

16th September 2019**Agenda Item: 14****REPORT OF THE SERVICE DIRECTOR, COMMISSIONING AND RESOURCES****MINISTRY OF DEFENCE LOCAL AUTHORITY PARTNERSHIP (MODLAP) –
NEW IN COUNTY CHILDREN WITH EDUCATION HEALTH AND CARE PLANS****Purpose of the Report**

1. The report seeks approval to adopt and apply the agreed Ministry of Defence Local Authority Partnership (MODLAP) principles of transition for Service children with Special Educational Needs and Disability (SEND).

Information

2. MODLAP is a partnership between the Ministry of Defence and 15 English local authorities, (not inclusive of Nottinghamshire), that have voluntarily committed to work together to improve the experience and outcomes of Service children and work to and apply the guiding principles detailed in **paragraphs 3 – 10** below.
3. Local authorities agree that consultation with schools for placement of a Service child with SEND will occur prior to the arrival of the family into the area – subject to an official letter from the MOD confirming the relocation date and where all necessary records have been provided to the local authority at least 30 days ahead of the family's arrival date. An expectation is implicit within this set of agreed principles that the originating local authority or appropriate authority (including MOD schools), will ensure all necessary child records have been provided to the new local authority within 15 days of being notified of the move by parents/carers. This agreement is subject to parents or carers having given a minimum of 45 days' notice to their current local authority ahead of their move.
4. When a school placement cannot be found that meets the identified needs of a child, the local authority will seek to provide an appropriate solution. Each MODLAP local authority commits to reduce to the absolute minimum, the amount of time Service children are out of education following transition to a new local authority area.
5. MODLAP local authorities will record and monitor the average amount of time (in days) Service children with SEND are out of education in their authority areas, which will be reviewed as a standing agenda item at MODLAP meetings. This data will be used to assess the effectiveness of these principles.

6. Each local authority will designate a key point of contact or contacts (dependent on the individual structures within local authorities), to coordinate and oversee the transition of Service children into the local authority area. The MOD will facilitate and fund the coordinated activities of officers acting as key points of contact, providing Continuing Professional Development (CPD) for this group of professionals. It is intended that the activities of this group will deliver exemplars of good practice for the benefit of all local authorities supporting Service children with SEND.
7. The Ministry of Defence commits to regularly review and (where necessary) adapt its Service Child Assessment of Need (SCAN) documentation in partnership with the MODLAP membership, to ensure its continued alignment with the requirements of local authorities.
8. The local authority agrees to recognise and take due regard of the MOD SCAN documentation in assessing the needs of children transitioning from MOD schools. The SCAN documentation is also recognised as analogous to Education, Health and Care Plan (EHCP) formats. The local authority further agrees to identify suitable provision that is informed by all available information, including that provided through MOD SCAN documentation. Local authorities will utilise the professional judgements of MOD employed specialist disciplines, along with any other professional judgements provided as part of the statutory assessment process, to ensure there is no delay in decisions to undertake an Education, Health and Care Needs Assessment, and remain within the existing timescales for statutory assessment, as contained within the SEND Code of Practice.
9. Each MODLAP local authority will recognise the assessment of needs made by fellow MODLAP local authorities and seek to ensure continuity of provision for all Service children transitioning into and out of local authority areas.
10. MODLAP members commit to the sharing and promotion of the above principles, within and beyond their immediate area of representation, to contribute to the realisation of the ambition that these principles will be widely adopted.

Other Options Considered

11. No other options have been considered.

Reason/s for Recommendation/s

12. To recognise that the transient nature of families serving in the Ministry of Defence can make consistent education for children of service families a challenge.
13. To support the adoption of the MODLAP principles in Nottinghamshire, ensuring that those children with SEND and/or an EHCP and their families have an improved experience of securing appropriate educational placements in a timely way.

Statutory and Policy Implications

14. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability

and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

15. There are no known or anticipated costs arising from adopting the MODLAP Principles.

Data Protection and Information Governance

16. In adopting the MODLAP principles Data Protection and General Data Protection Regulation (GDPR) compliance has been considered. Securing an interim and appropriate educational placement requires the local authority to share personal information (including protected characteristics). The Integrated Children's Disability Service Assessment Team has necessary GDPR, Privacy Notices and Data Protection processes in place to ensure this.

RECOMMENDATION/S

- 1) That Committee approves the local adoption and application of the Ministry of Defence Local Authority Partnership (MODLAP) principles of transition for those children and young people with Special Educational Needs & Disability and Education, Health and Care Plans whose parents are serving Ministry of Defence officers.

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Constitutional Comments (LW 20/08/19)

17. The Children and Young People's Committee is the appropriate body to consider the content of the report.

Financial Comments (SAS 27/08/19)

18. There are no financial implications arising directly from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

None.

Electoral Division(s) and Member(s) Affected

All.

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