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| <b>TITLE</b>                | <b>Update on the arrangements for the provision for SEND (Special Education Needs and Disability)</b> |
| <b>FOR CONSIDERATION BY</b> | Overview and Scrutiny   |
| <b>WARD</b>                 | None Specific   |
| <b>DIRECTOR</b>             | Judith Ramsden, Director of Children's Services   |

#### **OUTCOME / BENEFITS TO THE COMMUNITY**

This paper outlines a number of initiatives which will lead to improved access to services and improved life chances for children and young people who have special educational needs and their families

#### **RECOMMENDATION**

Scrutiny is asked to note the information in the report and may wish to receive reports on individual aspects of this update in the future.

#### **SUMMARY OF REPORT**

Overview and Scrutiny received a report in November 2013 on proposals to update Wokingham's resource base schools. Members will be aware that this was as a result of changing needs and parental wishes set alongside the historical pattern of provision which pre dates Wokingham as a unitary authority.

Whilst the proposals for reorganising of this provision can be seen as a 'stand-alone' piece of work, they are inevitably tied in with the new statutory requirements of the Children and Families Bill which will shortly become statute and which will have requirements on the local authority from September 2014.

For this reason, this report provides information about the wider context of these changes and provides an update on the state of readiness in Wokingham for these changes.

## **1. Background**

### **1.1 National Picture**

The Children and Families Bill makes significant changes to the system for children and young people with special educational needs (SEN). The key proposals for children with SEN and their families are:

1. Work with health and social care colleagues jointly to commission services to deliver integrated support for children and young people with SEN aged 0-25.
2. Consult children, young people and their parents, and co-operate with a range of local providers across education, health and social care partners to deliver the new system, including post-16 education providers such as further education colleges and training providers.
3. Engage local partners in, co-producing with parents and young people, and publishing, a local offer of SEN services and provision to assist young people in finding employment, obtaining accommodation and participating in society.
4. Provide a coordinated education, health and care assessment for children and young people aged 0-25, and new Education, Health and Care (EHC) plans that will replace the two existing systems of SEN statements (in schools) and Learning Difficulty Assessments (in further education and training).
5. Offer those with EHC plans the option of a personal budget.
6. Consider the transition from children's to adult services and whether to use a new power to provide children's services to young people over 18 to smooth their transition.
7. Provide a new system for resolving disputes including disagreement resolution and complaints procedures, mediation, First-Tier Tribunals (SEND) and NHS Complaints - Healthwatch.

### **1.2 Funding**

Changes in the direction of school funding have had a significant impact on the way that schools are funded and the desire for schools to manage resources and be involved in decision making has helped drive through changes to the way funding and resources are allocated.

### **1.3 Local Resource Provision**

The review of resourced school provision in Wokingham was undertaken in 2012. It identified a number of capacity issues which related to underuse of some resources and lack of appropriate provision for some areas of need. The outcome of both had financial implications for the local authority both in 'wasted' resources and increased funding requirements for pupils educated outside the borough where there was no appropriate provision.

As part of the proposed changes consultations took place in 2013 which resulted in positive endorsements of the proposals. A subsequent paper has been prepared and is going to Executive Board on the 20th February for decision to proceed to statutory consultation.

## **2. Analysis of Issues**

### **2.1 Readiness for the Implementation of the Children and Families Bill**

A multi-disciplinary, multi-agency, including parents, group meets fortnightly to manage the development of all the strands associated with the required changes. Each strand has a working group and leads for these strands provide updates at the meetings to support the Project Plan.

Wokingham receives some support from their regional Pathfinder champion. Nationally 30+ local authorities were commissioned by the DfE to undertake development work on the reforms and their practical application.

### **2.2 Education, Health and Care Plans (EHCP)**

These will replace Statements for any new referrals from September 2014. In addition, Wokingham will be required to 'convert' its existing statements to EHC Plans within three years. The fundamental difference between these two documents is that the statement is driven by a 'paper' exercise which brings together reports of assessments and advice by a number of professionals. EHC Plans involve a process which is family centered where professionals sit down with the family and together produce an outcomes focussed plan of action. There will be a need to restructure our current services to move towards this radically different way of working and future papers will outline the implications of this. In March, Wokingham officers will be starting a pilot process with a number of families who will 'trial' the process. We will then be able to use the learning from this to direct our work in September.

### **2.3 Local offer**

We are currently trialling templates for a range of education and service providers. We are working with "Open Objects" (an ICT company), who are in the process of setting up an IT system. Parents, professionals and young people are supporting this development and will trial the system in mid-March. The first draft of Wokingham's local offer is ready to go out to consultation with education providers, particularly headteachers, parents, SENCOs and Governors.

### **2.4 Transition to adulthood**

Transition is critical to the long term life chances of our young people. In the future young adults will 'transition' to services at different ages depending on the route they are taking post 16. For this reason our transition processes need to be highly flexible. The working group is currently producing a new protocol and standards for effective transition. This document will then be agreed by both Children's and Adult Services.

### **2.5 Personal budgets**

We are currently trialling personal budgets for social care and education provision. At the moment the education component is around home school transport and there is still much to address nationally on how personal budgets can work related to in school provision.

### **2.6 Joint commissioning**

The local offer will have a direct influence on how we jointly commission services in the future. It will build on the outcome of work from the Joint Strategic Needs Analysis (JSNA). Currently joint commissioning takes place around therapeutic provision and the needs of individual young people. However this will increase particularly with the new local authority responsibilities for public health.

## 2.7 Summary

These changes are at their most powerful in the area of cultural reform. As a local authority we are moving from a culture of providing services for children and young people with additional needs and disabilities which we believe are 'right' for people to one in which we sit down individually with constituents to develop the services which will most effectively meet their needs. We believe that we are 'on track' to implement the reforms, by having in place the required processes and continuing to develop these over the next eighteen months. This recognises that Pathfinder authorities are still not operating fully the breadth of the reforms after a period of two years and very significant financial support from DfE.

## 3. Local initiatives which contribute to the Children and Families Bill requirements

The change to resourced provision, discussed earlier is one element of a move to develop the continuum of support available. Mainstream schools have developed significant expertise in meeting special educational needs. They are also encouraged to increasingly cooperate with each other to jointly commission services and support which meet local needs. In Wokingham we have worked with schools to develop an understanding of what schools could reasonably be expected to provide in response to presenting needs and what needs would count as exceptional.

From April 2014 we are providing funding from the High Needs Block to school clusters (of the Dedicated Schools Grant) for them to allocate to schools in order to meet the needs of individual or groups of children. This is an exciting development which involves schools in collectively making decisions about financial resources and 'owning' those decisions. The processes around this initiative have been developed with the schools who have gained increasing confidence and shared understanding of levels of need. This work links closely with the Local Offer and supports its future development.

The underlying reason for this development is to ensure that resources can be directed appropriately and more quickly to support the needs of children who might otherwise fail to make sufficient progress and may be referred for statutory assessment.

## 4. Summary

There are a number of strands which are currently being developed in Wokingham which support the graduated response to the needs of children and young people. Most of our children and young people will only access universal support. For some, they require an additional, school based intervention (predictable needs). Others will require interventions which may be longer term (exceptional needs). For a small number of children with the most complex needs there will be a need for coordinated planning and support. Currently this is through a statement; in the future it will be through an Education Health and Care Plan. The initiatives we are currently working on should deliver the right support to the right children at the right time.

## FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

***The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.***

|                                   | How much will it Cost/ (Save)   | Is there sufficient funding – if not quantify the Shortfall | Revenue or Capital? |
|-----------------------------------|---|---|---------------------|
| Current Financial Year (Year 1)   | £105,000 for Southfield School (s106 special education contributions) | Yes (Section 106)   | Capital             |
| Next Financial Year (Year 2)      | £300,00 for primary resource bases<br>£145,000 for Southfield School  | Yes, subject to capital programme approval                  | Capital             |
| Following Financial Year (Year 3) | £TBC  | Yes, subject to capital programme approval                  | Capital             |

**Other financial information relevant to the Recommendation/Decision**

Detailed implications of the implementation of Children's and Families Bill from September 2014 are currently being identified. They are likely to focus on revenue cost associated with additional staffing to deliver the councils new statutory duties. It is expected that the DfE will provide additional grants to support the transfer of responsibility.

**Cross-Council Implications** (how does this decision impact on other Council services and priorities?)

Council's Capital Programme.

**Reasons for considering the report in Part 2**

NA.

**List of Background Papers**

Report to Overview and Scrutiny: November 2013.

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| <b>Contact</b> Martin Baker                | <b>Service</b> Learning & Achievement      |
| <b>Telephone No</b> 01189 746121           | <b>Email</b> martin.baker@wokingham.gov.uk |
| <b>Date</b> 20 <sup>th</sup> February 2014 | <b>Version No.</b> 2.0 Final               |