

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

Report to:	Children and Young People Scrutiny Committee
Date:	30 November 2012
Subject:	Support and Aspiration - Special Educational Needs Reform

Summary:

The Government are proposing to enact the draft legislation on reform of provision for children and young people with Special Educational Needs in January 2013. The Government launched this draft legislation in September 2012 and subsequently requested that interested parties provide written comment on it to the Education Committee (Select Committee - chaired by Mr Graham Stuart) to inform the committee's pre legislative all party scrutiny of the proposed legislation.

Councillor Mrs. Patricia Bradwell Executive Member for Children's Services and Deputy Leader of the Council provided written evidence for the Select Committee to consider.

This evidence once again raised the issues of concern and support by members of this committee in their initial consultation response to the Support and Aspiration Green Paper.

Lincolnshire County Council is preparing for the implementation of the legislation.

There are potential and significant resource implications dependent upon the statutory guidance and regulation that will accompany the Bill.

Gary Nixon is involved in providing advice to professional groups

Actions Required:

For the Committee to note the contents of this update report.

For the Committee to endorse the current actions taking place to enable the implementation of this legislation within Lincolnshire.

1. Background

The Government issued its initial Green Paper entitled Support and Aspiration – A New Approach to Special Education Needs in March 2011 which outlined the Government's vision in this area and detailed wide ranging proposals to improve outcomes for children and young people who are either disabled or who have special educational needs or both. These proposals were originally framed in an attempt to minimise the reported adversarial nature of the system for families and to maximise value for money. A four month national consultation period followed and members of this committee provided detailed comments on the wide ranging proposals as part of the then consultation process. The Government received a large number of responses mostly supportive of the general direction of travel but many requesting further clarification and detail on the proposals. As a consequence of this the Government announced the launch of small number of 'pathfinders' that were tasked to test out the proposals. Twenty one pathfinders were set up and were requested to provide updates on their work. To date (November 2012) the pathfinder reports have been delayed and on the 24th of October 2012 the Education Select Committee received oral evidence that many were not in a position to fully report their findings and some were still in the early stages of the work originally tasked.

In May 2012 the Government produced a report entitled Support and Aspiration – Next Steps which detailed the Governmental responses gleaned from the consultation feedback on the wide ranging proposals highlighted in the original Green Paper. The responses were rich in terms of broad policy initiatives across Government but were somewhat less detailed in relation to specifics. Nevertheless they reemphasised the need for change and provided clarity in that the statutory responsibility for SEND will stay with local authorities. The main themes emphasised in the document are the need for early identification and assessment, giving parents control, learning and achieving, preparing for adulthood and the need for services to work together. The detail indicated that statements of special education need and learning difficulty assessment (section 139a assessments for young people 16 – to 25) would be replaced by an Education and health and care plan 0 – 25 and that Education would be the core component. That all state funded schools will be subject to any forthcoming legislation (this includes Academies and Free Schools for example) and for the first time Local authorities will be able to name provision within the FE sector 16 – 25. Significant emphasis was placed on 'giving parents control' and the introduction of personal budgets for special educational needs and the need for a local offer (yet to be defined). The report also highlighted that funding to state funded schools was subject to significant change.

This document formed the basis of the Draft legislation on reform of provision for children and young people with Special Educational Needs which was laid before Parliament in September 2012 and is now subject to all party Select Education Committee scrutiny with a strong proposal to ensure that legislation is enacted in January 2013.

As part of the Parliamentary process the Education Select Committee has called on all interested parties to submit written evidence for its consideration and has approached various professional organisations to provide it with oral evidence.

Lincolnshire County Council provided detailed written evidence for the Committee's consideration. This evidence was received by the Committee and is being considered.

Information currently available from the Committee is indicative of general support for the proposals contained in the draft legislation; however, there is a wide range of views in relation to specific clauses within the draft legislation. There is significant concern in regard to the current lack of specific information and the role health will play in the Education, Health and Care Plan, that there is likely to be increases in the number of EHCPs in the early years (0-5) and in the post 16 sector (16 – 25) and that both human and financial resource may not be available to meet the aspirations as detailed. A number of witnesses have called for a delay in the legislation in order to be able to learn from any outcomes from the pathfinders and in the hope that detail can be gleaned from the emerging regulatory framework and revised code of practice for special needs in order to ensure effective implementation of the enacted legislation.

2. Conclusion

This area of work and responsibility is a complex one both at the strategic and operational levels. It is intricately tied up with the complex issues relating to school funding reform. Officers of the Council and CFBT Education Service staff are working collaboratively to ensure that all that needs to be in place will be in place within the tight timescales set by the Government and the Education Funding Agency.

The author has held a briefing session for the Corporate Management Board and will provide both DMT and Executive DMT with detailed plans for proposed implementation in January 2013. The fine detail will be subject to the Government issuing regulations within their time frame.

3. Consultation

a) Policy Proofing Actions Required

Not required

4. Appendices

These are listed below and attached at the back of the report	
Appendix A	Draft legislation on reform of provision for children and young people with Special Educational Needs.

5. Background Papers

The following background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report: -

BACKGROUND PAPERS			
PAPER TYPE	TITLE	DATE	ACCESSIBILITY
Green Paper	Support and Aspiration: A new approach to special educational needs and disability Progress and next steps	May 2012	Democratic Services, LCC

This report was written by Gary Nixon, who can be contacted on 01522 553215 or gary.nixon@lincolnshire.gov.uk.