

# SEND Reforms Torbay

A new approach to SEN & Disabilities December 2017 (No.10)

## Including:

*Director of Children's Services, Torbay SEN Team, Local Offer, EHC plan Questionnaire Results, Local Area Achievements, Torbay Parent Carer Forum, Co-Production, Changes to EHC plan Assessment, SEN Support in School, Preparing for Adulthood, Local Area Self Evaluation, SEN Capital Fund Consultation, Useful Links.*

## Introduction

It is now a little over three years since the Children and Families Act introduced the biggest education reform for children and young people with special educational needs in a generation. The aim was to simplify, improve and bring consistency to the help provided for children and young people with special educational needs and disabilities. Key to the reform programme was the introduction of Education, Health and Care (EHC) plans to ensure a more holistic approach towards service provision.

Significant progress has been made locally, particularly in relation to the transfer of statements to EHC plans, the timeliness of new EHC plans and in the development of a Local Offer. However, there remains much to be done and the purpose of this newsletter is to update colleagues on a range of issues including current levels of demand, feedback from children, young people and families and some of the wider work underway to improve and refine our arrangements. One issue I would highlight is the very low rate of return for the EHC plan questionnaires which will make it difficult to draw meaningful conclusions about the views of children, young people and their families and ensure their voices are heard in our future commissioning and service delivery.

Thank you for taking the time to read this newsletter and for your continuing support in seeking to improve outcomes for some of our most complex and vulnerable children and young people.

**Andy Dempsey**  
Director of Children's Services



# Torbay SEN

## Requests for Statutory Assessment (RSA)

The number of RSAs received continues to climb. The table below shows a comparison of RSAs over the last 4 years.

	Sept 14 – Aug 15	Sept 15 – Aug 16	Sept 16 – Aug 17	Sept 17 – Nov 17
<b>Requests for Statutory Assessment</b>	<b>161</b>	<b>176</b>	<b>216</b>	<b>57*</b>
<b>Refused Assess.</b>	<b>21</b>	<b>42</b>	<b>40</b>	<b>1</b>
<b>Stopped Assess.</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>0</b>
<b>Declined</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>0</b>
<b>Issued</b>	<b>136 (84%)</b>	<b>130 (74%)</b>	<b>168 (78%)</b>	<b>0</b>
<b>In Progress</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>56</b>
<b>Final EHC plans issued on time</b>	<b>121 (89%)</b>	<b>105 (81%)</b>	<b>149 (89%)</b>	<b>In progress</b>

\* Sept – Nov 17 is 19% higher than Sept 16 – Nov 16

## Child & Parents Views

The SEN Team aim to meet with the families as part of the EHC assessment to establish and record the views, interests and aspirations of the parents and child or young person. EHC plans should be forward-looking documents that help raise aspirations and outline the provision required to meet assessed needs to support the child or young person in achieving their ambitions. Section A of an EHC plan records the views, interests and aspirations of child, young person and family.

## Transfers from Statements to EHC Plans

One of the key requirements of the SEND reforms was to transfer existing Statements of SEN to an EHC plan by April 2018.

- 888 statements to transfer to EHC plans as of 1/9/14
- The SEN Team has 73 statements remaining to transfer to EHC plans (up to 30/11/17)
- 92% of the original number have been transferred

The local area is on track to successfully complete all transfers of statements to EHC plans by April 2018.

## SEN Team Priorities

- Build stronger links with groups in Torbay to allow young people with SEND to tell us how they want to be supported
- Continue to develop how professionals contribute to EHC plans to enable more transparent outcomes to be agreed

# The Torbay Local Offer

Local authorities must publish a Local Offer, setting out in one place information about provision they expect to be available across education, health and social care for children and young people in their area who have SEN or are disabled, including those who do not have Education, Health and Care (EHC) plans.



Recent improvements include the creation of an SEN Early Years resource web-page. This was created to give Early Years Practitioners and Parents/Carers easy access to relevant information and resources to support young children with Special Educational Needs and Disabilities.

This **Early Years Resources page** has the following drop-down sections:

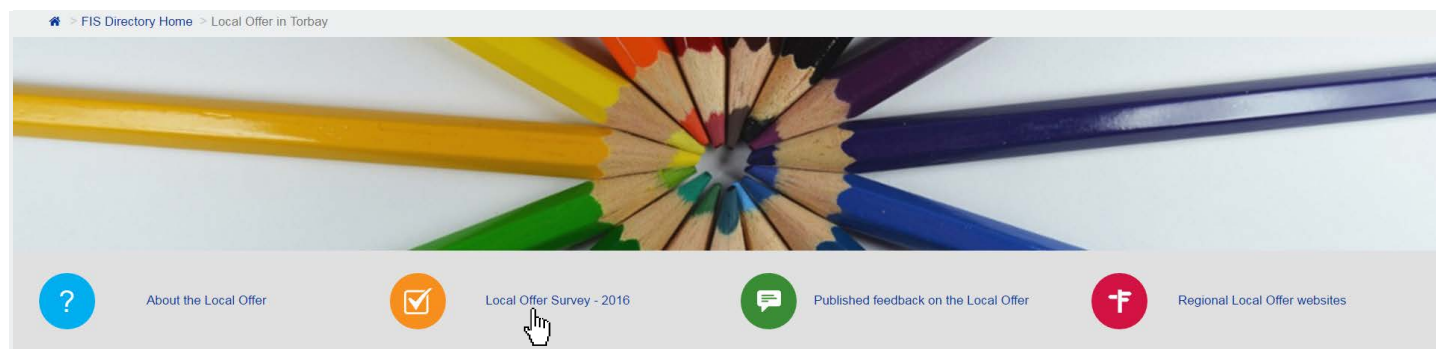
- |                                                 |                                                  |
|-------------------------------------------------|--------------------------------------------------|
| <a href="#">+ Developing Inclusive Practice</a> | <a href="#">+ SEND &amp; Toilet Training</a>     |
| <a href="#">+ Small Step Assessments</a>        | <a href="#">+ Communication and Interaction</a>  |
| <a href="#">+ Play Skills</a>                   | <a href="#">+ Physical and Sensory</a>           |
| <a href="#">+ Useful SEND Documents</a>         | <a href="#">+ Personal, Social and Emotional</a> |

Each drop-down section contains a wide range of information, links to national resources, video clips, and resources that have been developed locally by the Early Years Advisory Teacher (EYAT) for Inclusion.

Similar resources are being developed with partners for other areas of need and age groups.

**We really want to hear the views of young people and their parents / carers on the format and content of the Local Offer. If you would like to be involved in developing the Local Offer, please contact [Marianne. Lewis@torbay.gov.uk](mailto:Marianne.Lewis@torbay.gov.uk) or call 01803 208794.**

Alternatively, please visit the Local Offer at <http://fis.torbay.gov.uk> and click on the survey link:



## Torbay EHC Plan Questionnaire – Results

One way that the Torbay SEN checks that our SEN Officers and Education, Health and Care plans are meeting the needs of children and young people with Special Educational Needs and/or a Disability, is by providing an EHC Plan Questionnaire to all young people (aged 16+) and parents of children who have recently had a new EHC plan or an Annual Review.

The questionnaire asks for feedback on either the request for statutory assessment or the annual review process, depending on which is relevant to the individual.

For the school year 2016-17, 40 questionnaires were returned which is a disappointing return rate of 3%, making it difficult to draw any meaningful conclusions. We are determined to raise awareness of this opportunity to provide feedback and ensure we have better chance of capturing the real views of children, young people in Torbay and/or their parents. This is one way in which we can find out how the EHC plan process could be improved for families.

### Results

<b>97%</b>	My views were adequately reflected in the EHC plan / Annual Review
<b>77.5%</b>	All of the professionals that I wanted to contribute the EHC plan / Annual review did so
<b>95%</b>	All of the Educational Professionals that contributed gave detailed and up to date information
<b>70%</b>	All of the Health Professionals that contributed gave detailed and up to date information
<b>60%</b>	All of the Social Care Professionals that contributed gave detailed and up to date information
<b>90%</b>	The plan that is in place will effectively meet my / my child's special educational needs
<b>87.5%</b>	The process was clearly explained to me from start to finish
<b>65%</b>	I was given information about who I could talk to if I had concerns during the process
<b>77.5%</b>	I was made aware that I can get independent information, advice and support from SENDIASS Torbay any time I need it

We do also receive comments and questions from parents, children and young people, however at this moment there are not sufficient responses to publish themes. All feedback is all reviewed by the SEN Team and SEND Operational Leads, and where requested, a response is provided.

To address the low return rate, the SEN Team has included a link to an online version of the EHC plan questionnaire in the letters which accompany new EHC plans and follow up letters to Annual Reviews.

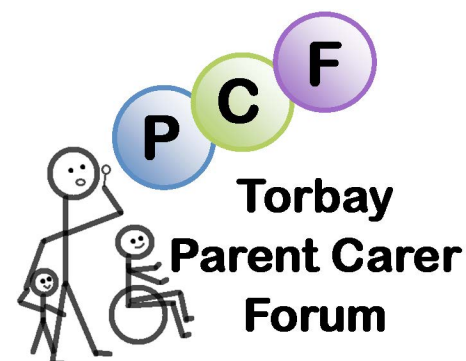
### What has the local area achieved since May?

- SEND Strategy & local area action plan completed and published
- Local area Self Evaluation of SEND provision in Torbay
- Post 16 'value for money' process underway to measure success in realising individual outcomes across all provisions
- Transition protocol agreed with Adult Services
- Accessibility Strategy agreed by Council and published
- An increased accountability for key partners through audits and self-evaluation.

- A cultural change process underway in the way EHC plans are written leading to SMART plans
- An internal and external EHC audit process starting Autumn 17
- Continued good rate of conversions of Statements of Special Educational needs to EHC plan
- Joint Strategic Needs Assessment now includes identified SEND needs
- Early Years sufficiency report identifies local provision / gaps
- Strengthened Strategic engagement across the local area partnership

## Torbay Parent Carer Forum

We continue to be heavily involved in the co-production of services for children and young people with SEND at a strategic and operational level. We are involved with both the SEND Operations group at the Local Authority and the CCG recommissioning process amongst many other things. Our most recent co-production event 'What to expect in plans' – Needs Outcomes & Provision (Nov 2017) was enlightening and thought provoking. It was good to have a mixed audience of parents/carers and professionals when exploring clear and cloudy language. The purpose of this event was to include parents/carers in improving the quality of services provided to children and young people with SEND within the local area. We hope the training will help the joint planning between parents and professionals, leading to clearer expectations about the services that will be provided.



We are always happy to welcome new members and currently have spaces on our steering group. If you would like to participate please contact the Parent Carer Forum at [info@torbaypcf.org.uk](mailto:info@torbaypcf.org.uk). For further information please visit [www.torbaypcf.org.uk](http://www.torbaypcf.org.uk)

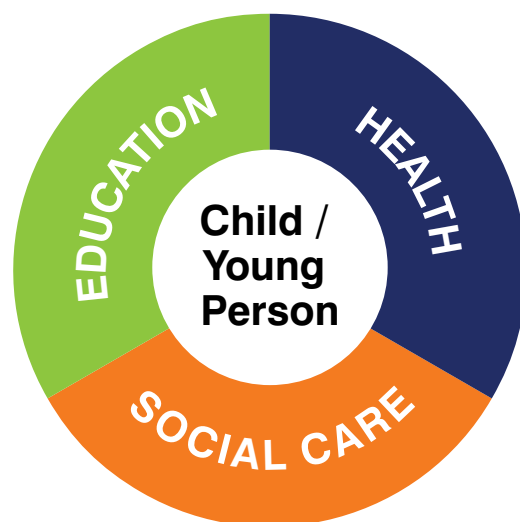
**Carol Brierley, Chair Torbay Parent Carer Forum**

## Co-production

Over the last 6 months the SEN Team has consulted extensively with SENDCOs and SEN professionals over the format and content of EHC plans. This work started at the Joint SENDCO/SEN Event on 28th March at the RIC, and was taken forward with the half termly Joint SENDCO/SEN Workgroup.

### Feedback

- Needs should be more concisely described
- Needs should be clearly linked to provision and outcomes
- Targets need to be more SMART  
(Specific, measurable, achievable, realistic, timely)
- Too many targets are hard to implement in the classroom
- Plans should only contain the additional support
- Expectations need to be clarified between SEN Support
- Plans should be moderated to ensure consistency



## Changes to EHC Plan Assessment

### Appendices

As EHC plans are largely written using the information provided by a range of professionals, the SEN Team has made a number of changes to the supporting paperwork. Appendices for SENDCOs (and all other professionals) have been reformatted to clarify what constitutes a “need” and give examples of how this should be described when submitting an RSA.

### EHC Plan Template

The EHC plan template has been updated to:-

- capture concisely described areas of need
- include the needs in the Support Plan alongside the Desired Outcome and Provision

### Annual Review Template

All of the the Annual Review templates have been updated to reflect the changes to the EHC plans.

### SEN Support

Torbay’s Guidance & Descriptors for SEND Support (a Graduated Response) has been created in draft format and will be published in full the Spring Term Term to clarify expectations of SEND Support.

### Audit / Moderation

An EHC plan audit process has started this Autumn Term based on an audit tool developed by the SEN Team alongside the Joint SENDCO/SEN Workgroup, based on good practice from regional LAs and DfE partners.

- Internal monthly audit of EHC plans by SEN managers
- External termly audit of EHC plans by external partners, due to start Spring Term 2018

The changes are intended to support planning, leading to the realisation of clearer, more specific outcomes for children and young people in Torbay

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## SEN Support at Cockington Primary

Collating the evidence for an EHC plan request is a lengthy process. It needs to be right for the sake of the child, the parent guardians and the school. If the support is not detailed and the progress that a child or young person has or hasn’t made isn’t evidenced, then the EHC plan assessment isn’t going to proceed. This evidence can’t be found at the last minute or backtracked, so the collating of evidence needs to start as soon as the child steps foot through the school’s door (or before) for all children at the SEN support level. It’s not always easy to predict if a child would qualify for an EHC plan. From a SENDCo’s point of view some are obvious straightaway, some children’s needs change and the gap with their peers widens as they go through the school so the main advice is record, record, record for all on the schools SEN register.

When a child is initially brought up as a concern by the class teacher, the first steps are to get them to discuss their worries in more detail and explain what they are doing already – maybe there is a simple solution to their worries. In the first instance the teachers are the problem solvers with SENDCo at hand to advise. Alongside this, the child’s history should be checked with discussions with past teachers and the pastoral team – there could be something going on that the teachers are not aware of that easily explains a change in behaviour. The need of the child is being assessed.

If the need is there, a classroom observation follows with any assessments at hand as deemed appropriate – Sandwell for maths, British Vocabulary scale for language etc. Referrals should be completed for speech



and language and occupational therapy if necessary and a plan of action decided upon. Schools have a range of interventions and experience that they can use.

If progress is not being made despite intervention, this is when to call in the external agencies; outreach support and educational psychology. By now an individual support plan should be drawn up with simple achievable targets reviewed termly with parents and also an implementation plan of any evidence that has been recommended by these external agencies including SALT and OT.

It is also vital that during all these phases of support, records are kept of attendance, behaviour incidents, meetings with parents etc. All schools have their own systems, often with ready adapted computer software. All these things provide vital evidence for an EHC plan application.

It is at this point after 2 terms of following advice from external agencies, constantly assessing, planning and following the plans, still with limited progress from the child that you are finally ready to start the process of applying for statutory assessment.

**Philippa Roderick**  
**SENDCo**

## Preparing for Adulthood

Preparing children and young people with special educational needs and/or a disability for adult life needs to start as early as possible in order to allow them to develop the skills and knowledge they will need to have choice and control over their lives.

Visit [“Preparing for Adulthood”](#) in the Torbay Local Offer for information related to training, employment, living independently, becoming involved in your community and support available as you move from services for children and young people to services for adults.

### Preparing for Adulthood

#### Preparing for Adulthood Pathway



Torbay Adult Health & Social Care Teams – Tel: 01803 219700  
Transitions Coordinators (Sally Smith-Paignton & Brixham Area) & Amy Harper (Torquay Area)  
Torbay SEN Team – Tel: 01803 208274  
Children with Disabilities Team – Tel: 01803 206280.

## Young Adults Transitioning into Adult Services

A reminder for all staff who are working with young people aged 16+ about the Mental Capacity Act 2005.

### What does the Mental Capacity Act say about making decisions?

The phrase 'Mental Capacity' used in the Act refers to the individual's ability to make decisions. These can be everyday decisions about what to eat, what clothes to wear. They can also be about bigger decisions about where to live, how to spend money, or what medical treatment to have. The Mental Capacity act is concerned with all decisions, apart from a small number of very personal decisions where it is not possible for somebody to decide for someone else (for example getting married or consenting to sex).

The Act is about how decisions are made concerning Adults. It applies to all people who are 16 or over in England & Wales. The law says that we must help people make their own decisions wherever possible. When a person cannot make their own decision, other people have to decide what is in their best interest. Often the person's family will make these decisions but sometimes other people must make these decisions. If it is a Medical decision, this will be a Doctor. Sometimes the local authority professionals will make some decisions. The more significant the decision to be made, the more likely that a number of different professional staff will be involved.

The Mental Capacity Act (MCA) requires any decision or act made on behalf of a person who lacks capacity to be made in the person's best interest. This law is important for anyone supporting vulnerable adults to live fulfilling lives. There is also a 'Code of Practice' for the Mental Capacity Act. All professional staff have a legal duty to follow the Code of Practice.

**ASK YOURSELF THE QUESTION –In the work you are doing with Young Adults aged 16+ are you working within the legal framework of the Mental Capacity Act?.**

**Useful Resources:**

[www.dh.gov.uk/mentalcapacityact](http://www.dh.gov.uk/mentalcapacityact)

[www.dca.gov.uk/legal-policy/mental-capacity](http://www.dca.gov.uk/legal-policy/mental-capacity)

[www.mencap.org.uk/mental-capacity](http://www.mencap.org.uk/mental-capacity)

[www.torbay.gov.uk/mental-capacity](http://www.torbay.gov.uk/mental-capacity)

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## Self-Evaluation

The Torbay Local Area SEND Self-Evaluation sets out an assessment of the available provision for improving outcomes and life chances for children and young people with Special Educational Needs and Disabilities (SEND) across the local area. The evaluation takes into account the duties outlined in the Special Educational Needs and Disability Code of Practice: 0 to 25 years. The aim of the evaluation, which is still ongoing, is to identify local area strengths and key priorities for development:

**The text below is lifted from the Executive Summary from the draft self-evaluation document:**

### **How effectively does the local area identify children and young people who have special educational needs and/or disabilities?**

Torbay can evidence that the local area responds in a timely manner to the identification of need. There are effective, published processes in place underpinning the identification of need across the local area. Work needs to progress in order to strengthen the use of more specific, measurable, achievable, relevant, timely (SMART) targets within Education, Health and Care Plans. This will incorporate a cultural change across agencies, including professionals' advice which is used to inform plans, through to the final draft EHC plan which must then be implemented in the educational setting.

### **How effectively does the local area assess and meet the needs of children and young people who have special educational needs and/or disabilities?**

Torbay has clear processes for assessment of need which prioritises engagement with children, young people and their parents / carers, and places emphasis on their views. The SEN Team coordinate the assessment process according to statutory time-scales and multi-agency professionals provide assessment information and engage in the multi-agency SEND Panel. National and local feedback from children, young people and parents/carers, in addition to a very low rate of mediation and tribunals, suggest that locally there is satisfaction with arrangements.

Further development work needs to occur to ensure that all partners are able to provide timely and constructive contributions to the assessment of need, whilst looking for opportunities to reduce duplication of reports. Links with young peoples' groups need to be strengthened to ensure consistent feedback from across the local area actively informs planning. Systems to improve information sharing between agencies will continue to be enhanced.



## How effectively does the local area improve outcomes for children and young people who have special educational needs and/or disabilities?

Torbay can demonstrate that the range of schools that are good or better has risen in the last two years, leading to fewer pupils requiring out of area placements. Children with a statement/EHC plan achieve above both national and regional comparators in reading, writing and maths at key stage 2. This above average performance is also mirrored at the end of key stage 4. An independent survey of Parents and Young People conducted by Government Social Research indicated that parents are satisfied that their child's needs have been effectively identified and met by the EHC plan process.

There is a good range of services within the local area. Opportunities for joint commissioning of services need to be linked to the increased awareness and use of the Local Offer, which describes these services. Co-production needs to become embedded in order to ensure that the views of children, young people and parents/carers drive service design and identify gaps in provision.

The raising of aspirations such as paid employment and independent living will remain a priority and will be addressed by continuing to strengthen relationships between post 16 providers and the LA. Effective information sharing will lead to the development of education, training and employment opportunities that reflect local need.

**To comment on the summary or receive a full copy of the draft Self-Evaluation please email [SENDreforms@Torbay.gov.uk](mailto:SENDreforms@Torbay.gov.uk)**

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## SEN Capital funding consultation

The Government has committed £215 million of capital funding to help local authorities create new school places and improve existing facilities for children and young people with SEN and disabilities, in consultation with parents and providers.

This funding is:

- intended for the children and young people with education, health and care (EHC) plans for whom the local authority is responsible.
- to support local authorities to invest in provision for children and young people with SEN and disabilities aged 0-25 to improve the quality and range of provision available to the local authority.

Within the consultation document there are four project areas identified for use of this funding including Accessibility Funding (not for reasonable adjustments) to be made available on a bid basis for mainstream schools (not special schools), private/voluntary and early years providers to promote inclusive practice for children and young people with SEND.

This consultation is an opportunity for children and young people with SEN and disabilities, their families and providers, to consider what is being proposed and feedback their views.

Responses received will then be used to help inform decision making on how the funding will be allocated.

To take part in the consultation please visit: [www.torbay.gov.uk/council/consultations/sen-capital-funding/](http://www.torbay.gov.uk/council/consultations/sen-capital-funding/)

Torbay will be able to apply for a share of this funding by submitting an action plan created following this consultation.

This consultation went live 1st Dec 2017 and closes 31st Jan 2018.

## Useful links

### Local Area SEND Inspections “One Year On”

Summary of 30 inspections between May 16 – May 17

<https://www.gov.uk/government/publications/local-area-send-inspections-one-year-on>

### Torbay Local Offer

All SEND related local services and information

<http://fis.torbay.gov.uk>

### Torbay Council Website - SEND landing page

**The portal for all local information including guidance and forms for:**

- EHC needs assessments, plans and Annual reviews,
- Mental Capacity,
- SEND Inclusion in Early Years,
- Person Centred tool to use for gathering children and young people’s aspirations and views

<http://www.torbay.gov.uk/schools-and-learning/send/>

### SEND Code of Practice

Statutory Guidance in relation to SEND

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>