

SEN Reform

January 2014

Briefing for Health and Well Being Board

This briefing has been produced to update you on the implementation of SEN reforms that will come into effect, subject to Royal Assent for the Children and Families Bill in September 2014.

National Context

The Government is reforming SEN legislation because it believes that the system is currently failing children and their families. Consequently changes to SEN legislation are being enacted through the **Children and Families Bill** that is due to receive Royal Assent in February/March 2014 with legislation introduced in September 2014. The key measures are:

- **Replacing SEN statements** and learning difficulty assessments (for 16- to 25-year-olds) with a single, simpler 0-25 assessment process and **education, health and care plan** [EHCP].
- Providing **statutory protections** comparable to those currently associated with a statement of SEN to young people up to the age of 25.
- Requiring local authorities to publish a **local offer** showing the support available to disabled children and young people and those with SEN, and their families.
- Giving parents or young people with education, health and care plans the right to a **personal budget** for their support.
- Introducing **compulsory mediation** for disputes and giving children the right to appeal if they are unhappy with their support.
- Amending the Bill to place a **legal duty on Clinical Commissioning Groups** to secure health services that are specified in Education, Health and Care Plans.

This will require:

- **Local Authorities and health organisations to commission services jointly** to meet the needs of children and young people with SEN and disabilities.
- The development by the Local Authority, with partners, of a clear, transparent 'local offer' of services for all children and young people with additional needs, **this includes health provision.**

- The development of a streamlined assessment process, **which integrates education, health and social care.**

To prepare for the SEN Reforms, a steering group has been established to have oversight of the implementation and to ensure join up with other related reform such as the Care Bill. The group will meet approximately twice a month. In addition to local authority officers, CCG engagement is being provided through Philippa Turner, Commissioning Manager (NHS Redditch and Bromsgrove Clinical Commissioning Group and NHS Wyre Forest Clinical Commissioning Group).

The agenda is challenging and four themes have been identified around which consultation and development will be organised. These are:

- **Theme 1 – Commissioning** - Developing plans for joint commissioning so as to enable delivery of the aims of the SEN reforms.
- **Theme 2** - Developing the **local offer**. Planning provision of local information, advice and support (with users) and establishing mechanisms for review
- **Theme 3** - Developing processes for **assessment, planning and EHC plans**. Reviewing and developing local mediation and disagreement resolution arrangements.
- **Theme 4 – Personalisation and Engagement** - Identifying services which could be provided through a personal budget and developing the market of provision.

Children, young people and their families will be engaged through each of the four themes with a particular emphasis on theme 2, the local offer. Consultation and information events have already taken place but will increase during the spring and summer terms and families are being sought to model the EHC planning process and the use of personal budgets.

Implications for the Health and Well Being Board

Alongside the publication of the Indicative Special Educational Needs Code of Practice, a new legal duty was introduced for Clinical Commissioning Groups.

This duty means that Clinical Commissioning Groups will now by law have to make arrangements to agree the health provision required locally and to meet needs set out in individual Education Health Care Plans. This will ensure the full integration of SEN provision and strengthens the principle of joint planning and joint commissioning of services.

In Worcestershire, we are in a good position to be able to jointly commission SEN provision through the joint commissioning of children's services. CCGs will be updated by the JCU on how children's community health services may need to be redesigned to reflect local needs.

Personalisation will be developed through a project being led by the JCU. A resource allocation system (RAS) is currently being trialled within Children's Social Care and the project will be expanded to incorporate health provision within a resource allocation system for children with SEN. The vision is to

have one integrated RAS across education, health and care, and to develop a market of providers to be able to respond to individual needs.

Communications

There will be further updates to keep you aware of developments relating to the SEN Reforms.

Please contact Clair de Groot if you want to be involved or have a query about any aspect of the reform agenda by email at SENReform@worcestershire.gov.uk or call her on 07885 977395.

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