the draft Code of Practice) is working on the premise that existing resources will be re-aligned to the new system and full advantage will be taken of opportunities to drive efficiencies into the delivery of SEN support. For example, by introducing a 'tell it once' culture that cuts down on the amount of time families have to engage with a variety of professionals, and by introducing a focused 'key working' and co-production approach to assessment and planning the project aims to drive more cost effectiveness into existing resource deployment.

1.10 An un-ring-fenced government grant of £75k was allocated to all non-pathfinder LAs for 2013/14 (paid in October) to support the delivery of the reforms. This year's grant funding is currently being allocated across the planned co-production activities and events within the project plan, including costs for venues, re-imburement of expenses incurred by parents attending co-production activities and costs for specialist input from stakeholders groups and others identified by the Project Board as necessary.

1.11 Government funding in 2014/15 to support LAs to deliver the reforms will be significantly higher. Lincolnshire will receive £900,833 in 4 instalments from May 2014 through to February 2015; how this money will be spent is being determined currently.

#### Current progress and emerging issues

1.12 All work-streams are developing their new SEN systems, processes and products in readiness for trialling and refining from 1<sup>st</sup> April to 31<sup>st</sup> August 2014, with volunteer cohorts of children, young people, families and other stakeholders, in readiness for statutory implementation from 1<sup>st</sup> September.

1.13 **The SEN Local Offer;** this work-stream is aligning the development of the SEN local offer with the on-going development of the Council's website, the Family Service Directory (FSD) and embedding the new SEN local offer within the Early Help offer. A stipulation of the draft Code of Practice is that the SEN local offer should not be simply a directory of services but a more interactive vehicle to enable children, young people and families to be involved in the co-production of their own support and also to be involved in the overall review and development of the wider local offer.

The Council has engaged the company *Open Objects* to develop the web-based carrier for the Lincolnshire SEN local offer (the company already delivers the FSD carrier for

Lincolnshire and many other Local Authorities across England have adopted their approach to the SEN local offer). The project is working with *Open Objects* to design and populate the SEN local offer, particularly with family users, developing the first version in readiness for the April 2014 trial launch.

**1.14 Involvement of Children and Young People (CYP) and other stakeholders;** the project is working to ensure that there is proper functional representation of CYP throughout the project's structure and activities, avoiding tokenistic inclusion. To this end a programme of events and activities has been arranged and is being delivered currently across the County, focused on engaging CYP and families in co-producing and influencing the development of all the important aspects of the SEN reforms. These events are proving to be highly popular (with attendances of 50 or more at several) and are providing the project with invaluable opportunities to test out and trial the SEN developments and to recruit families for the trials being arranged for 1<sup>st</sup> April to 31<sup>st</sup> August.

**1.15 Cohesive and streamlined assessment processes and EHC Planning;** a draft EHC Plan and the associated assessment processes have been produced by the working group focused on the co-production of these. Over the coming weeks these will be refined further, involving CYP and families, practitioners and key stakeholders, in readiness for trialling and refinement from 1<sup>st</sup> April to 31<sup>st</sup> September. There is a focus on the role of practitioners across the various agencies in contributing to the development of 'key working' where families can expect to be supported through the process by a trusted key worker.

**1.16 Strategic collaboration, joint commissioning and alignment with the Lincolnshire Sustainable Services Review (LSSR).** An important focus of the project is to support the new LA duty to promote integration between special educational, health and social care provision, and particularly:

- the requirement for Health authorities and other bodies to co-operate with the LA to identify and support CYP with SEN and
- the requirement for the LA and CCGs to commission services jointly for children and young people with SEN.

1.17 The project is working with Health commissioners and providers to develop effective methods of commissioning and providing SEN support, and this work is being aligned with the Health and Wellbeing Strategy and the outcomes of the LSSR. The emerging themes and outcomes from the LSSR including the joint Council/Health appointment of a single commissioner for children's services, a single pot of money for commissioning and the potential creation of children's services under one operational management structure are all congruent with the Bill's vision for a cohesive multi-agency commitment and approach to SEN support.

This LSSR approach also represents a real platform for delivering more cost-effective approaches to SEN assessment, planning and support across all agencies and services. When the Joint Commissioning Board is established later in the spring the project will engage directly with the Board in the development of the systems and processes necessary to ensure that joint resource is aligned effectively with the key strategic priorities of the Health and Wellbeing Board in relation to improving outcomes for CYP with SEN. Work is being carried out at present to identify the Council and CCG budgets that could be pooled/aligned within section 75 agreements to deliver coordinated services

for supporting CYP with SEN.

The results of this work will be presented to the new Joint Commissioning Board for further consideration and action. The project is also working with CCG colleagues on defining the expectations of the draft SEN Code of Practice that a Designated Health Officer should be appointed to ensure that the CCGs' statutory duties are fulfilled appropriately.

**1.18 4.6 Personal Budgets (PBs);** this new development in terms of SEN provision but has of course been an important aspect of personalised support in adult and children's social care for some time now. PBs will be part of the offer to CYP and families who are in receipt of EHC Plans. These Plans are intended for children and young people with the most complex needs and therefore, on current estimates could be requested on behalf of 3 - 4% (approximately 3 - 4000+) CYP aged 0 - 25 in Lincolnshire.

1.19 The policy for the provision and administration of the new PB process is being carefully addressed by the project, both in terms of developing the most cost-effective ways of processing the demand and also in terms of the potential impact of PBs on existing commissioning and arrangements for SEN support and continuing health care and social care. The experience of SEN pathfinder LAs and neighbouring LAs is being closely followed to ensure that we can capitalise on their experience of successful development and delivery. CYP and families are involved in the co-production of the approach to PBs, managing expectations and shaping provision with a sharp focus on the planned outcomes for CYP.

The project is also focusing on the alignment of Education and Health joint commissioning and resource allocation with the developing approach to PBs in order to assure that resources are used to best effect in improving outcomes for children and young people with SEN.

There is a focus on managing the impact of the new developments; for example, if PBs comprise a significant element of direct payment or personally managed budget for the purchase of support and provision then this will have an impact on the market; new providers may emerge to meet demand whilst existing provision (including that made through Council and Health services and providers) may face pressures caused by reducing levels of demand and fixed cost inflation, particularly in relation to staffing, equipment and buildings costs.

The project is working to ensure that there are proper mechanisms in place to manage PBs and joint commissioning at strategic and operational levels.

## **2. Conclusion**

The project is on track to deliver the reforms envisaged by the Children and Families Bill within the timetable expected by central government. The new SEN assessment process, Local Offer, the EHC Plan, joint commissioning arrangements and PBs are all subject to co-production with CYP and families and will be trialled and refined from April 1<sup>st</sup> to 31<sup>st</sup> August 2014 in readiness for statutory implementation 1<sup>st</sup> September 2014.

### **3. Consultation**

The success of the project relies on effective consultation and co-production of the new approaches to SEN provision and is involving a broad range of stakeholders across families, the Local Authority, Health Authorities, voluntary organisations, early years providers, schools, colleges, universities and other education providers. All stakeholders are involved in consultation through the project architecture and communication strategy.

### **4. Appendices**

There are no appendices.

### **5. Background Papers**

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

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