

Committee: Health and Wellbeing Board/Children Trust Board

Date: 29th September 2015

Agenda item: Update on implementation of the Children and Families Act 2014 Part 3

Wards: All

Subject: Children & Families Act 2014 Part 3; progress on implementation of SEN and Disabilities elements

Lead officer: Jane McSherry, Assistant Director, Education

Lead member: Cllr Maxi Martin; Cllr Martin Whelton

Forward Plan reference number:

Contact officer:

Recommendations:

- A. That the Board/Trust notes the progress made in implementation of the Children & Families Act 2014 Part 3.
 - B. That the Board/Trust considers the risk implications outlined in Section 9 of the report.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. To inform the Health and Wellbeing Board/Children's Trust of the progress being made in the implementation the Children & Families Act 2014 Part 3 reforms.
- 1.2. To inform the Health and Wellbeing Board/Children's Trust of further action required to implement and fully imbed the reforms in routine practice.
- 1.3. This update report is focussed on the key delivery areas from the Children & Families Act 2014 Part 3. There are separate sections outlining: programme governance; the local offer; Education Health and Care Plans (EHCPs); 0-25 agenda including preparation for adulthood; personal budgets; joint commissioning and work with health. The report will outline work so far, next steps and any risks for the Board/Children's Trust to consider.

2 PROGRAMME GOVERNANCE

- 2.1. The Children's Trust Board was the key governance group for the implementation of the Every Child Matters agenda and has been the strategic driver for the implementation of the Children and Families Act Part 3 requirements.
- 2.2. During 2014, management and oversight of the implementation of the SEN reforms in the Children and Families Act 2014 Part 3 was through a

Programme Board, focussed on initial planning for implementation. The Board was supported by a number of workstream groups (detailed below):

- Assessment Framework and revised SEN Code of Practice;
- Education, Health and Care Plan
- Local Offer
- Personal budgets
- Preparation for adulthood
- Workforce development

- 2.3. These workstream groups included representatives from a range of partner agencies and parents who were an integral part of these groups. The Board and workstream groups were disbanded towards the end of 2014 in order for us to take stock and consider how best to govern the next stages of implementation. Parents have been actively involved and it is right that they play a role at a strategic level in shaping services as well as being involved in detailed developments as part of the change programme. To that end a group was convened in January 2015. However, key agencies raised concerns re servicing that group in addition to other partnership structures. Further practice and service development across a range of partners is required to ensure the implementation of the act continues. It was therefore proposed that strategic oversight of the Children and Families Act implementation was aligned alongside existing partnership structures and proposals were taken to the Children's Trust Board and the One Merton Group.
- 2.4. As the Children's Trust Board currently has oversight of the CYP Plan and outcomes particularly for children and young people with complex needs and most of the partners who were involved in the original Programme Board for the SEN reforms are already on this group it was proposed and accepted that the strategic governance for the Children and Families Act 2014 Part 3 would become part of the Children's Trust Board's forward work plan. As parents are not represented on this group but are a key part of the implementation of the SEN reforms parent representatives have been invited to join this group.
- 2.5. The parent representatives will be made up of four parents: two parents from current groups representing parents of disabled children; and two parent governors from the governing bodies of Merton schools.
- 2.6. The Terms of Reference of the Children's Trust Board will be amended to include the new functions, priorities and membership.
- 2.7. It is also proposed that additional dynamic consultation with parents and carers is undertaken outside the Children's Trust Board but overseen by it and that these consultations have clear themes to inform the work of the Board.
- 2.8. The strategic governance through the Children's Trust Board will:

- Be responsible for the overall direction and management of the implementation to ensure it is a local solution and ‘fit for purpose’
- Ensure that the implementation remains on course to deliver the planned outcomes in the allocated timescales and to the required quality
- Commit required resources
- Agree and implement policy decisions
- Be ‘advocates’ of the cultural change needed; and
- Make strategic decisions on workforce development

3 LOCAL OFFER

- 3.1. The Local Offer is a statutory website for the council and was first published on 30 September 2014. (www.merton.gov.uk/localoffer).The required content under the SEND reforms is significant and will increase as practice develops and new processes become embedded within SEND practice.
- 3.2. Currently there are four established templates that organisations and internal services are invited to complete to advertise their SEN specific services in the Local Offer. These include education, health, training and other; the latter being the default or general template used by most other services.
- 3.3. As per the Children and Families Act 2014 Merton has remained faithful to the Local Offer remit of making information available for parents that is specific to children and young people with SEND. Therefore the website is not a directory of services with links that move you to other websites; rather it contains detailed information of use to parents.

Information currently available in the Local Offer includes:

- 57 education providers (41 Primary, 8 Secondary, 3 Specialist, 3 Colleges and 2 Alternative Providers)
 - 20 children and young people health services
 - 13 short breaks services
 - 40 early education and childcare services
 - 13 leisure services
 - 13 Information and advice articles for parents including: How to request an EHC needs assessment, Personal Budgets, Local NHS services, national advice and support.
- 3.4. Initial testing with parents and young people took place during September 2014. The next phase of consultation and testing is scheduled in Autumn 2015.
- 3.5. Local Offer; the Next Phase

A Local Offer Steering Group has been set up to ensure that Merton is meeting the requirements in relation to this aspect of work. Elements of the local offer that have been updated recently include:

- Post-16 education and training provision
- Apprenticeships, traineeships and supported internships
- More leisure activities
- Collation and verification of data from different service areas before it is uploaded onto the Local Offer
- SEN transport

Areas to still be developed or completed include:

- Information about provision to assist in preparing children and young people for adulthood
- Support to help children and young people move between phases of education
- The local authority's accessibility strategy
- A revised CSF complaints policy that reflects the SEN changes
- Redesign the look, feel and usability of the local offer to improve the overall user experience
- Design an approval process for external providers or organisations looking to join the Merton Local Offer
- Renew the Local Offer database contract

- 3.6. The current IT system contract provider is Open Objects who built and currently host the service support. This contract is due to expire on 31st March 2016. Future contract renewals and systems will be linked to the "Family Services Directory" contract for children and young people and the Framework-i IT system hosted by Adults, Community & Housing.
- 3.7. The Information Services Manager for Early Years is the gatekeeper and manager of information for the Local Offer.
- 3.8. There is a risk in relation to the breadth and completeness of the local offer in that it needs capacity to check and update information provided, follow up with new or changed services and ensure that everything presented is accessible and accurate. Capacity to undertake this work is very limited.

4 EDUCATION, HEALTH & CARE (EHC) ASSESSMENT & PLANNING

- 4.1. From September 2014 Merton has implemented the new statutory 20 week pathway for EHC assessments and plans as stipulated in the Children & Families Act 2014. Multiple partner agencies have contributed towards the development of a pathway and the current EHC plan in use will be updated over time as professionals and partners work together to develop the

process. In addition to the local authority staff engaged in EHC planning, commissioners agreed that co-located health staff would join the EHC planning team in SENDIS and some of this capacity is already in place.

4.2. New EHC plans

Between 1st September 2014 and 31st May 2015 there were 159 requests for new assessments. This compares with 111 in the same period the previous year. 87% of new EHC plans have been completed within the 20 week timescale.

4.3. EHCP Transitional Arrangements

The transfer of all existing Statements of Special Educational Needs (SEN) and Learning Difficulty Assessments (LDAs) to EHC plans started in September 2014. In line with the reforms the council has consulted on and published a summary of the process for transferring a “statement” into an EHC plan. This summary, with key information and advice, is found on the local offer database via the following link: [Transferring to an Education, Health and Care Plan \(EHCP\)](#).

4.4. Merton had 1033 current statements that needed to be transferred between September 2014 and March 2018. 217 transfer reviews were held between September 2014 and May 2015. The initial 16 week timescale for transfer of EHCPs was changed in July 2015 to 20 weeks. Using the 16 week timescale 65% of transfers were completed within timescale.

4.5. For the next two to three years there are considerable risks in relation to the capacity of the SENDIS service and partners to meet the demand of increasing requests for statutory assessment at the same time as transferring all the existing Statements of Special Educational Needs (SEN) and Learning Difficulty Assessments (LDAs). For the first 19 months there has been limited additional funding provided which we have used to add capacity in the SENDIS service to co-ordinate and write EHCPs. This funding ceases in March 2016.

4.6. Data analysis for the last 3 years (2012-15) indicates that whilst the 0-18 Merton population has increased by 4% the number of Merton resident children with statement of SEN has increased by 18%. This increase has been incremental year on year. Increased numbers of children with statements of SEN and EHCPs coupled with the increase in requests for statutory assessment (outlined in paragraph 4.2 will add further pressure across the system.

4.7. The multi-disciplinary approach to EHC planning which Children’s Trust agencies are committed to achieve is still in its early stages and there is a clear recognition of the need to continue to develop joint working practices in the next phase of implementation.

5 **PREPARATION FOR ADULTHOOD AND IMPLCIATIONS OF THE CARE ACT 2014**

- 5.1. It is acknowledged that much work is still needed on preparation for adulthood and this is an area where allocated resource is needed to develop the Local Offer and key services for children and young people 14-25 years.
- 5.2. The Care Act 2014 includes provisions to support transition into adulthood running in parallel with the Children & Families Act 2014 and therefore needs further consideration in this context.
- 5.3. There will be significant resource implications to meet the statutory requirements presented in the Care Act. Areas to consider include structures and governance to monitor strategic and operational implementation ensuring links to the work on the Children and Families Act, workforce development and financial implications.

6 PERSONAL BUDGETS

- 6.1. In line with the [Children & Families Act 2014 \(Part 3\)](#) the Council is encouraged to consider and make available services as part of a personal budget offer available to young people and parents to meet identified outcomes within their Education Health and Care (EHC) plans.
- 6.2. A Personal Budget policy statement has been produced and published on the local offer (see www.merton.gov.uk/localoffer). The policy contains information about how Merton will aim to deliver personal budgets. This is a “live” and evolving document; and currently focuses on the two key areas identified for the first phase of personal budgets - transport and short breaks.
- 6.3. Personal Travel Assistance Budgets (PTABs)
An agreed proposal is being implemented which amends the way in which Merton delivers its statutory obligation for some children and young people with SEND that are eligible for transport services.

This includes offering a personal budget to:

- i. NEW EHC plan transport eligible children and young people under the new name of a “Personal Travel Assistance Budgets” or PTABs.
- ii. Targeted existing eligible taxi users currently being paid for by the SEN transport service
- iii. Existing pre legislation families who already receive some form of a direct payment or travel reimbursement for transporting their child/ren or young person to school or college

To implement PTABs we have developed:

- A revised application form for transport eligibility that promotes PTABs and “greener” travel options
- A communications leaflet that explains the key benefits and answers the key questions about PTABs
- A PTABs agreement outlining the responsibilities of the council and families taking a PTAB

- An implementation plan for contacting and discussing PTABs with targeted families using a commissioned taxi service via our transport services; and families already accessing a form of personal budget (pre-legislation)

6.4. Short Breaks

In exploring the use of personal budgets for “Short Breaks” we are generally looking at the following:

- services that provide disabled children and young people with an opportunity to spend time away from their parents or carers.
- services that provide families and carers with a valuable break from their caring responsibilities; giving parents and carers a chance to unwind, rest or spend time with other children
- services that support the care and social needs of a child or young person
- Domiciliary care services

6.5. To assess and achieve a personal budget offer Merton are currently looking at various short break commissioned and non-commissioned services to see what could potentially be part of the personal budget pot and on what service and financial scale.

7 JOINT COMMISSIONING

7.1. There is a requirement in the Act for agencies to adopt more joint commissioning of services for children and young people with SEND.

7.2. In addition to the joint commissioning decisions which led to the co-location of health staff into the EHC team noted above, the Local Authority and CCG are developing a medium and long term joint commissioning strategy. Commissioners from CSF department, Public Health and the CCG have recently focused on the re-commissioning of community health services for children including school nurse and health visitor services and some therapies, all of which are significant services for children and young people with SEND as well as for the wider children’s population.. Currently, there are monthly joint (‘Tripartite’) panel arrangements for discussing high need cases and agreeing funding across education, health and social care budgets for placements and care packages. It is possible that Section 75 arrangements will be used to pool budgets between the Local Authority and CCG in the future.

8 HEALTH

8.1. A “Designated Medical Officer” has been identified and is attending decision making panels on a regular basis and liaises with the health lead within SENDIS when not able to attend.

- 8.2. The health lead within SENDIS is in place and the recruitment to the Occupational Therapy, CAMHs and administrative roles is ongoing.
- 8.3. As noted above, it is important that the full team can be integrated within the SENDIS service to assist with the further development of the integrated EHC planning approach and to inform health commissioners of emerging health needs within the cohort.

9 SUMMARY OF RISK MANAGEMENT IMPLICATIONS

9.1. Staff Training

As the reforms continue to be implemented the current processes, policies and documentation will change. For outcomes to improve for children and young people with SEND, services are required to work in a more integrated way. Without significant multi-service and multi-agency professional development, the required level of change, including culture change, will not be achieved. A robust and integrated professional development programme is essential.

Failure to implement a rolling training programme will lead to a disjointed and inconsistent service. This needs immediate attention.

9.2. Local Offer Database

As children and young people move through their lives they will need access to a variety of services, especially with the promotion of personalisation and personal budgets. Therefore a seamless system with facility to move between children, adults and other universal services will be most beneficial to users. Capacity to ensure this information is complete and accurate is needed.

9.3. Implementation of EHCP process

There are capacity issues across partner's services to meet the demands of the increase in requests for statutory assessment at the same time as transitioning over 1000 statements and LDAs. Review of processes and timelines and engagement across agencies will be required to ensure that children and families receive an effective and timely service.

9.4. Preparation for adulthood

Implications of the Care Act 2014 on systems, structures, ways of working and budgets needs planning carefully to reduce the risks implicit in delivering a new system. Meeting new statutory duties at a time of budget pressures makes the planned implementation a high priority. Ensuring a streamline transition for young people eligible to access services will need to be planned in the context of the new 0-25 duties of the Children and Families Act. Planning is also needed for young people who will not meet the thresholds to ensure the Local Offer is clear and accessible.

9.5. Health

Recruitment to some health professions, for example occupational health and the capacity to meet the assessment requirements and fulfil programmes outlined in EHCPs has been problematic. Once the health team within SENDIS is up to full capacity it is hoped some of these issues will be mitigated.

10 BACKGROUND PAPERS

By way of web-links

[Children & Families Act 2014 \(Part 3\)](#)

[SEN Travel and Assistance policy \(Merton\)](#)

[Requesting a Personal Budget](#) (pages 178 – 184 from the SEND Code of Practice)

[Home to School travel and transport statutory guidance](#) (DFE)

[Section 508A \(1\), of the Education Act 1996](#) notes

[Personal Budgets Pilot Policy Statement](#) (Merton Local Offer)

Care Act (<http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>)

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