

Date:	1 October 2015
Classification:	General Release
Title:	Children and Families Act
Report of:	Children's Services
Wards Involved:	All
Policy Context:	The requirements of the Children and Families Act, which came into effect from 1 September 2014, represent some of the most significant changes to the way that services are delivered for young people with special educational needs (SEN) in 30 years. This paper outlines the key issues identified during the first year of implementation.
Financial Summary:	Financial risk arising from the Act is linked to the potential for increased numbers of young people being eligible for an Education, Health and Care Plan, particularly in the early years, post-16 and post-19 levels.
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1. Executive Summary

- 1.1 The requirements of the Children and Families Act, which came into effect from 1 September 2014, represent some of the most significant changes to the way services are delivered for young people with special educational needs (SEN) in 30 years. The changes aim to improve cooperation between all the services that support children and their families. 'Statements' of SEN have been replaced with a new jointly assessed 'Education, Health and Care plan', which is available for an extended age range (from birth to 25 years). Local authorities are required to publish a 'Local Offer' outlining the provision available to young people with SEN and disabilities. They are also required to offer families the option of a personal budget with which to purchase services.

1.2 The implementation of the Act has been overseen by a cross sector Children and Families Act Executive Board, which is chaired by the Director for Children's Services. During the first year, the following key issues have been identified:

- The challenging nature of the statutory timescales for the new joint assessment process, which is being delivered by a restructured SEN Team under the leadership of a new Tri-borough Management Team;
- The need to be able to provide an up-to-date Local Offer, detailing all education, health and social care services that are available for children and young people aged 0-25;
- The financial risk arising from the potential increased eligibility for statutory support at post-16 and post-19 level; and
- The need to deliver an offer of personal budgets across education, health and social care

2. Key Matters for the Board

2.1 This paper provides an update on the key issues identified during the first year of the Children and Families Act for the Health and Wellbeing Board to consider and note.

3. Background

The statutory assessment process

3.1 Education Health and Care Assessments (including assessments for those young people who are transferring from a Statement of SEN to an Education Health and Care Plan) should be undertaken jointly, with input from Education, Health and Social Care professionals. These assessments have to be completed within a statutory timeframe of 20 weeks and the responsibility for the coordination and writing of the plan sits within the SEN Service, undertaken by a SEN Keyworker.

3.2 We have established new Education, Health and Social Care 'Statutory Assessment and Resource Allocation Panels'. We have also established a new Tri-borough Complex Needs Panel, which considers those cases from Education, Health and Social Care where provision costing in excess of £50,000 per year is requested.

3.3 During the first year of implementation all local authorities have commented on the challenging nature of meeting the new 20 week statutory timescale for completing these new, more complex assessments (compared with, for example, the 26 week timeline for Statements of SEN) and the 14 week statutory timescale

for undertaking a transfer to an EHC Plan from a Statement of SEN. These concerns have been recognised by central government – reflected in the announcement in July 2015 that the timescale of transfer reviews was extended from 14 weeks to 20 weeks.

The local offer

- 3.4 It is a statutory requirement for all local authorities to publish a 'local offer' that outlines the services that are available to children with Education, Health and Social Care needs.
- 3.5 The local offer for Westminster is set out on the local authority's website. It outlines the current service offer from Education, Health and Social Care as well as providing information for parents and young people on the processes that are undertaken within the new legislative framework and updates on progress towards addressing the reforms via a regular newsletter. We are currently working on the development of a new and improved local offer website, which will provide local young people and families with improved accessibility to information about what is available locally.

Post-16 / Post-19

- 3.6 The extension of some Education Health and Care Plans to the age of 25 provides two specific challenges for local authorities. Firstly, the offer of high quality specialist provision for post 16 and post 19 education is currently underdeveloped. Local authorities need to quantify the number of young people who are approaching transition at 16 and at 19 years of age and will qualify for an Education Health and Care Plan and, on the basis of this demand, will need to develop their local offer to support the transition to adulthood, including planning for young people's employment and independence in or near their local community. The second issue is that there is no extra funding in the system to deliver this specialist provision; therefore this extension of the age range represents a financial risk to the High Needs Block within the Dedicated Schools Grant if it is not closely managed and delivered economically in partnership with Adult Social Care and Adult Health Services.

Personal Budgets

- 3.7 The legislation introduces new duties for local authorities and Clinical Commissioning Groups including the provision of Personal Budgets for children and young people, which will take some time to develop.

3.8 In line with Department for Education advice, we have started by offering personal budgets in areas where we have previous experience of delivering them across Education, Health and Social Care:

- Home to School Travel Assistance
- Personal Care
- Short Breaks
- Equipment and disposables

3.9 The Provisional Personal Budgets Policy & Guidance is available on Westminster's local offer website. In section 18 of the policy, we have indicated that we will be working with local parents and young people, the Council and Inner London CCGs to expand the needs and services covered by personal budgets.

Inspection of Local Areas

3.10 In order to review the effectiveness of local areas in delivering the vision of the reforms, the government are introducing a new SEN Ofsted and CQC Inspection Framework for Local Areas. The new Framework is expected to be announced in December 2015, with the first inspections taking place in May 2016.

3.11 The inspections will focus on two key points:

- How effectively does the local area identify children and young people who are disabled and/or have special educational needs?
- How effectively does the local area meet the needs and improve the outcomes of children and young people who are disabled and/or have special educational needs?

3.12 The inspection is not an inspection of the local authority – it is an inspection of the 'local area', incorporating judgements on education, health and social care services as well as key partners and stakeholders such as schools, early years settings, colleges and third sector organisations. Furthermore, it is not just an inspection of the provision for young people with EHC Plans, but will encompass the offer for young people with broader needs for SEN support – including the impact of Early Intervention Provision in the local area. With this in mind, a whole area approach will need to be taken in the preparation for any local inspection, which could take place at any time between May 2016 and December 2021.

Strategic involvement of Clinical Commissioning Groups

- 3.13 Lead Commissioners from the North West London Collaboration of Clinical Commissioning Groups have been involved with the preparation for and implementation of the requirements of the Children and Families Act.
- 3.14 Representatives from the CCG have sat on the Children and Families Act Executive Board, which is chaired by the Director of Children's Services and have also contributed to specific workstreams focussing on the following areas:
- Single Assessment Process for Education Health and Care Planning
 - Presentation of the Local Offer
 - Development of Personal Budgets
 - Preparing for Adulthood (developing the Local Offer for young people aged 14-25).
- 3.15 Furthermore, as the CCG has also been instrumental in recruiting and supporting a Designated Clinical Officer who has worked with Education, Social Care and voluntary sector organisations to ensure that high quality joint working is achieved with Health Services, resulting in a holistic approach to planning for young people with Education, Health and Social Care Needs.
- 3.16 Developments in these areas are on-going and the CCG will continue to be a key partner in delivering the reforms throughout the three year period of implementation and beyond.

Feedback received during 2014/15

- 3.17 A key theme of the Children and Families Act is 'co-production' and it is the responsibility of the local authority to ensure that the views of parents and young people are included in any strategic planning and decision making.
- 3.18 To enable this process a Parent Reference Group was set up in April 2014. The group contains representatives from local support groups for parents of children with disabilities along with employees from the Information Advice and Support Service and Independent Supporters from KIDS. This group has been instrumental in allowing parents' voices to be heard in the development of new systems for the delivery of the Children and Families Act, and for receiving their feedback following the implementation of the Act in September 2014.

3.19 Members of the group have also recently provided feedback from the first cohort of parents and young people to have gone through the new joint education, health and care assessment process. This feedback has highlighted the following emerging issues:

- There is lack of confidence in the ability of staff to meet the challenging timescales and requirements of the legislation either due to a lack of skills and training or due to significantly increased workloads that are inefficiently managed
- Communication with parents is inconsistent resulting in confusion and, in some cases, conflict with the local authority
- Information regarding statutory timelines for assessment is not clear and initial information request forms are difficult to complete
- The post 16 and post 19 offer of education within local colleges is limited and lacks sufficient wrap-around care to support young people who require specific therapies in addition to educational provision

SEN Service Improvement Plan

3.20 There are a number of challenges facing the SEN Service that can broadly be summarised as follows:

- Legislative changes to policy and practice
- The resultant need to deliver a seamless service in partnership with varied stakeholders across different sectors
- Operational challenges linked to recent service development, including the implementation of new systems and processes and the difficulty to recruit and retain staff, which is a common challenge across a number of local authorities in London.

3.21 In response to these, the SEN Service has produced a Service improvement plan, which is being implemented throughout the next 12 months and will focus on the following areas:

- Customer-focused communication with parents and schools which is responsive and respectful
- Education, Health and Care (EHC) assessments, including transfers, are completed within 20 weeks
- All transfers into primary (Reception) and secondary (Year 7) school for children with a statement of SEN or EHC Plan are completed by 15 February
- Improve the SEN local offer for 16-19 year olds

- Improve the post 19 EHC Offer
- Recruitment and retention of a confident, competent, customer-focused SEN Service
- Effective SEN management information systems in place, enabling timely management reporting
- Preparation for SEN Ofsted inspection

4. Legal Implications

4.1 As this report is intended to provide an update on recent developments, there are no immediate legal implications. However any legal issues will be highlighted in any subsequent substantive reports on any of the items which are requested by the Board.

5. Financial Implications

5.1 As this report is intended to provide an update on recent developments, there are no immediate financial and resource implications. However any financial and resource issues will be highlighted in any subsequent substantive reports on any of the items which are requested by the Board.

If you have any queries about this Report or wish to inspect any of the Background Papers please contact:

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