

Meeting: Children's Trust Board	Date: 30 January 2014	Agenda Item No:
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Title of paper: Improving outcomes for children and young people with learning difficulties and disabilities – including Barnet's response to the Children & Families Bill
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Summary of paper: <p>Barnet's Children and Young People Plan sets out our ambition and intent to improve outcomes for all Barnet's children and young people and has a particular focus on supporting those that are vulnerable. This paper sets out an opportunity for the partnership to seize new government proposals for addressing the needs of children and young people with learning difficulties and disabilities and invites the board to consider how best to maximise this for the benefit of Barnet's children.</p> <p>In November 2013, Barnet's Health and Well-Being Board agreed in principle to sign-up to the Disabled Children's Charter, a set of commitments to disabled children and their families. These include strong commitments around having good, local information about need and publishing how we plan to meet this; engaging with children, young people and carers; early intervention; transitions; and integration of services.</p> <p>The Children and Families Bill, currently working its way through Parliament, now offers an opportunity for local partnerships to review and improve local services for vulnerable children. The Government proposals for this group of children underpin wider government reforms to ensure that all children and young people can succeed, no matter what their background. The Bill will reform the systems for adoption, looked after children, family justice and special educational needs. It will encourage growth in the childcare sector, introduce a new system of shared parental leave and ensure children in England have a strong advocate for their rights.</p> <p>This paper focuses on the reforms being put in place for children with Special Educational Needs. It outlines the intentions of the government reforms, the specific requirements in relation to children with special educational needs and how the reforms are being progressed in Barnet. The paper provides a background briefing to inform a discussion session at the Board that will consider the known challenges and will invite the Board to consider the questions below. The questions will be debated following further information on the Bill and feedback from service users, presented as part of the agenda.</p>
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Action required by board:

The Board are asked to consider following questions for partnership focus:

- How do we make best use of the upcoming changes to ensure that we are improving outcomes and reducing costs and not just entering into an exercise in compliance?
- To what extent are we able to facilitate personalisation through personal budgets? How ambitious should we be in unlocking existing service budgets?
- How do we ensure that we have a consistent local offer for families across education, health and care for those not eligible for an Education, Health and Care plan, as well as for those who are?
- To consider, as leaders in Barnet, what commitment we can give to ensure that the maximum benefit can be derived from our local implementation of the Bill?

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Improving outcomes for children and young people with learning difficulties and disabilities – including Barnet’s response to the Children & Families Bill

1. Background

Barnet’s Children and Young People Plan sets out our ambition and intent to improve outcomes for all Barnet’s children and young people and has a particular focus on supporting those that are vulnerable. This paper sets out new government proposals to improve outcomes for children and young people with special educational needs through a new integrated assessment of their education, health and care needs, and invites the board to consider how best to maximise this opportunity for the benefit of Barnet’s children.

The relevant priorities within our plan in relation to our ambition to improve outcomes for children and young people with learning difficulties/and or disabilities are:

Early years

- Ensure children in need of support are identified early and appropriately supported in their early years.

Preparation for Adulthood

- Ensure services are integrated to support young people as they transition to adulthood
- Offer relevant and tailored learning and employment opportunities.

Targeting Resources to Narrow the Gap

- Enable those with Special Educational Needs, Learning Difficulties and Disabilities and complex needs to achieve their potential

In November 2013, Barnet’s Health and Well-Being Board agreed in principle to sign-up to the Disabled Children’s Charter, a set of commitments to disabled children and their families. These include strong commitments around having good, local information about need and publishing how we plan to meet this; engaging with children, young people and carers; early intervention; transitions; and integration of services. Against this backdrop, the local authority is leading a partnership response to specific measures currently proposed within the Children and Families Bill, currently working its way through parliament with an implementation date of September 2014.

2. Background to the Children and Families Bill

In December 2010, the Department for Education (DfE) invited parents, charities, teachers and local authorities to contribute to the government’s Green Paper on Special Educational Needs. The aim was to find ways to identify the needs of children and young people earlier, to make it easier for families to receive the support they need, and to develop fairer and more transparent funding arrangements. The publication of the Green Paper ‘Support and aspiration: a new approach to special educational needs and disability’ on 11 March 2011 marked the start of a period of consultation and testing of the proposals in local areas. In September 2011 the DfE introduced 20 schemes to test the reforms in 31 different local authorities.

As a result of the Green Paper consultation, the DfE published the report ‘Support and aspiration: a new approach to special educational needs and disability - progress and next

steps' in May 2012. The report set out the progress made on the SEND green paper proposals and outlined the next steps to follow.

In February 2013, the government published a Children and Families Bill to make the changes to the law that are required for the Green Paper reforms. The Bill sets out the duties for all the agencies involved in providing services for children and young people with SEN. In March 2013, the DfE published indicative draft regulations and draft guidance, called a code of practice, to provide more detail about how the law will work in practice. It launched a consultation on the regulations and a full draft code of practice on 4 October 2013. It expects to introduce these in September 2014.

The Children and Families Bill takes forward the Government's commitments to improve services for vulnerable children and to support strong families. It underpins wider reforms to ensure that all children and young people can succeed, no matter what their background. The Bill will reform the systems for adoption, looked after children, family justice and special educational needs. It will encourage growth in the childcare sector, introduce a new system of shared parental leave and ensure children in England have a strong advocate for their rights.

3. Provision for children with special educational needs

The government is aiming to transform the system for children and young people with special educational needs (SEN), including those who are disabled, so that services consistently support the best outcomes for them. The Bill will extend the SEN system from birth to 25, giving children, young people and their parents greater control and choice in decisions and ensuring needs are properly met. It takes forward the reform programme set out in 'Support and aspiration: a new approach to special education needs and disability - progress and next steps' including by:

- replacing old statements with a new birth- to-25 education, health and care plan
- offering families personal budgets
- improving cooperation between all the services that support children and their families, particularly requiring local authorities and health authorities to work together.

The draft legislative provisions are summarised as follows:

a) Publishing a **Local Offer** of Provision in Barnet:

- Parents and young people will have access to a single source of coherent and complete information to manage their choices with regard to services which support children and young people with SEN and disabilities in Barnet. This single source will also include information about family support services and guidance on dispute resolution. It will be published as a web-based document but will also be available in other accessible formats.
- Parents and young people are directly involved in the development and review of the local offer with the local authority and their feedback will be published.
- The intention is that the local authority will be able to obtain a clear idea about gaps in provision following the local offer process, which will enable the authority, in collaboration with stakeholders, to review current provision and develop future provision to meet local needs.

b) Developing a coordinated **0-25 assessment process and Education, Health and Care (EHC) Plans** (including a new duty for joint commissioning which will require local authorities and health bodies to take joint responsibility for providing services):

- The introduction of a co-ordinated assessment process across education, health and social care.

- The replacement of the current system of statements and learning difficulty assessments, with a single 0-25 Education Health and Care Plan, which retains all the protections of statements, places parents and young people at the heart of decision-making and is clearly focused on both short and long term outcomes – including employment and independent living.
 - For those children and young people with an Education, Health and Care Plan, parents and young people are able to express a preference for any State-funded school, college or training provider and some independent provision.
- c) Introduction of an option for a **Personal Budget** for parents of children and young people with an Education, Health and Care plan:
- Parents and young people who have an EHCP will have the option to have a personal budget for some of the support they require. For a child or a young person with an EHCP, the Local Authority will identify an amount of money available to secure provision that is specified in the EHCP, with a view that the child's parents or the young person is involved in securing the provision. The personal budget will cover the individualised support activity as set out in an EHCP, but not the school or college / training provider place.

3. Additional provisions within the Bill

This report concentrates on the main provisions of the Bill in relation to pupils with special educational needs. However, there are also some other important provisions:

- **Adoption and virtual school head** – The Bill supports the reforms set out in 'An action plan for adoption: tackling delay' including by promoting fostering for adoption and improving support for adoptive families. In addition, the Bill will require every local authority to have a virtual school headteacher to champion the education of children in the authority's care, as if they all attended the same school.
- **Family justice system** - The Bill will implement commitments the government made in response to the Family Justice Review including by introducing a time limit of 26 weeks when courts are considering whether a child should be taken into care and making sure more families have the opportunity to try mediation before applying to court.
- **Childcare** – There are enabling measures in the Bill to support wider reforms to increase the supply of high quality, affordable and available childcare including the introduction of child-minder agencies to help more child-minders into the market and offer greater support and quality assurance.
- **Office of the Children's Commissioner** - The Bill will take forward recommendations in John Dunford's 'Review of the Office of the Children's Commissioner (England)' including giving the commissioner a statutory remit to promote and protect children's rights.
- **Shared parental leave and flexible working** - The Bill will implement the commitments in the government's response (November 2012) to the modern workplaces consultation, including promotion of a system of shared parental leave, and extending the right to request flexible working to all employees.
- For more information on these aspects of the Bill, please refer to the DfE website at: <http://www.education.gov.uk/a00221161/>.

4. Current progress within the partnership

In order to address the requirements of the Bill and to ensure we develop appropriate plans to meet future needs, the council is leading a number of transformation projects to:

- Develop and articulate the 'Local Offer' across the partnership
- Design and implement the new integrated Education, Health and Care Plans
- Identify services with potential for the development of 'personal budgets'

Each work-stream is informed by a stakeholder working group. The groups involve officers from education, family, adult and health services. Wider stakeholder engagement is underway with voluntary groups, parent groups and consultation with parents and children and young people.

Alongside preparing for the legislative changes, the local authority is leading a project to plan to meet the future needs through:

- A comprehensive data mapping exercise identifying current and projected need for provision and support to meet the needs of children and young people with learning difficulties and/or disabilities
- A detailed review of current provision (in borough, out of borough maintained/independent/non-maintained).
- Forecasting of gaps in provision relating to data on current and future need.
- Research into options to meet needs/address gaps
- Development of Business Cases with recommendations for meeting future need.

5. Known challenges in Barnet

Through the work so far, a number of challenges are emerging that present barriers to maximising the potential opportunities afforded through the government reforms. The main barriers emerging are:

- difficulty in securing engagement from all partners in the development work to respond to the provisions in the Bill.
- managing the expectations of parental representatives whilst ensuring a breadth of co-production
- ensuring a consistent understanding of the "ordinarily available" schools offer across Barnet.
- the potential to invest in early intervention and support to families to reduce on-going costs needs further development.

6. Action required by board:

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