



City of Westminster

Children, Sports and Leisure Policy and Scrutiny Committee

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Title: Special Educational Needs (SEN) Strategy
Report of: Ian Heggs and Alison Farmer
Cabinet Member Portfolio: Councillor Chalkley

Wards Involved: All
Policy Context:
Financial Summary:

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1. EXECUTIVE SUMMARY

- 1.1. Westminster City Council's five year strategy for children with high needs, those with Special Educational Needs (SEN) and disabilities, will be implemented in the context of the Children and Families Act, which is one of the most significant changes in legislation in this area for the past 30 years. The requirements of the Act are due to take effect from September 2014.
- 1.2. The aim of the strategy is to enable Westminster City Council to fulfil its statutory duties and support children in achieving positive educational and life outcomes. Following the new legislation, this will be done through the provision of an effective and efficient 'Local Offer' built on strong relationships between parents, schools, education, health and care services and third sector organisations. Where possible, this will be delivered within a Tri-borough framework to achieve commissioning efficiencies and maximise benefits to children and families.
- 1.3. The aspiration is for children and young people aged 0-25 with SEN to make excellent progress; for parents to be included as equal partners in decision-making and for outcomes and employability, in particular, to be the focus of effective Education, Health and Care (EHC) Planning.

2. KEY MATTERS FOR THE COMMITTEE'S CONSIDERATION

- 2.1. This report is an invitation for the committee to consider and comment on the following:

- The national legislative context for SEN, particularly regarding the Children and Families Act, and the key issues arising from this.
- The outcomes and recommendations arising from a recent consultation we have held with parents and carers on the our local offer of services for children and young people with SEN.
- The current key issues and strategic goals for the Westminster SEN Service over the next five years.

3. CONTEXT – THE CHILDREN AND FAMILIES ACT – KEY ISSUES AND IMPLICATIONS FOR THE PROVISION OF SEN

- 3.1. The proposals within part three of the Children and Families Act represent some of the most significant changes to the way that services are delivered for young people with special educational needs in the past 30 years.
- 3.2. The key focus areas for these changes are as follows;
 - improving cooperation between all the services that support children and their families, particularly requiring local authorities and health authorities to work together.
 - replacing old statements of SEN with a new jointly assessed 'Education, Health and Care plan', which is available for an extended age range (from birth to 25) with a key focus on outcomes;
 - Placing families at the centre of the assessment and planning process for their child, encouraging a model based around 'co-production'.
 - requiring local authorities and schools to publish a 'Local Offer' outlining the provision that is available for young people with SEN and disabilities;
 - and offering families personal budgets with which to purchase services.
- 3.3. These changes are all due to come into effect from September 2014. We are taking a cross-sector tri-borough approach to preparing for the implementation of the proposals, maintaining a sovereign focus where necessary.
- 3.4. In preparation for the enactment of the Bill, a Tri-borough Children and Families Bill Strategic Implementation Group was formed. The group included representatives from the Education and Family Services Directorates, along with colleagues from Public Health, Adults Services and Communications.
- 3.5. Representatives from local parents' forums and third sector organisations have been integral from the start of this work. This has been particularly important as a key element of the change in legislation relates to the enhanced role of parents and carers not only in planning for their own child but also more broadly in the commissioning of services for children with SEND. The changes arising from the Act will be fairly high profile and, it is important

that the opportunity for engaging with parent groups in a structured way enables parents to have a voice and ownership of the way in which the changes that the Act brings are implemented over time and not least because the changes may bring anxieties for some parents.

- 3.6. With support from the London Pathfinder authorities (Bexley and Bromley), a work plan has been developed by the group, which will ensure that each of the three boroughs manage the co-ordination of changes required to deliver the requirements of the Act from September 2014.
- 3.7. Broadly, there are three key areas where work is required in order to deliver the requirements of the Act, and these are outlined under three separate headings below.

Statements of SEN will be replaced by an 'Education, Health and Care Plan'

- 3.8. A key driver for the Act is to ensure that Education, Health and Social Care services are more joined-up in their assessment and planning processes for young people with special educational needs and disabilities. This is to address the concern that, currently, parents need to 'tell the story' of their child several times to various professionals in order to be assessed for and receive the support that they require.
- 3.9. From September 2014, Statements of SEN will be replaced by a single 'Education, Health and Care Plan', which will run from birth to the age of 25. The content of this plan will be informed by a single joint assessment process, which involves parents and professionals from Education, Health and Social Care services.

Key issues

Local authorities need to establish how this single assessment process will work in practice and how current panel processes for each of the services will need to be amended to reflect the new system.

There is no national template for an Education Health and Care plan, so a local format has been designed with further development expected to maximise the potential for joint in-put to the child's personal profile. We will need to ensure that systems are implemented for electronic data capture and that this data is accessible by the parents and/or young person and professionals from each service involved with the child.

- 3.10. The resourcing of the plan will be based on the outcomes that the parent and child wishes to achieve on a short, medium and long term basis and will be sourced from the Local Offer and any additional and different provision as necessary. A child's progression will then be reviewed on the basis of these outcomes and support will be adjusted accordingly. This is a departure from current practice, where statements state simply the number of hours of

provision to be provided to a child based on their needs and outcomes are not systematically reviewed.

Key issues

In order to implement an outcomes approach to planning, significant strategic work and workforce development will be required across Education, Health and Social Care teams to ensure that consistent outcomes are used, that these are linked to appropriate services and that they are evaluated via an aligned process.

- 3.11. To support the assessment process, the local authority will be required to implement a 'key working' approach. This approach will provide parents with a single point of contact throughout the assessment and planning process. This key worker will help parents plan the outcomes that they want to achieve for their child on the basis of their assessment and then guide them through the options that they have to access provision in order to achieve these outcomes.

Key issues

In order to implement a 'key working' approach, significant staff training will be required, as the skill-set to act as a key worker is substantially different to that of, for example, an SEN Caseworker.

In some areas, in order to implement the new assessment and planning process, staff reorganisation may be required.

- 3.12. Currently, Statements of SEN run until the age of 16 (or 19 if the young person is in further education and has undergone an assessment that shows they still require support). The new Education, Health and Care Plan will run until the age of 25. There is therefore a greater focus on the local authority having access to adequate post 16 provision for young people with SEN and disabilities.

Key issues

To ensure that we have robust processes for transitioning an Education, Health and Care plan from Children's Services to Adult Social Care, the two departments need to work closely to ensure that both practice and process are aligned, so that parents and young people can move between the services seamlessly.

Each local area will have to publish a 'local offer'

- 3.13. From September 2014 every local authority will be required to publish a 'local offer' of services for young people with SEN and disabilities.
- 3.14. Parents of children and young people with disabilities report that they often feel overwhelmed by the sheer volume of information available to them from differing sources and do not know where to start when searching for services that meet the needs of their child.
- 3.15. The aspiration is for the local offer to address these issues by providing a single solution that is clear, comprehensive, relevant and transparent, and provides current information in a way that can be understood, accessed by all and most importantly that can be trusted.
- 3.16. The offer should be developed in consultation with parents and be published in a single accessible format.
- 3.17. In January 2014, we launched a period of consultation with parents and carers of young people who have special educational needs and disabilities. Over 120 parents from across the Tri-borough area attended an event at Kensington Town Hall, where we outlined our current local offer for education, health and social care and launched the consultation process, which is looking at three key areas:
 - What has been parents' experience of education, health and care assessments and planning to date?
 - What would help parents feel confident in the Tri-borough Education Health and Social Care Local Offer?
 - How would parents/carers and young people like to see the information about the Local Offer presented?
- 3.18. All parents of children with special educational needs have been asked to complete an online survey that addresses these areas. In addition to the survey, the local support groups for parents have hosted two focused consultation events, enabling smaller groups of parents to share their thoughts directly with senior officers from Education, Health and Social Care teams from both Children's Services and Adult Social Care.
- 3.19. The outcomes of the consultation are summarised in section 4 of this report.

Key issues

We will need to produce the final local offer in various formats. It is envisaged that an accessible and searchable website will be the most effective solution and therefore expertise will be required from IT and Communications departments along with representatives from the Family Information Service in each of the three local authorities.

In order to develop the local offer over time, Education, Health and Social Care services will be required to undertake joint commissioning activities. In order to deliver this requirement, a clear strategic approach needs to be developed, including investigation for the potential of pooled budgets.

Parents, carers and young people will have the right to ask for a 'Personal Budget'

- 3.20. A personal budget is an amount of money or resources available in order to deliver the outcomes set out in a plan. The total personal budget should be made clear to parent carers so they can be involved in all decision making in order to choose the right provision to best meet the outcomes identified in the child or young person's care plan.
- 3.21. Personal Budgets are currently used in Social Care, allowing parents to choose how and when funding is spent for agreed short break provision.
- 3.22. However, following the implementation of the proposals in September 2014, parents of children with Special Educational Needs will be able to request personal budgets for their children - meaning they can potentially choose the support for their child, instead of local authorities being the sole provider.

Key issues

This will require SEN teams to work with finance colleagues to establish the unit costs of local services so that parents can see the value in using services that are commissioned or delivered directly by the Local Authority and therefore make an informed decision about the support they would like to receive to deliver the outcomes in their Education, Health and Care Plan.

4. OUTCOMES OF THE CONSULTATION ON THE LOCAL OFFER

Online survey

- 4.1. There were 76 responses to the online survey from across the tri-borough, the majority of which were from parents of children with special educational needs aged 5-11.
- 4.2. Within the 76 responses, the most prevalent need was Autistic Spectrum Disorder (ASD), appearing twice as often as any other category. In this

respect, broadly speaking, responses from parents reflected the relative prevalence of area of need within the population of children with a statement of SEN. Responses from parents indicated that most of the young people referenced in the feedback received services from the education department, with around half also receiving either health or social care provision.

- 4.3. The online survey identified that most parents would value a dedicated point of contact (for instance, a keyworker) to help them to access the Local Offer. Parents also indicated that when publishing the local offer, a printed directory of services would be only slightly preferable to a dedicated area of their Council's website. It is considered that both should be developed by the Tri-borough.
- 4.4. When considering the information that is made available, parents indicated that they would value a clear and accessible Plain English narrative on the service which uses consistent language across Education, Health and Social Care services. Consistent language is particularly important when considering eligibility criteria in each of the areas.
- 4.5. Parents were provided with the draft statutory guidance on the local offer and were asked whether there was any additional information that they think should be included. Key themes were as follows:
 - Information on how to access specialist childcare for parents that require it before / after school. This may be a gap in current provision.
 - Key information on transitions and the processes for this.
 - Clear guidance on assessment processes.
 - Information about or links to services that are available to support parents (particularly for psychological / emotional issues).
 - Links to national support groups as well as local services.

Local consultation events

- 4.6. Parents across all three boroughs agreed that a managed website which allows providers to update information on a regular basis and enables users to search by disability / age would be extremely beneficial. They also emphasised that a hardcopy leaflet / directory should also be produced and made available in public places, such as libraries.
- 4.7. However, all three consultations also outlined the need for face-to-face contact, to ensure that web-based information is accessible to all. This emphasised that parents would appreciate help with accessing information and making decisions on the support that they would like to access for their child. This indicates an agreement on the value of a keyworker model of support – particularly at key transition stages.

4.8. It was clear from the three consultations that, beyond a list of services available to them, parents in each of the three boroughs would also like to see the following included:

- A Plain English explanation of professionals' roles within Education, Health and Social Care services. This will help break down pre-conceptions and manage expectations of what each service will deliver.
- Use of diagrams to show clear pathways for assessment, planning and transition at key stages.
- Signposting to key local authority departments for areas such as benefits and housing advice.
- Plain English explanation of appeals processes.
- Plain English explanation of funding – outlining which departments generally have responsibility for paying services.
- A glossary of key terms.

4.9. Each of the consultations focused to some extent on the 'user journey' and identified four key stages:

- Time of diagnosis
- Point of entering primary school
- Point of entering secondary school
- Point of transition to adult services

4.10. There is broad agreement that it would be useful to structure the Local Offer in this way if possible, as needs are significantly different at each stage. For instance, a parent who is dealing with initial diagnosis may seek more "sympathetic and informal" support, which guides them to services and/or parent groups at a pace that is matched to their needs. While a parent of a young person entering or transitioning through school, is likely to seek specific support based on their child's needs and the school provision that is available in the borough.

4.11. The Westminster Parent Participation Group has developed an accessible framework for recording experiences of the pathway for assessment. We will now work with parents to embed this tool within the future Tri-borough Local Offer feedback and review process.

5. SPECIAL EDUCATIONAL NEEDS IN WESTMINSTER – SERVICE ACHIEVEMENTS DURING THE PAST 12 MONTHS

5.1. A comprehensive Tri-borough re-organisation of the WCC SEN Service is underway. A substantive Head and Assistant Head of Service for SEN Casework and Commissioning and an interim Assistant Head of Service have

been appointed. Phase two of the re-organisation will take forward the introduction of a key-working approach to SEN casework practice.

- 5.2. In WCC there has been a focus on putting in place systems for monitoring volume, flow and timescales for completion of statutory assessment in order to enable practitioners to self-monitor progress against outcomes. To date this has enabled there to be improvement in the percentage of final statements of SEN for secondary transfer issued by 15 February.

6. SPECIAL EDUCATIONAL NEEDS IN WESTMINSTER – KEY ISSUES AND STRATEGIC GOALS

- 6.1. As well as paying due regard to the Children and Families Act, the five-year strategy is informed by Westminster's statistical performance when compared with national averages and our Tri-borough neighbours. The latter offers opportunity for cross-borough analysis and acts as a stimulus for achieving best practice. Patterns of need, tri-borough comparison of placement and spending patterns have raised a number of issues and informed key strategic goals.

- 6.2. **Key issues:** Westminster's data indicates a relatively high number of children with a statement of SEN (3.2%). Furthermore, the number of children identified to have with SEN without a Statement is also high, (25% of the Westminster school population). Too many statements of SEN are not completed within the statutory timescale of 26 weeks.

Strategic goals:

- Reduce reliance on statutory assessment so that Westminster City Council can take forward effective single assessment within the timescale of 20 weeks and with greater involvement of parents in co-production of Education, Health and Care plans.
- Address over-identification of SEN and maintain statements of SEN or EHC plans in line with expected levels.
- Complete 98% of EHC plans within 20 weeks.

- 6.3. **Key issues:** In Westminster, a relatively high proportion of High Needs Block funding is spent on independent/non-maintained sector placements. These placements do not always represent effective use of resources and are often significant distances from the borough, which presents a challenge when monitoring progress and safe-guarding and contributes to SEN transport overspend. The re-commissioning of passenger transport services has been implemented, and this is expected to achieve a reduction in spend for this area.

Strategic goals:

- Reduce reliance on the independent/non-maintained school sector and increase the provision of placements in local state-funded schools.

- Reduce expenditure on SEN transport, in particular taxis, and increase independent travel using public transport.

6.4. **Key issues:** A process for joined up education, health and care assessment 0-25 has not yet been established. There are variable levels of joint funding of high cost placements across education, health and care.

Strategic goals:

- In line with the Children and Families Act, to establish a tri-borough approach to Education, Health and Care assessment and planning for children aged 0-25 years.
- This will include the development of a transparent approach to tri-borough education, health and care high cost resource allocation, where decisions are made at the level of delegated authority rather than driven by frontline practice.

7. FIVE YEAR STRATEGY 2014-19

A tri-borough Education, Health and Care Local Offer for children with SEN

7.1. As outlined in sections 3 and 4, the tri-borough Local Offer will describe what is available and how services can be accessed. It is intended to support parents and practitioners plan together effectively for the achievement of outcomes. A local offer of good or outstanding education, health and care provision which the tri-borough is proud of is expected to support parents' feel confident in local placement, resulting in a reduction in independent/non-maintained high cost placements and associated pressure on SEN transport. Publication of a Local Offer will become a statutory duty for Local Authorities and schools from September 2014.

7.2. The five year plan is for development and publication of a tri-borough local offer which is accessible, on-line and defined by:

- area of need - language and communication; cognition and learning; social, emotional, mental health; sensory physical
- age range – 0-5; 5-16; 16-25
- level of complexity – specialist, targeted, universal and outreach (in education terms – special school, resource base, mainstream and outreach)

7.3. In year one and on an on-going basis the Local Offer will be informed by analysis of SEN prevalence data by area of need and consultation and feedback from parents and young people. The plan is to collect and analyse outcome data for children with High Needs to inform evaluation of the effectiveness of provision and future strategic commissioning of the provision that makes up the Local Offer.

Home to School SEN Transport

- 7.4. A key element of the five year strategy for SEN transport is the achievement of, short to medium-term reduction in SEN transport overspend and long-term sustainable provision with associated, levels of spend. The approach will include the implementation of the new passenger transport services contracts, expected to contribute to addressing current levels of expenditure.
- 7.5. Additionally, the tri-borough commissioning of independent travel training will enable young people to be supported in becoming independent within their own community, maximise the use of public transport and reduce reliance on SEN transport. Important to the success of the five year strategy will be creation of an expectation that the offer will, wherever possible, be for independent travel training and/or use of public transport. During the coming five years the Local Authority will support local special schools in tendering alongside other organisations for delivery of independent travel training services.
- 7.6. The five year strategic development of efficient and sustainable approaches will include review of alternative options, for example, encouraging parents to take the opportunity of a personal budget to support their own organisation of travel arrangements.

A transparent, accountable approach to High Needs Block (HNB) Funding

- 7.7. From 2014/15 children with SEN in WCC schools will have provision funded in accordance with the new Dedicated Schools Grant (DSG) Schools Funding arrangements, a 'place, plus' model – with a notional SEN budget for low, high incidence needs and 'Top Up' funding. All schools and colleges are provided with a notional SEN budget that they can use to support children with additional learning needs, resourcing support above the per pupil entitlement and up to the value of £6K. It is intended that the majority of children have their needs met from within this allocation. The Children and Families Act indicates transparency for parents about the notional personal budget available for their child. The tri-borough's five year strategy is to support schools in developing a robust local offer, with published costs for interventions; to support parental confidence and accountability.
- 7.8. The 'Top Up' element of funding is identified within the Local Authority's HNB. Top Up funding is intended to follow individual children with high needs; schools are expected to charge the Local Authorities in which a child is resident for their high needs provision; inter-authority recoupment ended from April 2013. The mechanism for distribution of High Needs Funding is agreed through schools forum with the aim that the local authority supports effective decision-making.
- 7.9. The five year strategy will embed principles of transparency and accountability. The Local Authority plans to support, in the first instance a move from the historic SEN funding model to a genuine Top Up model with accountability to parents and the LA for implementation of an SEN support plan and children's progress. The LA will support schools in recouping costs for out of borough children, with charges for this service being introduced in the second year.

- 7.10. In the medium to longer-term the strategy is, to increase delegation to schools to enable the provision for children with SEN to be responsive and delivered flexibly at the frontline and reduce the percentage of High Needs Funding that is distributed through Local Authority SEN or EHC decision-making processes. This approach will additionally enable SEN case officers to implement the EHC single assessment, providing a key-working approach to casework for those children with the most complex needs.
- 7.11. The five year strategy is to maintain a High Needs Block reference group of school and LA representatives to take joint responsibility for decision-making and accountability. A particular consideration in the short term will be the balance of funding for schools and outreach services or other centrally commissioned provision.

Education, Health and Care Single Assessment 0-25 years

- 7.12. Under the new legislation Local Authorities will be responsible for completing Education, Health and Care assessment and planning within 20 weeks.
- 7.13. Currently across the tri-borough there is variable performance by SEN teams in completing assessment within 26 weeks. To address performance variability and bring tri-borough approaches to casework and decision-making together the SEN service will be re-structured to create a tri-borough SEN casework and commissioning service and an SEN finance and business administration service. The short-term strategy will address the re-structuring of SEN team management to achieve efficiencies of process across the tri-borough. The medium to long-term strategy will see the adoption of a key-working approach to SEN casework, with parents and young people at the centre of this process. Additionally a more robust approach to aggregation of monitoring data and analysis of the effectiveness of the SEN provision commissioned for the borough's young people will be implemented. It is intended that this data informs future effective commissioning and placement decisions.
- 7.14. The five year strategy to taking forward a joined up approach to single assessment is at an early stage with the publication of a new Code of Practice awaited. Specifically the five year strategy will be significantly determined by the level of eligibility for Education, Health and Care Assessment. The commissioning of expert legal advice to support robust decision-making during the lead up to and following implementation of the new legislation is a short to medium term strategy. The overall development of the plans for implementation of EHC assessment remains an area of strategy under review as a consequence of the stage of enactment.
- 7.15. Westminster City Council has made a commitment in response to the Better City Better Lives policy that during the year April 2014 to March 2015 more than 30 families will have a joined up Education, Health and Care Plan for their disabled child or child with Special Educational Needs.

Mediation and dispute resolution

- 7.16. Where there is a dispute, mediation provides a neutral venue for parents and others caring for children to have a managed and structured discussion with a trained professional around what are the best interests of the child.
- 7.17. The Children and Families Act states that any person wishing to commence any formal court proceedings relating to a child (for instance, when disagreements arise about the SEN support their child receives) must attend a Mediation Information & Assessment Meeting with an accredited mediator and that this mediator must sign-off any future action. Whilst this is currently recommended it has not been regularly enforced by the Courts and there have been different approaches in different parts of the country.
- 7.18. We have commissioned specialist legal advice for the across the tri-borough and this has stated that, once the Children and Families Act is implemented, the volume of mediation requests and referrals will significantly increase.
- 7.19. For this reason, we plan to re-commission the mediation support that we receive and provide for parents. A specification has been developed for this commissioning process, which states:
- The provider must deliver both mediation and dispute resolution services. They should have a good clear website that parents can be referred to as well as literature to support their services and contact details;
 - The provider must employ mediators that have undertaken mediation training, mediation accreditation and are independent of the local authority and CCG;
 - Mediators employed by the service must have a good understanding of the SEN processes, procedures and legislation.
 - A Mediation advice line is required to provide factual unbiased information and guidance to parents and young people in relation to mediation before registering an appeal. This would be best done by mediators rather than advisers as they have first-hand experience of the mediation process and will have the skills to liaise with parents/young people;
 - Health Commissioners must make mediation services available to parents and young people when notified by the local authority that the mediation issues are limited to health care issues. A joint contract between the authority and CCG would be the best way forward;
 - The local authority/relevant commission body must make the necessary arrangements for mediation and/or dispute resolution sessions and pay reasonable travel expenses and other expenses to the parent or young person taking part in mediation. These arrangements can be delegated to a mediation provider.