



Implementation Board

Scoping Paper

Engagement and decision making of children and young people in connection with the SEND reforms

Context

1. Section 19 of the Children and Families Act 2014 makes clear that local authorities, in carrying out their functions under the Act, must have regard (among other things) to the importance of children and young people, and their parents and carers, participating as fully as possible in decisions about their individual care. Local authorities must also ensure that children, young people, parents and carers are involved in decisions about local provision. They need to ensure that children, young people, parents and carers are provided with the information and support necessary to enable participation in those decisions.

SEND Reforms

2. The draft code of practice (published April 2014) states the following in connection with engagement and decision making of children and young people:
 - a. Local authorities **must** ensure:
 - i. Young people are involved in discussions and decisions about their individual support and about local provision (**Section 1.3**)
 - ii. Young people and parents are provided with the information, advice and support necessary to enable them to participate in discussions and decisions about their support (**Section 1.9**)
 - b. Alongside the general presumption of mainstream education, parents of children with an EHC plan and young people with such a plan have the right to seek a place at a special school, special post-16 institution or specialist college. (**Section 1.38**)
 - c. New rights for young people once they reach the end of compulsory school age (the end of the academic year in which they turn 16) LA's should normally engage directly with the young person rather than their parent, ensuring that as part of the planning process they identify the relevant people who should be involved and how to involve them. Chapter 6 sets out how some decision-making rights transfer from parents to young people at this stage and how families will continue to play a critical role in supporting a young person with SEN. Some young people, and possibly some parents, will not have the mental capacity to make certain decisions or express their views. Provision is

made in the Children and Families Act (Section 80) to deal with this and Annex 1 to this Code provides further details. **(Section 1.8)**

- d. Local authorities **must** ensure that children, young people and parents are provided with the information, advice and support necessary to enable them to participate in discussions and decisions about their support. **(Section 1.9)**
- e. Local authorities **must not** use the views of parents as a proxy for young people's views. Young people will have their own perspective and local authorities should have arrangements in place to engage with them directly. **(Section 1.10)**
- f. After compulsory school age (the end of the academic year in which they turn 16) the right to make decisions etc. under the Children and Families Act 2014 applies to them directly, rather than to their parents. **(Section 8.15)**
- g. Where a young person is under 18, the involvement of parents is particularly important and local authorities should continue to involve them in the vast majority of decisions. **(Section 8.19)**

Engagement and decision making for children & young people

- 3. To implement the SEND reforms introduced by the Children and Families Act 2014 the island has set up three task and finish groups that report to the implementation board.
- 4. The three work streams are:
 - i. EHCP Task Group,
 - ii. Local Offer Task Group,
 - iii. Personal Budget Task Group.
- 5. Each work stream has the potential to engage with children and young people to help design and tailor the SEND reforms and could include:
 - i. Piloting materials
 - ii. Seeking advice
 - iii. Involvement/invitations to task & finish groups
 - iv. Support with communication/social media
 - v. Designing leaflets/websites
 - vi. Case studies
 - vii. Using quotes from learners
 - viii. Information on extracurricular activities
 - ix. Support at launch events
 - x. For 0-5yr old via observations and consultations with parents/education psychologists

6. Activities could be set up through:
 - i. Schools/college which would also engage support and teaching staff
 - ii. Parent Voice directly with their children/young people
 - iii. Small task/focus groups after school
 - iv. Invitations to task and finish groups
 - v. Launch events
 - vi. Using local agencies/providers i.e. WISE, Branstone Farm, FIZ, IW CHYPS, Health Centres, Youth Centres, UKSA, IWAC, Challenge and Adventure, Isle of Wight Community Action, Isle of Wight Community Rail Partnership, Southern Vectis etc.

7. The target cohort/audience should include the 20% of children that access School Action and School Action Plus. It should also include the 3% of children with statements and young people with moving on plans (S139a) this could include adults up to the age of 25

Suggested activities linked to task and finish groups

EHCP Task Group

8. From 1st September 2014 local authorities will be required to consider new requests for an assessment of special educational needs under new legislation, and coordinate services around a child or young person. No new assessments for statements of SEN or Learning Difficulty Assessment (LDAs) will be offered from 1st September 2014. Children and young people should be transferred to the new system in a phased way, prioritised at key transition points. LDAs should be phased out by September 2016, and statements should be phased out by April 2018

9. Support from children and young people could support part 2 of the EHC Plan as follows:
 - a. Seeking advice on designing “My Story”/“Our Story”
 - b. Pilot the “My Story”/“Our Story” documents
 - c. Web page design
 - d. Designing leaflets/pamphlets
 - e. Communication
 - f. Launch events
 - g. SEN Young Persons Entitlement (Embracing Education, Social Care and Health)

Local Offer Task Group

10. From 1st September 2014 local authorities will be required to consult with families and providers of services and publish a local offer of provision for children and young people who are disabled or have SEN, so that parents, carers and young people understand the range of provision available. A significant change is 0-25 focus. Partners, including health, colleges, schools and early years, need to co-produce the local offer.

11. Support from children and young people could take place in the following areas:
 - a. Web Page design
 - b. Pilot the local offer from a child's view
 - c. Provide young people's quotes/case stories
 - d. Produce a young person's local offer (what to do and see on the island)
 - e. Promoting local events/societies/support i.e. transport training
 - f. Social Media Twitter/Facebook/ <http://www.nhs.uk/Service-Search>

Personal Budget Task Group

12. Children and young people assessed as needing and EHC plan have the right to request a personal budget so they can choose the service which is best for their family

13. Support from children and young people could take place in the following areas:

Involvement in the personal budget policy by

- a. Seeking advice from young people on designing the personal budget policy
- b. Provide examples/case studies of how children/young people could spend their personal budget
- c. Designing leaflets/pamphlets around the personal policy
- d. Listing equipment to aid children and young people