

# SEND Reforms Torbay

June 2014 (No.3)

The aim of this quarterly briefing is to give an overview of the preparations that are in progress for the SEND reforms which come into effect in September 2014. For further information on any aspect of the reforms please contact 01803 208953 or email [SENDreforms@torbay.gov.uk](mailto:SENDreforms@torbay.gov.uk)

This has been a challenging year with so many changes needing to be planned for. I believe that Torbay will be ready to meet the statutory requirements we must have in place from the 1st September 2014. There has been a flurry of national documents and guidance during June, and we are working our way through all of these to ensure we have the most up to date picture possible.

The implementation date will soon be here and we anticipate that we will need to constantly evaluate how things are working, and refine processes as we go along. We would value any feedback you give us on your experiences as we venture into this new system together.

We anticipate that the next stages will focus on making the process as child / young person focused as possible. This will involve continued partnership working with young people and parents, and professionals from adult's and children's Social Care, Health and Education.

Thank you to all partners who have continued to give their time, expertise and commitment. I look forward to continuing to work with you during this time of such significant change.

*Dorothy Hadleigh, Schools Service Manager*

## September 2014: What's changing?

- The multi agency Education, Health and Care Plan will replace the Statement of Special Educational Needs.
- Where there is a health or social care need, professionals from social care and health will have joint responsibility with education for the Education, Health and Care Plan.
- The timeframe permitted to complete an assessment and agree an Education, Health and Care Plan will be 20 weeks. This replaces the timeframe for a Statement which is 26 weeks.
- The Behaviour, Social and Emotional category of need has been removed from the Code of Practice and replaced with Social, Emotional and Mental health. This puts greater emphasis on the underlying needs of the young person and removes the focus on behaviour.
- School Action and School Action Plus will no longer exist- it will be known as SEN Support.
- There will be greater onus on the person making the referral to provide all of the information described in the request for assessment checklist, which must be evidenced.

- There will be a greater emphasis on quality of information and evidence must be provided by professionals in the appendices of the Education, Health and Care Plan.
- In some circumstances, young people in further education/training may have an Education, Health and Care Plan up to the age of 25.
- The views of the child/young person will be more prominent in the Education, Health and Care Plan and will have greater influence on the choice of services and how they are provided.
- The **Local Offer** will be in place, providing information, advice and guidance to young people and families on the services to support them in Torbay.
- Young people and parents will have more influence over the services that are commissioned in Torbay.
- Some education funding for SEN may be able to be taken as a personal budget, depending on individual circumstances.

## September 14: What's staying the same?

- Schools will continue to have money within their own budgets to support children within the SEN Support category (previously known as School Action and School Action Plus).
- A person making a request for statutory assessment will need to complete and return the SEN/RSA form to the SEN Team, 4th Floor, Tor Hill House, Torquay.
- SEN Officers will be responsible for co-ordinating the gathering of information from professionals and drafting the Education, Health and Care Plan.

- Individual services (education, social care, and health) will continue to be responsible for assessing the specific areas of needs and putting appropriate services in place.
- An Education, Health and Care Plan will be ceased if the outcomes have been achieved, just as a Statement of SEN would be.
- Statutory assessment will not always lead to an Education, Health and Care Plan.
- The right to appeal decisions remains the same and further information can be found on the SEN web page under '**Information for Parents**'.

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## Education, Health and Care Plan

During the summer holidays, the Torbay SEN team will be converting statements held by children currently in year 5 to Education, Health and Care Plans. Any feedback received from young people, parents and professionals will determine any final changes before September when the Education, Health and Care Plan will replace the Statement. The current version of the Torbay Education, Health and Care Plan can be viewed at [www.torbay.gov.uk/EducationHealthcareplan](http://www.torbay.gov.uk/EducationHealthcareplan).

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## The Education, Health and Care Plan process

The process to be followed when making a request for statutory assessment has been agreed by colleagues in education, social care and health. Work has focused on two areas: What needs to happen before a request for statutory assessment is made, and once made, what happens next. The new multi-agency process should prioritise the views of the young person and must adopt a person-

centred approach. Additionally, the process must be more efficient and work has centred on improving the quality and availability of information required to bring together a plan. This process will develop as it is tested and improvements will continue to be made. The current version of the Education, Health and Care Plan process can be viewed at [www.torbay.gov.uk/EducationHealthcareplan](http://www.torbay.gov.uk/EducationHealthcareplan).

## Converting Statements to Education, Health and Care Plans

The SEN team have created a schedule to convert current statements of SEN to Education, Health and Care Plans. The intention is to convert at natural transition points which will be at year 5, year 9 and Year 11. This will be a rolling programme over the next 4 years. Statements for young people in/entering into further education will be converted following reviews over the next 2 years. Early Years conversions will be managed on an individual basis and will take place within 4 years. Until the conversion takes place, the existing statement will continue to be a working document subject to review.

## Education, Health and Care Plan Process

### **Who can make a request for statutory assessment?**

The following people have a specific right to ask a local authority to conduct an education, health and care needs assessment for a child or young person aged between 0 and 25:

- the child's parent
- a young person over the age of 16 but under the age of 25, and

- a person acting on behalf of a school or post-16 institution (this should ideally be with the knowledge and agreement of the parent or young person where possible)

### **What happens?**

- A professional making a request for statutory assessment will need to provide evidence of the action already being taken by the Early Years provider, school or post-16 institution to meet the child or young person's SEN. A **checklist** of required information is supplied.
- The young person / parents will need to provide consent to share this information for the purpose of an Education, Health and Care Plan assessment.
- A multi agency Education, Health and Care panel will decide if the statutory assessment should proceed. If so, it will be the role of an SEN Officer to work with the professionals who are involved, to gather the information relating to the child/young person and conduct the statutory assessment.
- An SEN Officer will meet with the young person and parent(s) to listen to their views on their/their child's needs and how these could be met.
- An SEN Officer will then create a draft Education, Health and Care Plan which will be agreed with the young person/parents and ratified by the multi agency panel. A draft version of the Education, Health and Care Plan will be sent to the education provider of choice for consideration of a place.
- If agreement cannot be reached with the young person/parents and/or provider then there is an appeals process, see '**Information for Parents**', SEN web page.
- When the education provider has been agreed, the Education, Health and Care Plan can be finalised.

### ***What if an Education, Health and Care Plan is in place and Social Care/Health become involved (or cease involvement?)***

- The Education, Health and Care Plan would need to reflect any change in service provision. It would be the responsibility of Social Care or Health to liaise with the SEN team to find out if the young person has an Education, Health and Care Plan/statement in place and to notify of new service provision.
- An SEN Officer/Education, Health and Care Plan Officer will be responsible for amending the existing Education, Health and Care Plan to reflect any significant changes.

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## **Personal Budgets**

### ***What is a Personal Budget?***

A personal budget is an amount of money identified by the local authority to deliver provision set out in an EHC plan where the parent or young person is involved in securing that provision. Personal Budgets are optional for the child's parent or the young person but local authorities are under a duty to prepare a budget when requested.

The child's parent or the young person can either request the personal budget as a direct payment (while still choosing how their care needs are met and by whom) or leave the Council with the responsibility to buy the services on their behalf. People can also choose to go with a combination of the two. As a result, personal budgets provide a potentially good option for people who do not want to take on the responsibilities of a direct payment.

### ***What are Direct Payments?***

Direct Payments are payments given to individuals to pay for care/support services which they have been assessed as needing; the intention is to give them greater choice and

control in their care services. The payments must only be spent on the services identified in their support plan.

### ***What is the situation in Torbay?***

Personal budgets are already available in various formats in Social Care and Health. The route for requesting a personal budget will remain with the individual service.

### ***Social Care / Health direct payments***

A direct payment may be offered to pay for a personal assistant to support a client of the Disability Team to have a short break (for example). The Disability Team would be responsible for the set-up and administration of this direct payment. Children's Health currently work with the Disability Team and have an agreement that direct payments funded by Health are set-up and administered by the Disability Team.

If a child was new to the Disability Service then the team would need to check with the SEN team if an Education, Health and Care Plan was in place. If so, the detail of the service provision and direct payment (personal budget) must be recorded in the Education, Health and Care Plan.

### ***Education personal budgets***

Personal budgets for Education will require a new process as this has only been an option since April 2014. Elements of the 'top up' funding that schools/education settings receive for a child with SEN may be able to be made available as a personal budget to allow parents to secure alternative support services. For further information, please refer to '**Introducing Personal Budgets**'. However, this cannot usually be used to pay for services where the local authority has a block contract in place with a service provider. The services which will and will not be made available via a personal budget will be published in the **Local Offer** from September 2014.

In exceptional circumstances, there may be scope to agree release of further SEN funding from a school/education setting budget, but only with the agreement of the Head Teacher/Principal who would consider the impact on services for the majority of SEN pupils/students.

All cases will be considered individually and it is important to note that what may be an appropriate use of funding to support a child/young person to meet their agreed outcomes, as outlined in the Education, Health and Care Plan, may not be suitable for another child/young person with a different set of needs.

Young people/parents who wish to consider having a personal budget to arrange SEN support services should contact **Dorothy Hadleigh**, Schools Service Manager, to discuss further.

## The Local Offer

Education settings have been sent **Local Offer forms** and completed versions have already been returned and are available to view on the **Torbay Directory**. Social Care and Health teams will be sent the form for completion in June. In July the team will be writing to organisations that provide services to children with SEN and/or a Disability who do not come under Health, Social Care, or Education such as private businesses and community and voluntary sector organisations. If you are aware of an organisation that provides this type of service, please email **SENDreforms@torbay.gov.uk** with the contact details so that they can be included in the Local Offer.

The next step for the Local Offer work is to determine a co-ordinated route for young people and families in Torbay to feedback on the quality of the existing SEN/Disability services. This information must directly inform the commissioning of services within Torbay,

e.g. what is the quality of services currently available, what other services are needed?

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## Post 16 Criteria

The new regulations mean that an Education, Health and Care Plan could be put in place for a young person in Education until the age of 25. Therefore new criteria for assessment needs to be created for this age group in order to have transparent understanding of what needs a person would have to require an Education, Health and Care Plan. To develop this criteria the SEN team are working with South Devon College, Careers South West and the Educational Psychology team. It is likely that the criteria will be specific to each individual case rather than age related expectations.

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## Communications

### *What's happened since March?*

- **In Control** gave a workshop on person centred planning to multi agency professionals and parents
- The **Parent's Participation Forum** hosted an event with a number of workshops/presentations on the SEND reforms
- Dorothy Hadleigh and Gill Hague organised SENCO training on the impact of the SEND reforms
- The Early Years team organised SEND reforms sessions for Nursery staff
- Dorothy Hadleigh presented an overview of the SEND reforms to School Governors
- Local Offer session for SENCOs – Gill Hague organised a session so that SENCOs can benefit from peer support when completing the Local Offer requirement for statutory information.

### ***What's happening in the next quarter?***

- SENCO training event – July 9th
- SEND reforms presentation - Children's Disability team meeting
- SEND reforms presentation - Specialist Services service meeting
- 6 Q& A Sessions for parents of children with SEN across Brixham, Paignton and Torquay - For further information please contact [SENDreforms@torbay.gov.uk](mailto:SENDreforms@torbay.gov.uk)
- Multi agency event for professionals in September – date tbc

### ***Leaflets / Literature***

Leaflets for young people, parents and professionals are being put together by the Parent Partnership service and the SEND reforms team. These will be made available over the next couple of months and will provide guidance for the different areas of the SEND process. The Parent Participation Forum's views are being sought throughout these developments.

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## **Further support**

The SEND reforms project team will ensure that relevant information continues to be made available on the SEND Reforms web page. In addition, as events to communicate changes are arranged, these will be publicised by email and via task group members.

If you have an queries about the SEND reforms, please email [SENDreforms@torbay.gov.uk](mailto:SENDreforms@torbay.gov.uk) or contact Matthew Gifford (SEND Reforms project manager) on 01803 208953.

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## **Useful links**

- Torbay Family Information Service - [www.torbaydirectory.com/family](http://www.torbaydirectory.com/family)
- Torbay SEND: [www.torbay.gov.uk/sendreforms](http://www.torbay.gov.uk/sendreforms)
- Council for Disabled Children: <http://www.councilfordisabledchildren.org.uk/resources/cdcs-resources>
- SEND Pathfinder information: <http://www.sendpathfinder.co.uk>
- Devon SEND Pathfinder: <http://www.devonsendpathfinder.info/>
- Torbay Parent Participation Forum: <http://www.torbayppf.co.uk/>