

URGENT BUSINESS – the Children and Families Act 2014 becomes enacted in Sept 14 (before the next meeting) and this aims to provide assurance to the partnership of our collective readiness to begin implementation of the significant reforms relating to SEN

BRIEFING NOTE	HEALTH AND WELLBEING BOARD (CROYDON) July 2014
AGENDA ITEM:	5
SUBJECT:	Reform of services for children who will be subject to education, care and health plans
BOARD SPONSOR:	Paul Greenhalgh, Executive Director, Children, Families and Learning, Croydon Council
CORPORATE PRIORITY/POLICY CONTEXT:	
<p>This briefing note addresses the corporate priority to secure ‘a good start in life for children and young people’ and the priority set out in the Children and Young People’s Plan for Croydon to improve outcomes for children and young people with learning difficulties and disabilities. The national policy driver is the SEN reform programme set out in the green paper ‘Support and Aspiration’ and translated into legislation in the Children and Families Act 2014.</p>	
FINANCIAL IMPACT:	
<p>Financial implications for both the council and CCG are being worked through in detail to assess the full implications of the changes including how any risks can be mitigated.</p>	

1. RECOMMENDATIONS

Members of the health and wellbeing board are recommended to note the readiness to implement the requirements of the Children and Families Act 2014.

2. EXECUTIVE SUMMARY

- 2.1 This briefing note updates the information presented in September 2013 on the significant national policy reform which is changing the approach to Special Educational Needs and Disability. The Children and Families Act 2014 and supporting Code of Practice will result in changes to the statutory duties of the Council and other partners, from September 2014. The report sets out progress on preparing to implement the reforms.
- 2.2 The Code of Practice, published in June 2014 in its final version, provides statutory guidance on duties, policies and procedures relating to Part 3 of the Children and Families Act 2014. The duties on the Council include the provision of information, advice and support for children, young people and parents; the requirement to work across education, health and care for joint outcomes; provision of a Local Offer of services; working with education providers to improve outcomes; strategic planning for transitions to adulthood; embedding a single assessment process for Education Health and Care

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Plans; provision of Personal Budgets; and provision of disagreement resolution and mediation services.

- 2.3 As health service commissioners, the CCG has a duty under Section 3 of the NHS Act 2006 to arrange health care provision for the people for whom they are responsible to meet their reasonable health needs. Where there is provision which has been agreed in the health element of an EHC Plan, health commissioners must put arrangements in place to secure that provision (Section 42 of the Children and Families Act 2014). A similar responsibility exists for the local authority in relation to social care and education provision
- 2.4 The reform places a requirement on the Council and the CCG to commission services jointly to meet the needs of children and young people with SEN. This will require the Council, the CCG and other health partners to work together to:
- Offer joined up advice, information and responses to families
 - Agree a protocol for sharing data
 - Agree the full range of provision reasonably required by children and young people with SEN
 - Agree joint commissioning arrangements
 - Secure health/educational/social care provision agreed in EHC Plans
 - Establish a clear complaints procedure, relating to EHC provision and assessments
 - Keep arrangements under review.
- 2.5 Partners must also be clear about who is responsible for delivering what, who the decision-makers are in education, health and social care, and how partners will hold each other to account in the event of a disagreement. The partners must be able to make a decision on how they will meet the needs of children and young people with SEN and disability in every case.

3. READINESS TO IMPLEMENT

How are agencies in Croydon working together to prepare for implementing the national reforms?

- 3.1 In Croydon, a governance structure for overseeing the implementation of national reforms was established in summer 2013. An SEN Reform Board chaired by the Director for Learning and Inclusion in the Council and with strategic representation from all the key agencies is accountable for a range of work streams, which are preparing for implementation by September 2014. Representatives include education, social care (adult and children's), health commissioners and providers, parents and voluntary sector.

All agencies have been active in work stream groups, providing both leadership and support for different reform strands. The establishment of the Integrated Commissioning Unit (ICU) has strengthened the collaboration

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between the CCG and the Council at both a strategic and tactical level exemplified by the recent commissioning of speech and language therapies.

Progress on key elements

- 3.2 A draft single assessment process and **Education Health and Care Plan (EHC Plan)** have been developed. The new EHC Plan will be used for new cases from 1 September and there will be a transition process over three years as those young people with a Statement of Special Educational Needs transfer to an EHC Plan. The Head of SEN will have overall sign-off for the content of each EHC Plan. Where health and /or social care provision is required each agency will need to agree resources to be provided and sign-off supporting reports identifying outcomes expected and provision to be made. An EHC Plan is expected to be completed within a 20 week timeframe.
- 3.3 In order to develop the **Local Offer** engagement has taken place with young people and parents. Their feedback has been used to provide the content of the Local Offer. Feedback showed that parents/carers found it difficult to find information and guidance on SEN and welcomed the idea of the Local Offer as a single point of reference. Focus groups with children and young people centred around the information they would like to see in the Local Offer – particularly to help them plan for their future. This has clear implications for ensuring suitable pathways for transition to adulthood. Croydon's draft Local Offer is being tested with parent panels and young people to check for readability, and suitability of content. It will be published on the Croydon council website as web pages with embedded links. There will also be downloadable leaflets. A guide to the Local Offer for young people will be produced as well as an easy read version which is being sourced from Croydon People First.
- 3.4 Information which constitutes the Local Offer has been supplied by relevant agencies. They will retain ownership and be required to review and update at least annually. Publication of the Local Offer in September 2014 is the first stage in the process of clarifying current services and opportunities. The next stage will be to involve partners and agencies as well as young people and families in the changes that will be required to develop a more robust Offer.
- 3.5 Croydon already offers families **Personal Budgets** for personal care for children with disabilities and as one of a range of travel assistance options. Both of these offers provide greater choice and flexibility for parents and are relatively straight-forward to administer. The Council has developed a draft process and policy for Personal Budget applications and management which is designed to sit alongside the single assessment process for EHC Plans. As of April 2014, all patients with continuing healthcare needs (adults and children) will legally have the right to ask for a Personal Health Budget. In 2015 commissioners are expected to be ready to offer a Personal Health Budget to anyone with a long term condition who could benefit from one. For

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Croydon CCG, South London Commissioning Support Unit has been commissioned to develop a Personal Budgets system.

- 3.6 There has been a focused review of the **transition arrangements for young people at age 19**. Using data from in-depth case reviews a series of proposed options is being compiled which will inform future commissioning arrangements and improve the current 'offer'. The focus is on establishing learning and employment pathways which will support young people in achieving independence.
- 3.7 The joint commissioning of health provision for children and young people with SEND is being accelerated by allocating additional capacity within the Integrated Commissioning Unit. New specifications are being developed for commissioning the following – special school nursing, occupational therapy and physiotherapy. This will ensure that the local health offer is fit for purpose and that provision prescribed in EHC Plans can be delivered as far as possible within commissioned contracts.
- 3.8 A multi-agency SEN reform conference was held on 28 March and was attended by delegates from across education, health, care and the voluntary sector as well as parents. The delegates took part in workshops designed to enable their involvement in developing the key elements of reform. They also received presentations from young people with SEND who gave a clear message about their expectations for their adult lives. A communication strategy and a learning and development plan have been developed based on delegates' feedback. Learning and development will be provided to professionals working with children and young people with SEND across agencies.

What are the key implications and associated risks

- 3.9 When health care provision is specified in an EHC Plan, the CCG must (under section 42 of the Children and Families Act 2014) ensure that it is made available to the child or young person (with the exception of those in custody). A similar responsibility exists for the local authority in relation to social care and education provision specified in the plan. The new process being developed by the work stream group identifies the roles and responsibilities of each partner.
- 3.10 The additional resource implications of extending entitlement to age 25 continue to be a risk and need to be considered in new specifications for commissioned services. One approach to managing demand built into the new SALT contract is the facility for schools to purchase service directly. New specifications will need to offer this option to further education colleges as well.

Process for sign-off

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- 3.11 The SEN Reform Board will formally sign-off the EHC Plan and process and personal budgets guidance and policy. Prior sign-off for Health will be through the CCG in July.
- 3.12 Health service information in the Local Offer will need to be signed off by the CCG.

Areas for development

- 3.13 There is a requirement that the local authority and its partners should make arrangements for dispute resolution. This will be particularly important where there is a difference of opinion over provision. An independent Chair of the multi-agency resource panel will be sought as a first strand in this development. There is also a requirement for dispute resolution for children and young people who have not yet been assessed for an EHC Plan. The local authority needs to identify a responsible lead for this.
- 3.14 Once the Local Offer is published we will begin a period of review with stakeholders. These will include providers as well as commissioners, voluntary sector and parents and families. The aim of the review will be to identify gaps and improvements. It will also include discussion on how publication of the Local Offer may be enhanced – through use of a searchable database, mobile provision via smart phones and tablets. There is also the potential for developing a secure area for storing personal records such as EHC Plans.
- 3.15 By 1 September the local authority has to publish a transition plan outlining the cohorts of children and young people that will transfer each year from a Statement of SEN to an EHC Plan. The intention is that by 1 April 2018 Statements will no longer be in use. See Appendix 1 for the transition timeline.

4. CONSULTATION

- 4.1 Focus groups took place with parents/carers in CALAT centres in New Addington and Coulsdon and at Cornerstone House in central Croydon. The focus groups were run in conjunction with Parents in Partnership, our parents forum. There were also focus groups and meetings in schools (mainstream and special) and Woodlands children's centre– at coffee mornings and at specially planned evening meetings. Focus groups also took place with children and young people in primary and secondary schools (both mainstream and special) around the borough; at youth clubs and summer activity events. Young adults were involved in focus groups at Croydon College and at Chatsworth Hall.
- 4.2 A questionnaire in both hard copy and online format was also used to gather feedback from 300 parents/carers and voluntary organisation representatives. With their permission contact details of individuals have been maintained and

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successive drafts of the Local Offer have been tested with them in terms of readability and designs for layout have also been sent out to parents asking for feedback. A parents reference group will be set up to review the Local Offer and other elements of the reform once they have been published and put into practice.

- 4.3 The consultation focused on the information to be included in the Local Offer, where and how it should be circulated and preferred format. Those consulted were also asked about how they searched for information so that their search terms could be tagged on the Council website. In addition they were asked about ease of finding information and the quality of the information that they found. This information will be used as a baseline to gauge whether the Local Offer has made a difference in a year's time.
- 4.4 Additionally parents were involved in each of the work stream groups as well as the SEN Reform Board and were fully part of the decision-making process. Young people at the Spectrum in Addington High School are developing a logo and animation for use with the young person's version of the Local Offer.

5. EQUALITIES IMPACT

- 5.1 An equalities impact assessment has been completed. Overall the impact is positive as the reforms are making processes simpler and access to information easier. The Local Offer is being co-produced with service users and therefore reflective of their needs and requirements. Where parents have voiced concerns over how the reforms will work in practice, there will be a review period starting after publication of the Local Offer. The review will seek to gain feedback from parents and young people to see if their concerns remain and where improvements may be made. This will then be used to refine and improve the Local Offer and other reform elements.

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APPENDIX 1

