

Committee: Health and Well Being Board

Date: 25 March 2014

Agenda item:

Wards:

Subject: Children and Families Bill

Lead officer: Janet Martin, Head of Education

Lead members: Councillor Maxi Martin, Cabinet Member for Children's Services

Councillor Martin Whelton, Cabinet Member for Education

Forward Plan reference number: N/A

Contact officer: Service Manager SEND & Inclusion Kaye Beeson

Recommendations:

- A. That members of the Board note the contents of this report
- B. That a further update on progress in implementing requirements of the new legislation is provided to the Board in due course.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report briefs HWBB on the Children & Families (C&F) Bill which has significant implications for children's services cutting across major aspects of our work including adoption, young people in the criminal justice system and in particular has implications for health, education and social care services for young people with complex needs as it introduces significant legislative changes for Children & Young People (C&YP) with Special Educational Needs & Disabilities (SEND) up to 25 years old. The report summarises key elements of this aspect of the new legislative framework and Merton's progress in preparing for implementation. There will need to be further updates as our local plans are taken forward.

2 DETAILS

NATIONAL CONTEXT

- 2.1. Subject to Parliamentary approval, from September 2014, the C&F Bill will place new statutory responsibilities on local authorities relating to children with complex needs. These include:
 - Working across education, social care and health to jointly commission services to deliver integrated assessment, planning and support for C&YP with SEND aged 0-25.

- Engaging local partners in co-producing and publishing with parents and young people a full local offer of services to support SEN including all educational establishments, Council and Community Sector services
 - Establishing a new coordinated Education, Health & Social Care Assessment Framework and planning procedures for C&YP with SEND aged 0-25.
 - Introducing and implementing Education, Health & Care Plans (EHCP). These will replace existing statements of Special Educational Needs & Learning Difficulty Assessments (S139As). Key to the EHC Plan is the focus on outcomes for the C&YP.
 - Offering those with an EHCP the option of a Personal Budget.
- 2.2. A final and revised SEN Code of Practice (0-25) will be published in Spring 2014. This will act as Statutory Guidance for the duties introduced by the Bill.
- 2.3. Thirty Pathfinders have been trialling implementation of the SEN reforms. They have produced information packs which support non pathfinder areas.
- 2.4. Each local area is able to access support on implementing the reforms from their regional pathfinder champion. The borough's champion is known as SE7, a consortium of East Sussex, West Sussex, Brighton & Hove, Herts, Kent, Medway and Surrey local authorities.

LOCAL IMPLEMENTATION

- 2.5. Merton has established a high level executive programme board and workstream groups to take forward the proposed reforms. (See Appendix A for detail)
- 2.6. The Director of CSF department currently chairs the programme board. Parents, health commissioners and providers, CSF department, schools, school governors, adult social care, leisure, housing, Job Centre Plus and the local community and voluntary sector are all represented at appropriate levels.
- 2.7. Key areas for development have been identified and workstream groups established to take forward detailed work. These areas are:
- Establishing a new assessment framework, proformas and procedures
 - Establishing proformas and procedures for the new Education, Health & Care Plans
 - Establishing and publicising the 'Local Offer'
 - Establishing criteria and processes for Personal Budgets
 - Establishing preparation for adulthood pathways for young people with SEN and disabilities
- 2.8. Workstream leads report to the programme board on a regular basis. The governance structure and high level plan are included as Appendices A and B.

- 2.9. The engagement of parents and carers is considered essential in preparing for the new regime. Kids First, a commissioned parent forum in Merton, have been partners from the outset, contributing to specific workstreams and facilitating stakeholder engagement events and workshops. Plans are also in place to involve young people in the implementation work.
- 2.10. The current commissioners of these services: the CCG; CSF; ASC will need to align their commissioning functions and it is proposed that OMG provides the collective oversight of this work. The delivery arm will need to be redesigned to deliver the integrated front door assessment; planning and support. Work needs to progress on designing the delivery and commissioning functions.

3 ALTERNATIVE OPTIONS

- 3.1. The C&F Bill should receive Royal Assent by March 2014. Regulations will be laid between April – June 2014 and implementation will be from September 2014.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. As noted above, implementation of the new requirements is being planned and delivered by all key agencies with careful engagement of parents and carers. A communications strategy is being formulated and is expected to be signed off at the next programme board this month. It is proposed that further scrutiny is timetabled when greater detail on the changes to policy and procedure is available.

5 TIMETABLE

- 5.1. Merton's response to the C&F Bill Programme is led by the programme board and a clear timeline has been identified in order to ensure readiness for September 2014 implementation. See Appendix B – high level project plan.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. Current legislation encompasses C&YP with SEND between 0-19yrs. The forthcoming legislation will extend responsibilities to young adults up to 25 years. At this point it is not clear whether additional funding will be made available by central government to support the cohort aged from 19-25.
- 6.2. To date, all local authorities have received some small scale government funding to support programme management and the roll out of requirements.
- 6.3. Work is underway at a sub regional level to identify with our neighbouring boroughs current provision post 19 for young people with SEND and consideration will be given to developing and commissioning additional provision as required.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The C&F Bill is currently going through Parliament. Royal Assent is due by April 2014 and the new requirements are expected to be in place from September 2014.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. The Department for Education (DfE) has considered equality, diversity and rights issues in preparing the new legislation. Merton will undertake an equalities assessment (EA) once legislation is passed. This will be reviewed by the programme board.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. N/A.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. A risk register is in place and the programme board will monitor that accordingly.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Appendix A – Governance Structure
- Appendix B – High Level Project Plan

12 BACKGROUND PAPERS