

Report to :	HEALTH AND WELLBEING BOARD
Date :	19 January 2017
Board Member / Reporting Officer:	Alan Ford – Commissioning Business Manager for Children, Young People and Families Catherine Moseley – Head of Access and Inclusion
Subject:	SPECIAL EDUCATION NEEDS AND DISABILITY (SEND) REFORMS IMPLEMENTATION UPDATE
Report Summary:	The report provides an update on the implementation of the Special Education Needs and Disability (SEND) reforms enshrined in Part 3 of the Children and Families Act 2014 in identifying and meeting the needs of Children and Young People with SEND in the local area. It asks Board members to consider their roles in contributing to Tameside’s responsibility to these young people and how they can contribute to addressing the gap analysis. This area of work will be inspected by Ofsted and CQC at some point and will include the Local Authority, Clinical Commissioning Group and Public Health. This report is also being presented to the Education Attainment Improvement Board in January 2017.
Recommendations:	Members of the Health and Wellbeing Board are asked to note the contents of the report, and to consider their role in ensuring relevant steps are taken to progress arrangements to further the implementation of the SEND reforms:- <ul style="list-style-type: none"> • Ensure the co-production, development and delivery of a shared vision and strategy across the Local Area for children and young people with SEND; • Ensure that families, children and young people with SEND are at the centre of the development of the strategy and services; • Support the creation of a governance framework for the SEND Agenda, which ensures Executive oversight and reflects on performance report implications; • Ensure the establishment of a clear line of sight and accountability to the Health and Well Being Board; • Ensure the development of a performance matrix for SEND that includes prevalence and outcome information.
Links to Health and Wellbeing Strategy:	The Health and Wellbeing Strategy is due to be refreshed in 2017, which has held a strong focus on starting and developing well, supporting the most vulnerable in our communities and helping our children and families to reach their full potential. However, in the refresh there is clear need to ensure SEND is explicitly captured and articulated informing and shaping local plans.
Policy Implications:	A need has been identified to develop and deliver a shared vision and strategy across the Local Area for children and young people with SEND. In addition the Tameside JSNA needs to reflect SEND to ensure a shared process that brings challenge and innovation to commissioning and the decision making process for health and well-being.

**Financial Implications:
(Authorised by the Section 151
Officer)**

There are no direct financial implications arising from this report. However, it should be noted that any associated expenditure which may subsequently arise would need to be funded from existing resources.

**Legal Implications :
(Authorised by the Borough
Solicitor)**

Special educational needs legislation has been reformed by the Government with effect from the 1 September 2014. The changes form Part 3 of the Children and Families Act 2014 which received Royal Assent on 13 March 2014. This is to improve outcomes for children and young people with complex needs and the experience of parents and carers.

The three key changes are as follows:

- *Production of a 'Tameside Local Offer'*: Placing a duty to set out clear and searchable information on services available to parents and carers, children and young people
- *Education, Health and Care Plans (EHCP)* for children and young people with special educational needs from birth to age 25: Replacing Statements of Special Educational Needs, and Section 139a Learning Difficulty Assessments for post 16 education
- *Personal Budgets*: For some families and young people with an EHCP to give greater independence, choice and control over their support.

The Act also includes:

- The need to involve children and young people and parents and carers at the heart of the process in a more person centred way
- Places a requirement on local authorities and health services to jointly commission services for young people and families
- Provides statutory protection for young people who are in education or training up to the age of 25
- That SEND duties will apply equally to all schools including Academies and Free Schools.

It is therefore necessary that there is a clear strategy for delivery within the Borough cutting across organisational boundaries.

It will also be important to ensure we learn from those organisations who have already been inspected and/or are regarded as being outstanding at delivery in this area.

Risk Management :

The assessment outlined in this paper highlight areas of SEND potential weakness/risk. The proposed recommendations and implementation of comprehensive self-evaluation framework (SEF) will mitigate the risks of poor outcomes and experiences for children and young with SEND and a potential poor inspection outcome.

Access to Information :

The background papers relating to this report can be inspected by contacting Alan Ford or Catherine Moseley by:



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1 INTRODUCTION

1.1 The Special Educational Needs and Disability (SEND) Reforms, enshrined in Part 3 of the Children and Families Act 2014 came into force on 1 September 2014 and outlined the biggest transformation to special educational needs and disabilities support for 30 years. Local Areas now have responsibility for all children and young people with SEND aged 0 – 25. Through the Children and Families Act and the Code of Practice, responsibility for the development of SEND services lies with the Local Area rather than individual agencies or services. Local Area responsibilities under the Children and Families Act include:

- Ensuring appropriate services are in place which meet needs across the 0 - 25 age range;
- Embedding co-production with children, young people and their families / carers at both the strategic and individual level;
- Integration and joint commissioning of services across partners for example, the local authority and Clinical Commissioning Groups (CCG);
- The offer of a personal budget across education, health and / or social care;
- Clear improvements to the child/young person's life and education achieved through clearly articulated outcomes which match the child/young person's aspirations;
- Replacement of Statements of SEN and Learning Difficulty Assessments with Education, Health and Care (EHC) plans;
- Supporting young people over the age of 16 to exercise their right to make decisions about their lives/support (unless they lack the capacity to do so);
- The publishing of a 'local offer' (a one stop shop where information about all services and groups across the local area which support children and young people with SEND and their families can be found.);
- Supporting schools and colleges to embed the new SEN Support classification (replacement for School Action and School Action Plus) within their day to day practice to ensure improved outcomes for all children and young people with SEND.

1.2 A new framework for the inspection of local areas' effectiveness in meeting the needs of children and young people with (SEND) has been implemented. The new inspection programme began in May 2016, with potentially a Tameside assessment likely in 2017. It is important to note that this is a local area inspection, not a local authority inspection. The local area includes the Local Authority, CCGs and Public Health. The new joint inspection framework for SEND will seek to hold the local area to account and ensure that our plans are appropriate to meet local demand, and to ensure they have an effective relationship with the key providers to ensure effective arrangements for delivering completed and implemented EHC plans (*for further information on the inspection framework see Appendix*).

1.3 All areas in England will be inspected over the next 5 years. Two inspections have already taken place in Greater Manchester - Bolton and Rochdale. Derbyshire has also been inspected. Following inspection, the outcome letters are published by Ofsted and CQC and these can be accessed via <https://www.gov.uk/government/publications/local-area-send-inspection-outcome-letters>.

2. IMPLEMENTATION OF THE SEND REFORMS IN TAMESIDE – A GAP ANALYSIS

2.1 The local area has recognised that it needs to complete a comprehensive self-evaluation (SEF). The SEF will clearly document the local area's strengths and areas for improvement and lead to an area wide action plan in addition to individual organisation plans.

2.2 In order to complete the SEF, the local authority has used some of the SEND Implementation Grant to engage the services of an external consultant to give an objective assessment of where the local area currently stands. The CCG has undertaken a SEND

diagnostic audit and together with the robust external evaluation of the Local Area will assist the development of an accurate self-evaluation by the Local Area and ensure strategic ownership of the SEF and its outcomes. This work will assist the Local Area in developing a shared vision and strategy to answer three key questions:

- How effectively does the local area identify children and young people who have special educational needs and/or disabilities?
- How effectively does the local area assess and meet the needs of children and young people who have special educational needs and/or Disabilities?
- How does the local area improve the outcomes of children and young people who have special educational needs and/or disabilities?

2.3 The assessment has identified the following themes for improvement:

2.4 **Strategic Leadership**

- Greater oversight by strategic leaders of the SEND Agenda
- The development of a shared vision and strategy across the Local Area for children and young people with SEND
- Creation of a governance framework for the SEND Agenda;
- Establish a strategic steering group for SEND, to be tasked with setting the direction for all work relating to the SEND agenda across the Local Area and ensure accountability for delivery;
- Establish a clear line of sight and accountability to the Health and Well Being Board.

2.5 **Data and Intelligence**

- Develop a shared data suite/SEND Joint Strategic Needs Assessment across the Local Area to determine the prevalence of need across Tameside, identify gaps in services, inform improvements and drive commissioning decisions
- Use existing data sets more effectively so that the needs of children and young people at SEN support both in schools and colleges are better understood.
- Ensure that appropriate support is available to schools and colleges from all services to enable the identified needs to be met and to ensure that poor practice is challenged.

2.6 **Assessing Impact and Outcomes**

- Develop mechanisms by which the Local Area can measure the impact of services on improving the lives of children and young people with SEND and their families.
- Develop methods of tracking outcomes for individual children and young people with SEND across services so that the Local Area can be confident outcomes for children and young people with SEND in Tameside are improving.

2.7 **Local offer**

- Raise awareness of the Local Offer amongst parents, young people and settings.
- Review the Local Offer with parents and young people to ensure it contains the information which is most useful to them
- Ensure information contained on the Local Offer is timely, comprehensive, accurate and up to date.
- Develop a mechanism to ensure that usage can be monitored to help drive improvements
- Develop capacity to ensure the local offer is effectively managed and maintained.

2.8 **SEND Reforms**

- Through the formation of the SEND Steering group give direction to the ongoing implementation of the SEND reforms to ensure the focus is on the areas where less progress has been made for example, joint commissioning; preparation for adulthood; SEN support in schools.

3. NEXT STEPS

3.1 It is clear that there is much still to do in the Local Area to ensure that the reforms are fully embedded across all services to meet the needs of children and young people with SEND. In order to drive this agenda forward quickly, the following actions have been identified:

- Ensure the coproduction, development and delivery of a shared vision and strategy across the Local Area for children and young people with SEND;
- Ensure that families, children and young people with SEND are at the centre of the development of the strategy and services;
- Support the creation of a governance framework for the SEND Agenda, which ensures Executive oversight and reflects on performance report implications;
- Ensure the establishment of a clear line of sight and accountability to the Health and Well Being Board;
- Ensure the development of a performance matrix for SEND that includes prevalence and outcome information.

3.2 It is intended that SEND should regularly feature on the Health and Wellbeing Board Agenda as all partners have a role to contribute in either supporting, delivery or challenging the strategy and more importantly performance and outcomes for children and young people..

4. RECOMMENDATIONS

4.1 As set out on the front of the report.

APPENDIX

Hyperlink Guidance: [Guidance: Local area SEND inspection: framework](#)