

**9 December 2013****Agenda Item: 5****REPORT OF THE SERVICE DIRECTOR, EDUCATION STANDARDS AND  
INCLUSION****EDUCATION, HEALTH AND CARE (EHC) PLANS: UPDATE ON THE  
IMPLEMENTATION OF NEW ARRANGEMENTS FOR ASSESSING THE  
NEEDS OF CHILDREN AND YOUNG PEOPLE WITH SPECIAL  
EDUCATIONAL NEEDS AND DISABILITY (SEND)****Purpose of the Report**

1. To provide an update on progress in implementing the new arrangements for assessing and providing for the needs of children and young people with Special Educational Needs and Disability (SEND) in Nottinghamshire, in particular in relation to the new Education, Health and Care Plan Pathway.

**Information and Advice**

2. In 2011 the Department for Education (DfE) published a Green Paper entitled '*Support and aspiration: A new approach to SEN and Disability*'. The Green Paper made a wide range of proposals in response to concerns held by parents, carers and professionals about the current assessment and statementing system. It suggested changes to the way in which needs are assessed, planned and provided for.
3. The Government is now progressing the Children and Families Bill (containing the new Special Educational Needs legislation and new SEN Code of Practice). The legislation will demand fundamental changes to working practices with a greater focus on learning and life outcomes for children and young people who have a disability and those with SEN.
4. Key points included in the draft legislation that was published in early 2013 are:
  - ensuring that children and young people who would currently have a statement of SEN (for under 16s) or learning difficulty assessment (for over 16s) will have an integrated assessment process and Education, Health and Care (EHC) Plan. The EHC Plan will provide the same statutory protection to parents as the current statement of SEN and will include a commitment from all parties to provide their services. It will also extend the rights and protections to young people in further education and training and will offer families the option of a personal budget so that they have more control over the support they need

- improving co-operation between all services that support children, young people and their families. In particular local authorities and clinical commissioning groups will be required to work together to jointly commission appropriate services and provision
  - requiring local authorities to involve children, young people and parents in reviewing and developing provision for those with SEND, and to publish a SEND Local Offer of support. (the County Council is required by law to publish and review information about services available for children and young people with SEND aged 0-25 years which forms the Local Offer).
5. As a Pathfinder, Nottinghamshire has been developing and testing elements of the EHC Plan Pathway with children, young people and their families from a range of mainstream and special schools and further education (FE) settings. The creation of a new power in the Education Act 1996 has also enabled the opportunity to test how SEN personal budgets and the use of direct payments in or around education settings might work in practice.
  6. Whilst it is expected that the legislation will not be implemented in England until September 2014, a condition on all Pathfinder areas is that they will introduce their new arrangements a year earlier. Therefore, as from September 2013, the approach in Nottinghamshire has been, for all new statutory assessment requests, to follow the new EHC Plan Pathway with the exception of those young people in their final year at school where Section 139a Learning Difficulty Assessments will be undertaken to support their transition to further education.
  7. As a Pathfinder, Nottinghamshire has made significant progress in developing new arrangements for children and young people with SEND, which include:
    - establishing a new SEND Multi-agency Hub to support the move to EHC plans which ensures services are integrated, person-centred, proactive and responsive. The Hub comprises commissioners from education, health and social care (both children and young adults)
    - establishing an integrated commissioning function which aligns resources from the Clinical Commissioning Groups and the NHS England Area Team to enable the partnership to deliver effective integrated support, across the spectrum of need
    - developing a SEND Local Offer that can be accessed by young people, parents and professionals across the internet, from a smartphone as well as via a range of face-to-face access points
    - introducing in collaboration with the University of East London and two of our special schools and a specialist college, multi-media technology to assist young people and their families with telling their story using their own pictures, video, text, documents and web links.
  8. The Nottinghamshire Pathway has seven stages which may be accessed by a child/young person and their family. The Pathway follows a person centred approach whereby the child/young person is the focus of the process and their views and wishes are taken into account at each stage.

9. The Pathway begins with the SEND Local Offer, which may be followed by a referral and consideration of an EHC plan, through to the offer of a personal budget and/or a delivered service. The SEND Local offer is an important stage in the Pathway because it will signpost the levels of support and provision available to children and young people across a spectrum of SEND to enable them to access resources appropriate to their needs with or without an EHC Plan.
10. From September 2013 to mid October 2013 there were 60 requests for EHC Plans. This represents a 50% increase during the same period in 2012. However, it is anticipated that this increase will plateau as the new process becomes embedded. Currently, 46 young people and their families are progressing through the EHC Plan pathway which must be completed within a 20 week timeline. This is a shorter timeline than required for completion of statements of special educational needs which must be finalised within 26 weeks. It is expected that the first tranche of EHC Plans will be finalised from January 2014 onwards.
11. It is not anticipated that it will be necessary for all young people with SEND to progress to a formal statutory assessment. It is expected that the majority will have their needs met through the Local Offer as part of an overall graduated response.
12. The stages of the Pathway have been illustrated using a short animation which will be demonstrated to members of the Children and Young People's Committee at the meeting. The animation can be viewed across the internet at the following link:  
<https://www.klikin.eu/page/view/id/47860>.

### **Other Options Considered**

13. A number of options have been explored through Nottinghamshire's Pathfinder project. As the new pathway has been developed, these options have been explored and tested with stakeholders. Parents and young adults have been integral to the planning process and they have helped to inform decisions which have culminated in a new seven stage EHC Plan Pathway.

### **Reason/s for Recommendation/s**

14. To inform elected members about significant changes to arrangements for children and young people with SEND in Nottinghamshire

### **Statutory and Policy Implications**

15. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution, the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working 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/Human Resources Implications**

16. A new integrated model of working has been introduced across services in education, health and social care. This has involved the establishment of a central SEND Hub at County Hall comprising education, health and social care commissioners who will co-ordinate the EHC Plan Pathway. This new EHC Plan Pathway and co-ordinated assessment process will provide opportunities to consolidate systems and processes which will enable the County Council to achieve efficiencies and savings without an adverse effect on provision. The cost implications and level of savings have yet to be fully determined and will become more apparent as the Pathway arrangements are embedded.

## **Implications in relation to the NHS Constitution**

17. The Health and Wellbeing Board has endorsed the new approach and full implementation will require the cooperation of health partners. In June 2013 the Health and Wellbeing Board signed up to the Disabled Children's Charter for Health and Wellbeing Boards.

## **Implications for Service Users**

18. The ambition is to improve the service user experience through the combined effects of partnership working across agencies and the greater involvement of parents and young people who will have increased choice and control.

## **Ways of Working Implications**

19. The EHC Plan will be produced using technology and new information sharing software that is being piloted with the University East London. The Local Offer will be shared with the community of Nottinghamshire using internet based technology and use of an 'app' for mobile devices.

## **RECOMMENDATION**

- 1) That the Committee notes the progress in implementing the new arrangements for assessing and providing for the needs of children and young people with Special Educational Needs and Disability (SEND) in Nottinghamshire, in particular in relation to the new Education, Health and Care Plan Pathway.

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### **Constitutional Comments**

20. As this report is for noting only, no Constitutional Comments are required.

### **Financial Comments (KLA 18/11/13)**

21. The financial implications of this report are set out in paragraph 16 above.

### **Background Papers and Published Documents**

None.

### **Electoral Division(s) and Member(s) Affected**

All.

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