

Implementing the reforms to special educational needs and disability

DfE update – 9 July 2013



Our vision

- ✓ Children's SEN are picked up early and support is routinely put in place quickly;
- ✓ Staff have the knowledge, understanding and skills to provide the right support for children and young people who have SEN or are disabled;
- ✓ Parents know what they can reasonably expect their local school, college, LA & local services to provide, without having to fight for it;
- ✓ Aspirations for children and young people are raised through an increased focus on life outcomes, including employment;
- ✓ For more complex needs, an integrated assessment and a single Education, Health and Care Plan are in place from birth to 25; and
- ✓ There is greater control for parents and young people over the services they and their family use.

The SEND Reform Journey

**March
2011**

- Green Paper: Support and aspiration: A new approach to special educational needs and disability

**May
2012**

- Support and aspiration: Progress and next steps

**Sept
2012**

- Draft provisions published for pre-legislative scrutiny by the Education Select Committee

**Feb
2013**

- Government response to pre-legislative scrutiny; and
- Children and Families Bill introduced to Parliament

**March
2013**

- Indicative draft regulations and a draft Code of Practice published for committee stage of the Bill, informed by pathfinder learning

Legislation - key highlights

New requirement for **LAs, health and care services to commission services jointly**, to ensure that the needs children and young people are met.

LAs to publish a clear, transparent '**local offer**' of services, so parents and young people can understand what is available; developed with parents and young people.

More streamlined assessment process, co-ordinated across education, health and care, involving children, young people and families throughout, leading to an **EHC plan** to replace current statements and learning difficulty assessments.

Option of a personal budget for families and young people with a plan, extending choice and control over their support.

New **statutory protections for young people aged 16-25** in FE, including right to request particular institution named in their EHC plan and the right to appeal to the First-tier Tribunal.

Academies and free Schools to have the same SEN duties as maintained schools.

Changes following pre-leg scrutiny

Over-arching

- Involvement of children, young people and their parent-carers at the heart of legislation, including assessments and the local offer

Mediation

- Parent or young person can opt to try mediation or to go straight to appeal

Local offer

- Involve and consult children young people and parents in reviewing the local offer
- LAs to publish comments about local offer and action they will take

Health

- Developing proposals for providing co-ordinated information, advice and support for parents and young people across education, health and social care

Code of Practice

- Code of Practice approved by Parliament (by negative resolution)

Post-16

- EHC Plans can continue whilst on an Apprenticeship where appropriate
- ISPs included in scope of Bill

Legislation – progress

The Children and Families Bill has received its first and second readings and has been through Commons Committee stage and third reading.

More than 200 amendments have been tabled and debated, meaning that each clause has been considered in detail.

During Commons Committee Stage, the Government introduced an amendment requiring health commissioners to deliver the health aspects of an EHC Plan.

Debate has focused on a number of issues, the most prominent being the provisions on the scope of the SEN definition, the position of health and social care, the local offer, inclusion and school choice, personal budgets and post-16 provisions.

The Bill has moved into the House of Lords and second reading was on 2 July. Timings for committee have yet to be agreed by the Parliamentary authorities.

Pathfinder progress

- **20 pathfinders are leading the way** to develop effective approaches to implementing the reforms.
- **The programme has been extended until September 2014**, to enable pathfinders to scale up their test approaches to whole areas, and support non-pathfinder areas to prepare for implementation of the reforms.
- **The pathfinder programme is central to informing new legislation.** The Children and Families Bill has been revised to reflect pathfinder learning, for example:
 - Pathfinders' experience of person centred planning has influenced the clauses on assessment and EHC plans, ensuring that parents' and young people's views and aspirations are taken into account at all stages of the process.
- Pathfinder learning and evaluation is feeding into further development of **regulations and the new SEN Code of Practice.**

June 2013 - SQW pathfinder evaluation findings

Pathfinders are **increasingly family and outcome focussed** with improved multi agency working and holistic single planning.

Parents have been involved fully as part of the assessment and planning process, through the use of person / family centred approaches and key working.

New approaches were reported to have **increased choice and control for families.**

Challenges for the next phase of pathfinding include: how to **scale up approaches** to a whole area in a sustainable way e.g. key working; **fully engaging children and young people**; developing approaches that work for new entrants to the system.

An impact evaluation will be published in September 2013, assessing the experiences and outcomes achieved by around 200 families with the first EHC plans.

Pathfinder learning – highlights

Pathfinder learning is being evidenced through a suite of ‘information packs’ demonstrating effective ways to implement the reforms. The first packs are available at www.SENDpathfinder.co.uk

Highlights include:

- Excellent practice in **engaging with families**, evident from the beginning of the pathfinder programme.
- Strong examples of good practice are emerging on **engaging children and young people, early years settings, schools and post 16 institutions**.
- Pathfinders are picking up pace in developing their **local offers**, taking time to fully involving parents and young people in drawing up the offer and ensuring it meets their needs. The local offer needs to be **engaging, accessible, transparent and comprehensive**.

Pathfinder learning – highlights continued

- There is a **culture shift in assessment and planning**, with a growing emphasis on personalisation and multi-agency, outcomes-based approaches, supported by keyworking.
- Families and young people have welcomed the opportunity to help design an **EHC plan** which meets their needs and aspirations.
- A group of pathfinders has **accelerated testing on personal budgets**, focusing on personalisation and understanding outcomes, clarifying funding and supporting schools and colleges.

Pathfinders are showing what can be achieved, and that putting these reforms in place takes time, energy and determination.

Pathfinder Champions

Each region now has a pathfinder champion, to provide advice and support to non-pathfinder areas as they prepare for implementation of the reforms:

London	Bromley and Bexley
South East	SE7 (consortium of seven LAs) and Southampton
South West	Wiltshire
North East	Hartlepool
East Midlands	Leicester City
East of England	Hertfordshire
West Midlands	Solihull
Yorkshire & Humber	North Yorkshire and Calderdale
North West	Greater Manchester Group (Wigan, Trafford and Manchester)

Reform partner

Expertise and co- production

- Expertise and advice to government and interested parties including the public and voluntary sectors
- Identifying and supporting evidence on what works to inform policy and practice

Information and engagement

- Developing networks to promote engagement with the reforms
- Creating an information exchange on SEN and disability and the reforms
- A Countdown to Change Programme

Support for the VCSE sector

- Building capacity and engagement with the reform process

Next steps – pathfinders and Bill

**Sept
2013**

- Second SQW interim evaluation report published – quantitative data based on first families with EHCPs
- Next set of pathfinder information packs published

**Autumn
2013**

- Public consultation on regulations and Code of Practice, informed by further pathfinder learning

**Spring
2014**

- Royal Assent (subject to Parliamentary approval)

**Sept
2014**

- Legal changes commence in practice (meeting original Green Paper commitment for reforms in place by 2014)

Next steps – for all areas

- The pathfinders have shown that the workforce development and culture change needed to implement the reforms takes time, typically over a year.
- The proposals for joint commissioning, a local offer and personal budgets require a strategic approach to planning services and market development, based on clear understanding of the needs of children, young people and families.

Now is the time to engage with the pathfinder champion in your region and think about the steps you need to take to prepare for implementation.