

SEN and Disability Green Paper

Update on draft legislation and pathfinder programme



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 CYP 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 CYP are raised through an increased focus on life outcomes
- ✓ For more complex needs, an integrated assessment and a single Education, Health and Care Plan from birth to 25; and
- ✓ There is greater control for parents and young people over the services they and their family use.



The Transformation 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 published



Progress of the Bill

4 Feb

- **First reading**

25 Feb

- **Second reading**
- A high level of interest in the SEN aspects was shown

5 March
onwards

- **Committee stage**
- Draft regulations and an indicative code are available
- A duty on health commissioners to deliver the health elements of EHC Plans was announced



Legislation - key highlights

Involvement of **children, young people and parents at the heart of legislation**, including assessments and local offers

New requirement for **LAs, health and care services to commission services jointly**, to ensure that the needs of disabled children and young people and those with SEN 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, which integrates education, health and care services, and involves children and young people and their families.



Legislation - key highlights

New **0-25 Education, Health and Care Plan**, replacing the current system of **Statements and Learning Difficulty Assessments**, which reflects the child or young person's aspirations for the future, as well as their current needs.

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 and a stronger focus on preparing for adulthood.

Academies, Free Schools, Further Education and Sixth Form colleges 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
- Parent protections maintained and extended: e.g. requesting an assessment

Mediation

- Arrangement for parents and young people to be able to consider mediation
- Can opt to go straight to appeal

Local offer

- Involve children young people and parents in reviewing the local offer
- LAs to publish comments about the local offer and what action they will take to respond
- Consult parent-carers and young people when reviewing provision



Changes following pre-leg scrutiny

Health

- Developing proposals for providing co-ordinated information, advice and support for parents and young people across education, health and social care; and ensuring that local authorities consider support parents need to navigate the assessment process
- Provision in the Bill for joint commissioning arrangements and regulations on assessments to include such support.

Code of Practice

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

Post-16

- Young people on apprenticeships to have EHC Plan where appropriate
- EHC Plans maintained for young people who become NEET while 16-18 (compulsory participation age)
- LAs review EHC Plan of a 19-25 who becomes NEET and where re-engagement in education is right option, maintain it
- Youth Offending Teams in co-operation duties



Timetable for legislative reform (indicative)

Allows the provisions to be informed and improved by the views and evidence of stakeholders, and to continue to learn from the experience of the Pathfinders

September to December 2012
Period of pre-legislative scrutiny led by the Education Select Committee

December 2012
Education Select Committee publishes a report of its findings

Early 2013
Children and Families Bill introduced into Parliament.

Early 2013
Indicative Draft Regulations and a Draft Code of Practice published for consultation, informed by pathfinder learning.

Spring 2014
Royal Assent (subject to Parliamentary process)

September 2014
Implementation of provisions (meeting original Green Paper commitment to have reforms in place by 2014)

From now until Enactment:

- 1996 Education Act and current Code of Practice **still applies**
- **Transition arrangements** will be clarified by DfE



The Mandate : A mandate from the Government to the NHS Commissioning Board: April 2013 to March 2015

- The Mandate sets priorities for the NHS for the coming two years.
- The NHS Commissioning Board is legally required to pursue the objectives in the Mandate.
- CCGs have a statutory duty to act consistently with the Mandate (and meet any commissioning guidance the Board chooses to issue to deliver against the Mandate).
- The Mandate states:

“...there is a particular need for improvement, working in partnership across different services... in supporting children and young people with special educational needs or disabilities. The Board’s **objective** is to ensure that they have access to the services identified in their agreed care plan, and that parents of children who could benefit have the option of a personal budget based on a single assessment across health, social care and education.”

(para. 4.13)



But it's not just about the legislation.....

There are wider changes happening in the ways that professionals work with children, young people and Families, for example:

Change in local practice

- Pathfinders
- Delivery Partners
- Supported Internships
- Achievement for All

Improvements in professional development

- SENCO training
- Initial Teacher Training
- CPD & scholarships
- VCS

Wider reforms

- Health and Social Care
- Early identification through 2 year old progress check;
- Investment in health visitors
- School funding reforms



Code of Practice

- The Department is developing a new SEN Code of Practice to support the reforms.
- We have been working with representatives of the SEN and disability sectors and wider groups on both the scope and the content of the new Code.
- The Department will provide an indicative draft of the new Code of Practice to support parliamentary scrutiny during the passage of the legislation. This will be at Committee Stage of the Bill, in March/ April 2013.
- We expect to publish the new Code in spring 2014.
- The new Code will:
 - cover children and young people with SEN from 0-25
 - include information on the new single category
 - cover FE colleges for the first time
 - include information on the provisions set out in the Bill such as the Local Offer, Personal Budgets, Joint Commissioning, Assessments and Education Health and Care Plans.



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Next steps

End Feb

- Headline evaluation results from a telephone survey of over 60 pathfinder families with completed EHCPs
- New case studies published demonstrating pathfinder progress across the range of Green Paper reforms

From April

- 'Pathfinder champions' will begin their work to support non-pathfinders in preparing to implement the reforms
- Work informed by a set of principles of emerging practice

By Sept

- Second interim evaluation report published - analysis of the experience of the first cohort of families
- This will inform scrutiny of the Bill



Code of Practice - Key changes

The indicative draft (0-25) SEN Code of Practice

- ⑩ The indicative draft (0-25) Code of Practice reflects the provisions set out in the Children and Families Bill and in the draft regulations (published 14 March).
- ⑩ A large amount of the information in the indicative draft is very similar to the current Code of Practice

Chapter 2

- ⑩ We have included information on Parent Carer Forums for the first time.
- ⑩ We have included information on person-centred planning which reflects the work of the Pathfinders



Code of Practice – key changes cont.

Chapter 3

- ⑩ There is a new chapter in the Code on Health and Social Care and their duties on integration, joint-commissioning and co-operation. This chapter sets out how these duties work, what this means for practitioners and how this will help children and young people. There is also information about the Designated Medical Officer (which is in the current Code) and Social Care responsibilities. Further information on the new Health Duty will follow.

Chapter 4

- ⑩ There is a new chapter on the local offer – what it is, how it works, what should be included in the offer, how it links to other duties and what it means for provision of services.



Code of Practice – key changes

Chapter 5

- ⑩ We have amalgamated the guidance 'Inclusive Schooling' with the Code of Practice and included it in chapter 5.
- ⑩ We have included a section on the Equality Act and the duties on education settings for children and young people with disabilities.
- ⑩ We have replaced the current School Action and School Action Plus with a single category – Additional SEN Support.
- ⑩ We have included information about children and young people in specific circumstances.

Chapter 6

- ⑩ The information in this chapter reflects the SEN clauses and draft regulations on assessments and EHC plans.
- ⑩ One of the main 'new' areas in this chapter is the inclusion of young people up to the age of 25 and the importance of outcomes for 16-25 year olds and support for young people into adulthood, this might include supported internships, apprenticeships etc.
- ⑩ The information on Personal Budgets – what they are, how they work, who can have them etc - is set out in this chapter (at 6.11).



Code of Practice – key changes cont.

Chapter 7

- ⑩ We have included information on mediation, including the mediation process and mediation certificates.
- ⑩ We have included information on the changes to the Appeals process – including young people’s right to appeal.
- ⑩ We have also included changes to the legal aid system which will have an impact on the support available for going to Tribunal.



Q&A

