



**Children & Education Select Committee
18 September 2014
Special educational needs and disability update**

Purpose of the report: This report provides an overview of the changes required in relation to the services for children and young people in Surrey with Special Educational Needs and / or disability.

Introduction:

1. The Children and Families Act 2014 will introduce a radical change to the way that services for children and young people with special educational needs and disabilities (SEND) are delivered. This report provides an overview of Surrey's readiness for the implementation of the new legislation from 1 September 2014 and describes the further steps planned for its complete adoption.

Background

2. The current system for managing the assessment of young people's special educational needs and for determining suitable provision to meet these needs was introduced by the Education Act, 1981 following on from the 1978 "Warnock Report" commissioned by central government. That system was based on the notions that all children are educable, the special educational needs could be met in mainstream as well as special schools, and that children should be assessed as individuals rather than designated under categories. The 1981 legislation introduced the notion of a "statement" which would describe the individual needs and entitlements of the child that was its subject.
3. While the primary duties under the 1981 Act rested with local education authorities, the system that arose from it involved significant contributions from other agencies, such as health authorities and trusts and social services departments. In the further education sector (which was outside the scope of the act) a number of parallel arrangements evolved. Special educational needs and disabilities has thus become an area of individual agency and collective partnership working, and issues around this working have preoccupied professionals over a number of years. Commissioning and service delivery has been

determined by a number of key stakeholders with a variety of funding streams; some of which were previously ring fenced grants.

4. The 1981 legislation has, over time, raised public expectations in terms of choice, quality, availability and quantity of services. The Coalition Government announced its intention to introduce new legislation in 2011 and this has coincided with a period of reducing public funds.
5. Surrey was one of a series of "Pathfinder" authorities working with the Department for Education in exploring and preparing for the new systems. The new legislation will introduce many changes to the current (August 2014) system, including "Education, Health and Care Plans" in place of "Statements", a published "Local Offer", an increased age-range (potentially 0-25), and an approach that is joined-up, person-centred and outcome-orientated. Readiness for September 2014 has seen significant partnership work focussed through Pathfinder workstreams to ensure that the key legislative requirements of the Children and Families Act can be implemented.
6. Key stakeholders in this process include: children, young people and their families; the local authority; the school community; the National Health Service; early years settings; further education colleges; and support and advocacy groups.

September 2014 requirements (Phase 1)

7. The following are basic to the introduction of the new national system:
 - Local offers, describing special educational needs provision available to the area, must be published;
 - New joint commissioning arrangements must be established;
 - New education, health and care assessment and planning starts for new entrants;
 - A personal budget offer must be made to accompany new EHCPs;
 - Mediation arrangements must be in place;
 - LA's must publish plans for transferring young people from statements to education, health and care plans.

Additionally:

- Young people (post 16) with Learning Difficulty Assessments transfer to the new system (September 2014-2016)
- Children and young people with statements of SEN transfer to the new system (September 2014-2018)

- New duties for young offenders with SEND commence (April 2015)

Next steps: Phase 2

8. The new SEND system is complex and far-reaching. It requires consideration of numerous separate but inter-related parts to ensure better outcomes for children and young people with special needs and / or disabilities. To date much work has been done on parts of the system ranging from specific short breaks reviews and speech and language reviews, to the devising of new systems and processes as well as learning about the experiences of some service users and their families.
9. Phase 2 offers the opportunity build upon the foundations of the new system so that SEND arrangements in Surrey are inclusive, effective and affordable going forward. From the strategic umbrella of a shared SEND strategy all activity will be brought together as a 0-25 SEND service. Key areas of focus and discussion will include:
 - An inclusive approach;
 - An early help approach;
 - A pathway approach - from point of identification or diagnosis through all changes to transition into adulthood;
 - Personalisation;
 - An integrated approach;
 - Joint commissioning between services;
 - Whole system short break and boarding reviews (building on those already recently completed).

Conclusions:

10. Much work has been undertaken to prepare for the system changes required for September 2014 in relation to SEND. Implementation will no doubt highlight various challenges. Phase 2 will be overseen by the new strategic SEND governance Board.
11. The remit of the SEND Governance Board will be:
 - a. to identify and develop the SEND strategy for Surrey and direct the implementation of the strategic plan for SEND;
 - b. to oversee the implementation of the new legislation ("SEND14") and progress towards an integrated Surrey service and joint commissioning delivery models beyond 2014;

- c. to work with schools and the Surrey Schools Forum to reduce demand on the High Needs Block within the Designated Schools Grant over a three year period;
- d. to be responsible for leading cultural change regarding SEND partnership working and service delivery;
- e. to clarify the shared responsibility across agencies, for SEND cost savings;
- f. to review the joint strategic needs analysis as it applies to special educational needs and disabilities;
- g. to identify those 'reference groups' currently supporting SEND work, confirm membership and direct the ongoing activities of relevant groups;
- h. to issue further briefing and positioning papers to go to Cabinet outlining the strategic direction/partnership vision for Surrey's SEND service provision

Recommendations:

That the Select Committee note the position to date and determine a future timetable of review.

Next steps:

Identify future actions and dates. That SEND Phase 2 is taken forward, governed by the SEND Strategic Governance Board.

Report contact:

Caroline Budden, Assistant Director, Children's Services and Safeguarding
 Peter-John Wilkinson, Assistant Director, Schools and Learning
 Jane Barker, Joint Head of Additional and Special Educational Needs

Contact details:

Caroline Budden, caroline.budden@surreycc.gov.uk, 01372 833400
 Peter-John Wilkinson, peterjohn.wilkinson@surreycc.gov.uk, 020 8541 9907
 Jane Barker, jane.barker@surreycc.gov.uk, 01483 519094

Annexes: Annex 1 – "A guide to SEND 2014"

Sources/background papers:

Children and Families Act, 2014
 Education Act, 1981
 Report of the Committee of Enquiry into the Education of Handicapped Children and Young People, 1978 (known as the Warnock Report)