

MEETING	B&NES HEALTH AND WELLBEING BOARD
DATE	3/2/2016
TYPE	An open public item

<u>Report summary table</u>	
Report title	SEND Reforms
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List of attachments	<ol style="list-style-type: none"> 1. The first year of EHC planning in B&NES – evaluation 2. SEND reform progress and next steps Nov 2015 3. SEND governance
Background papers	<p><i>SEND code of practice 0-25</i> https://www.gov.uk/government/publications/send-code-of-practice-0-to-25</p> <p><i>Bath & North East Somerset SEND local offer</i> www.bathnes.gov.uk/localoffer</p> <p><i>Bath and North East Somerset searchable SEND local offer</i> www.rainbowresource.org.uk</p>
Summary	The report provides an update on the progress of the SEND reforms in Bath and North East Somerset and next steps, and seeks the Board's views on next steps and future governance arrangements for SEND.
Recommendations	<p>The Board is asked to</p> <ul style="list-style-type: none"> • Note progress on the SEND reform • Comment on the next steps set out in the progress report (appendix 2) and outlined at 1.6 and 7 below • Note the recommendations of the PDS Panel set out below from 1.9 • Comment on and support the establishment of governance arrangements for SEND in B&NES, accountable to the Board, as set out in appendix 3 and outlined at 1.8 below.
Rationale for recommendations	<ol style="list-style-type: none"> 1. The local authority and its partners have statutory duties to children and young people up to 25 with SEND. The SEND code of practice which is statutory guidance specifically references the key role of Health and Wellbeing Boards in ensuring effective partnership and joint commissioning arrangements for SEND. 2. The Board in January 2014 accepted its leading role in taking

	<p>forward the SEND reform in bath and North east Somerset.</p> <ol style="list-style-type: none"> 3. Support to children and young people with SEND through Education Health and Care Plans and improved pathways to employment will contribute to the outcomes set out in the Joint Health and Wellbeing Strategy for this group and in particular priority 9 relating to ensuring all residents have access to training and employment. 4. The establishment of governance arrangements accountable to the Board as proposed will enable the Board to carry out its key role in overseeing and promoting this work.
<p>Resource implications</p>	<ol style="list-style-type: none"> 1. Government have provided one-off grants to support the implementation work and 'new burdens' funding to March 2016. Further 'new burdens' funding from April 2016 has been announced but no detail yet provided of allocations to local authorities at the time of writing this report. 2. There are significant capacity implications to the new way of working for the transitional period to March 2018 and beyond. This paper does not contain proposals to address this funding 'gap' which are being addressed separately.
<p>Statutory considerations and basis for proposal</p>	<ol style="list-style-type: none"> 1. The Children and Families Act 2014 set out new statutory duties for local authorities, clinical commissioning groups, education settings and other partners in respect of disabled children and young people and those with special educational needs aged 0-25. 2. This new legal framework for children and young people with SEND came into force from 1st September 2014 with the exception of new duties to young people with SEND in youth custody, which came into force in April 2015. 3. The SEND code of practice 2014 approved by parliament in August 2014 is statutory guidance detailing the application of these new duties. The code of practice was updated from April 2015 to reflect the new duties towards young offenders with SEND. 4. The Equality Act 2010 sets out existing duties to disabled children and young people which are embedded in the code of practice. Sitting alongside the code of practice is new statutory guidance for schools on their duties to children and young people with medical conditions. 5. The Care Act 2014 introduced new requirements in respect of young people with SEND preparing for adulthood which dovetail with the SEND reform and came into force from April 2015. 6. SEND reform aims to improve life outcomes for young people with SEND. This is consistent with the overall vision of the B&NES Children & Young People's Plan that 'we want all children and young people to enjoy childhood and to be well prepared for adult life', and supports the plan's focus on health

	and equal life chance outcomes.
Consultation	<ol style="list-style-type: none"> 1. The evaluation of the first year of EHC planning was carried out with input from parent carers, young people and practitioners working with young people with SEND across services and settings. 2. The evaluation of EHC planning, progress and next steps Nov 2015 and proposals for governance arrangements have been informed by discussion at the SEND reform steering group and SEND (formerly disabled children) strategy group. 3. This paper and appendices have been shared with the required finance and monitoring officers. 4. A similar report together with the appendices to this report were presented to the Council's Children and Young People Policy Development and Scrutiny Panel on 12th January 2016 to update the panel on progress of SEND reform and seek their views on next steps. Their recommendations are included in this report.
Risk management	A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

THE REPORT

1. Preparation for SEND reform in B&NES began in summer 2013. A project plan was drawn up and steering group established to oversee implementation. The implementation project ran for two years to summer 2015 and has been the subject of a previous report (January 2014) and presentation (July 2014) to the Board.
2. In spring 2015 a post of Head of Vulnerable Learners was established leading key services that support young people with SEND amongst other education support services provided by B&NES Council. The Head of Vulnerable Learners now leads on outcomes for children and young people with SEND and the continued transfer plan to convert all statements of SEN to Education, Health and care (EHC) Plans by April 2018.
3. An evaluation was carried out in summer 2015 of the EHC Planning assessment and transfer review processes together with the quality of EHC Plans in year one. The report of this evaluation is attached as appendix 1. The person centred nature of the new approach has significantly improved the quality of parental and young person experience, however the quality of resulting EHC Plans is not yet at the standard to which we aspire. The new personalised approach requires significant additional time within the SEN Team. Additional staff capacity has been established to provide this, however this has been complicated by a significant (over 40%) increase in demand for statutory assessments, which appears to be due not only to the reforms extending eligibility to ages 0-25 but also an increase in the identification of significant needs in the early years.
4. This is in line with the experience up and down the country. Significant change has already been achieved but there is further work to do to complete transfers of all statements of SEN and to ensure all EHC Plans become truly holistic and focused on long term life outcomes rather than purely educational goals. The evaluation report set out a number of recommendations which are being taken forward. The published transfer plan has not been amended as in fact it sets out a schedule and principles for the whole 3 and a half year transition period to 2018, however amended arrangements for the assessment and transfer review processes have been set out and training offered and provided to education settings and other services that contribute to EHC Plans.
5. In winding down the implementation project a final summary of progress on the project plans and next steps was provided for the project steering group in November 2015. This is attached as appendix 2. Much has been achieved however there are a number of significant areas of work which remain in addition to the continuing work to complete transfers to EHC Plans.
6. One of these areas of work is to establish more robust systems for collecting data on children and young people with SEN at all levels from 0-25 including outcome information. This work is necessary to enable us to measure the impact of the reforms; to inform commissioning and will be needed to inform preparations for inspection also. Ofsted have announced inspections of local area arrangements for SEND will start on a 5 year cycle from April 2016 and we will therefore need to draw up a Self Evaluation and maintain it up-to-date from April.

7. Another key area of work is to ensure effective pathways to employment for young people with SEND. This work in B&NES is supported through the Employment is Everyone's Business project run by national development Team for Inclusion on behalf of the DfE, working with 4 selected local areas including B&NES to develop and showcase effective approaches to increasing inclusion of young adults with SEND in the workforce. This work should be seen in the context of our strategies for ensuring all young people aged 14-25 in B&NES are able to participate in education, training and ultimately employment.
8. In winding down the implementation project it is necessary to consider future governance arrangements for SEND partnership and strategy in B&NES. The attached paper (appendix 3) sets out proposals to develop the SEND strategy group to provide two tiers of governance, ultimately linking into the Health and Wellbeing Board, bringing together key stakeholders and providing coordination of integrated working at operational level.
9. The Children and Young People Policy Development and Scrutiny Panel in considering this issue in January 2016 agreed the following recommendations about the proposed governance model for SEND set out in appendix 3:
 - Support the proposal to further develop the SEND Strategy Group to provide strategic leadership and introduce an Operational Group to replace the virtual leadership group.
 - Suggest SEND Strategy Group meetings should be held no less than once every two months during the second year.
 - Suggest that it might be advisable if the SEND Strategy Group Chair were from health or social care, rather than education to ensure inclusivity is embedded in the culture from the top.
 - Point 4.3, beside 'what else?' they could add an in depth review by the Children and Young People Policy Development & Scrutiny Panel.
 - If the Head of Vulnerable Learners is to Chair the Operational Group, then the Vice Chair should be from either health or social care.

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