



0-25 SPECIAL EDUCATIONAL NEEDS AND DISABILITY UNIT

July 2015 Newsletter

Welcome to the July 2015 edition of the 0-25 SEND Newsletter. In today's Newsletter:

- New transition arrangements – changes to the timescale for Education, Health and care (EHC) needs assessments in transfer reviews.
- Using existing assessment advice and information for EHC needs assessments
- A summary of the results of the June 2015 Local Authority (LA) and Parent Carer Forum (PCF) surveys - more details in Annex A at the end of this newsletter
- Sharing information on children and young people with learning disabilities with GPs
- Post-16 update
- Consultation on plans for the SEND Inspection Framework
- Data and research to support local area benchmarking and measure user experience
- Update on SEN2 data published in May 2015

New transition arrangements - changes to the timescale for EHC needs assessments in transfer reviews

On 10 July 2015, in his speech to the Association of Directors of Children's Services, minister Edward Timpson announced new arrangements which apply to transitions from statements and learning disability assessments to Education, Health and Care Plans (EHCPs) for children and young people with SEND. Today, the minister is writing to all directors of children's services and LA lead members about the changes. You can access the [letter](#) here.

For transfer reviews, starting from 1 September 2015, LAs will have 20 weeks to transfer individual SEN statements to EHC plans (that is, to issue a final EHC plan). This change is being made to recognise the demands on LAs of transferring a significant volume of SEN statements, while maintaining the quality of the process for individual families and enabling proper time to consider individual needs, outcomes and provision.

The guidance on Transitional Arrangements will be amended to reflect the change and we will provide details as quickly as we can.

The timescale for transferring a Learning Difficulty Assessment to an EHC plan is not being changed. Transfers for those with Learning Difficulty Assessments are treated as new assessments. Therefore, the timescales are the same as for new assessments and the maximum time within which a final EHC plan must be issued is 20 weeks from the date a young person requests an EHC needs assessment.

We will clarify this in the revised Transitional Arrangements guidance.

Using existing assessment advice and information for EHC needs assessments

We've had enquiries about the requirements for seeking advice for EHC needs assessments, prompted in many cases by concerns about meeting the statutory timescales for transfer reviews.

Deciding on when existing assessment 'advice and information' is 'sufficient' for an EHC needs assessment depends on the individual circumstances of the child or young person. The SEN and Disability Regulations 2014 require three people to agree that existing assessment 'advice and information' is 'sufficient' for an EHC needs assessment:

- the local authority;
- the parent or young person; and
- the professional that gave the advice.

Unless all three agree existing advice is sufficient, new advice and information must be sought.

In deciding whether existing 'advice and information' is 'sufficient' it's likely that the following will be considered:

- how recently advice and information was provided;
- whether and how far the child or young person's needs have changed since it was given; and
- whether it is sufficiently focused on the outcomes sought for the child or young person.

It's a good idea for some consideration to be given to the sufficiency of existing advice **before** a transfer review is started and formal notice given to the parent or young person of an EHC needs assessment, or **when** the formal notice is given, if more than the minimum 2 weeks' notice is given.

This approach also has the important advantage of allowing LAs the maximum amount of time to carry out the EHC needs assessment and draft the EHC plan and enabling them to meet the overall statutory timescale.

A summary of the results of the June 2015 Local Authority and Parent Carer Forum surveys

In June 2015, we asked LAs and PCFs to complete a survey on progress in implementing the SEND reforms, 10 months after the key provisions of the Children and Families Act 2014 came into force.

- 144 LAs responded, including joint responses for Richmond-upon-Thames and Kingston-upon-Thames; and the Tri-borough of Hammersmith and Fulham; Kensington and Chelsea; and Westminster. This is a response rate of 95%, which provides a highly representative profile of progress across the country.
- 94 PCFs responded. This is a smaller response than the previous survey, for which there were 110 responses. This constitutes a 62% response rate.

It is clear that genuine progress is being made in delivering the SEND reforms, although there remain some challenges.

More details about the results of both surveys can be found in [Annex A](#) of this newsletter.

Sharing information on children and young people with learning disabilities with GPs

LAs are required to keep a register of disabled children under the Children Act 1989. GPs should have an up-to-date register of people with learning disabilities to enable them to carry out annual health checks on people with learning disabilities.

There are over one million people in England with a learning disability but only 200,000 are on the GP register of learning disability. Unless a patient's learning disability status is registered on the GP systems, 'reasonable adjustments' to care for that individual cannot be anticipated and made. Without reasonable adjustments to assessment and care, health problems are likely to be missed or inadequately treated. We know that people with learning disabilities die approximately 16 years sooner than the rest of the population from causes that could have been prevented.

Sharing information between organisations is critical to providing effective, joined-up care, particularly for children and young people with special educational needs and disabilities. That is why we strongly urge LAs to share appropriate information with local GP practices. EHC plans provide an ideal way into this. Please make sure, with the parent's or young person's consent, that you share the plan with the GP and ask that the child or young person is included on their register of learning disability.

Post-16 update

The Department has received a number of queries from both LAs and FE providers about different aspects of the new system. We realise that the scale of the changes, post-16, are significant and that it will take time for everyone to adjust to the new requirements and expectations. There have been some teething issues – but, equally, we've heard some really good stories of colleges and LAs working together and developing a personalised offer for every young person, centred around the four preparing for adulthood outcomes.

Some of you may have been to the regional LA/college workshops, run by the National Development Team for Inclusion (NDTi - Preparing for Adulthood) in March, which focused on EHC planning. Many of you told us how useful these were, especially having the opportunity for colleges and LAs to meet and work through issues and develop solutions. We have therefore asked NDTi to run two more sets of workshops – the first set being in the autumn term. These will focus on writing outcomes in EHC plans and using them to develop study programmes. As with the previous workshops, we expect LAs and colleges to attend in 'teams'. A flyer for the workshops with dates and locations should be coming your way soon. If you don't hear anything in the next couple of weeks, contact your Regional Lead LA.

Some Q&A relating to recent queries on post-16 issues:

What should I do if a 19+ student arrives at college and it becomes clear that they need an EHC plan? I can't access high needs funding until they have a plan.

- The EFA [funding principles](#) set out the requirements for this. Where a young person aged 19 or over (but under 25) arrives at college and, based on the institution's assessment, is likely to need additional support costing over £6,000, the institution can request a statutory assessment for an EHC plan from the young person's local authority. In these cases, the local authority has up to 6 weeks to decide whether to conduct an assessment.
- While the decision to assess – or actual assessment period – is ongoing, the institution should enrol the learner as an adult learner funded by the SFA. If the learner subsequently goes on to receive an EHC plan, the institution should make a change to the individual learner record (ILR) and the learner would be funded by EFA. A college is able to claim Learning Support funding from the SFA while a learner aged 19 to 24 is waiting to be assessed for an EHC plan. It is not lawful for colleges to place conditions in admissions offers based on whether or not a young person has received an EHC plan.

Please clarify the decision-making process for dealing with requests by a young person or family for a particular college

- A young person (or their family acting on their behalf) will receive a draft EHC plan where

Section I is blank. This is so that a request can be made for a particular type and/ or name of educational setting, without prejudice.

- The request for a student aged 16 or above could include the name of a specific special school, a 6th form college, a general college, or a specialist college that is on the Section 41 list. Where the local authority receives such a request, it **must** comply with that preference and name the school or college in the EHC plan unless the LA judges that:
 - it would be unsuitable for the age, ability, aptitude or SEN of the child or young person; or
 - the attendance of the child or young person there would be incompatible with the efficient education of others, or the efficient use of resources.
- Where the LA believes that any of these criteria apply, it must name another setting that does meet all criteria. Where it names a setting that is not the young person's preference, the young person has the right to make an appeal to the Tribunal. LAs must therefore enable young people to make requests for any of the types of provision identified above, and must not put in place processes that limit their preference rights. They should also make clear the criteria upon which the LA will judge the appropriateness of the preferred setting.

What are young people's rights of appeal to the First-tier Tribunal (SEN and Disability) about EHC needs assessments and plans?

- The Tribunal hears appeals against decisions made by the LAs in England in relation to children's and young people's EHC needs assessments and plans.
- Young people (over compulsory school age until they reach age 25) can appeal to the Tribunal. They may do so only after they have contacted an independent mediation adviser and discussed whether mediation might be a suitable way of resolving the disagreement. They do not have to take up mediation itself if, after this contact, they decide not to. Their right to appeal is not affected by entering into mediation.
- Young people can enter an appeal in their own name but can also have their parents' help and support if needed.
- Further information can be found in Chapter 11 of the Special Educational Needs and Disability Code of Practice: 0-25 Years <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25> and at GOV.UK <https://www.gov.uk/special-educational-needs-disability-tribunal> ‘

What is the expectation on colleges in terms of conducting EHC plan reviews?

- Where a student has an EHC plan, the local authority must review that plan as a minimum every twelve months, including a review of the student's support. The college must co-operate with the local authority in the review process. LAs can request (but not require) that the college or other post-16 institution convene and hold the meeting on their behalf. There may be a requirement on the post-16 institution to do so as part of the contractual arrangements agreed when the local authority commissioned and funded the placement.
- In most cases, reviews should normally be held at the educational institution attended by the child or young person. Reviews are generally most effective when led by the educational institution. They know the child or young person, will have the closest contact with them and their family and will have the clearest information about progress and next steps. Schools have for many years co-ordinated and held review meetings, sending any resulting review documentation to the LA. It is therefore reasonable to expect that colleges

will do the same. We realise that colleges may face capacity issues when dealing with large numbers of reviews, although these can be staggered to ease staff pressures. Some colleges have also re-configured job roles to reflect that fact the some staff time will be taken up both with reviews and in dealing with draft EHC plans for potential students.

Consultation on plans for the SEND Inspection Framework

Ofsted and CQC will be consulting over the summer on their plans for local area SEND inspection. Further details will be available on Ofsted and CQC websites.

Data and research to support local area benchmarking and measure user experience

Below are details of useful data and tools, in place or being developed, to help local areas assess and measure progress with SEND implementation:

- The [Local Authority Interactive Tool \(LAIT\)](#) contains over 360 indicators across children's services. Reports can be tailored to meet local needs and comparisons can be made with other local areas and statistical neighbours. The 'Indicators' button on the front page sets out when data will next be updated.
- In December, a User Journey Mapping tool will be available for all local areas to help identify and address issues that contribute to families having positive experiences of the EHC assessment and planning process.
- Local authority level findings will be available next summer from a large scale national survey of families' experiences.

Update on SEN2 data published in May 2015

We've received some enquiries about the number of 'Learning Difficulty Assessments (LDAs) assessed and no EHC plan issued' in the [figures published in May](#). We are aware that some LAs included LDAs assessed but had not yet made a decision on issuing an EHC plan. As a result, the figures may appear to be higher than they actually are. See footnote six in table 10 and page 5 of the Quality and uses document: SFR14/2015 for further information. Please email SEN.STATISTICS@education.gsi.gov.uk if you have any questions.

ANNEX A

SUMMARY OF LA SURVEY RESULTS

Positive progress

Local Offer:

- 140 LAs that responded have either set or are in the process of setting up a mechanism to review their Local Offer in light of feedback from parents/carers and children and young people.
- 20 LAs are adopting a 'You said; We did' approach.

Education settings:

- 79% of LAs who responded said that all or most of their schools have published an SEN information report.
- 87% of LAs who responded said that all or most of their early years providers have arrangements in place for identifying SEN.
- 78% of LAs who responded said that they have an area SENCO to support early years.
- 88% of LAs who responded stated their FE providers were fully or to some extent reshaping their provision for SEND students.

Preparation for Employment Grant:

- 62 LAs are using the grant to build relationships with employers to agree work placements for young people with SEND on supported internships and other study programmes.
- 51 LAs are using the grant to increase the number of education providers offering supported internships.
- 34 LAs are using the grant to support and challenge education providers to improve preparation for employment in study programmes for young people with SEND, including high quality work experience.
- Other examples include:
 - A Youth Employment Service focusing on SEND.
 - To provide a graduate placement on a 1 year project to develop work placements, process, liaison with employers and liaison with providers.
 - To support education providers to increase the number of placements available. This may involve joint work with other LAs that use the same colleges.
 - To employ a Supported Internship Co-ordinator.
 - To establish a Disability Employment Network that focuses on getting young people with SEND into employment.
 - To support an Employer Roadshow.
 - Training job coaches.
 - To fund a Mental Health Engagement Worker post to support work around internships.
 - To support pre-traineeships and traineeships for young people with SEND.

Person-centred reviews:

- 97% of LAs who responded reported that practitioners in their area were ensuring that families are experiencing person-centred reviews as part of EHC needs assessment pathways either extremely well or quite well.

Year One Priority Transfers:

- 49% of LAs who responded were extremely or very confident all transfers would be completed by April 2018.

New assessment requests:

- A majority of LAs have seen a significant increase in new assessments for 0 – 5 year olds, and by those for children and young people with autism.
- Other profiles around new requests include:
 - Requests relating only to Care or Health needs.
 - A small increase from the 19-25 sector.
 - High levels of referrals for Autism and Social Emotional and Mental Health (SEMH).
 - Increases in younger children with complex conditions and health needs.
 - An increase in requests from parents.
 - An increase in behaviour, emotional and social difficulties (BESD) and Autistic Spectrum Disorder (ASD) profiles, particularly in early years and Key Stage 1.
 - More requests for post-16, with a number of these being for young people with mental health needs.

Pre-tribunal appeal/ mediation arrangements:

- 99% of LAs who responded, stated 0-25 pre-tribunal appeal/ education health and care plan mediation arrangements are in place.
- A majority of LAs have held between 1 and 5 mediation meetings.
- The highest number of mediation meetings held by an LA was 24.

Joint commissioning arrangements:

- There was an increase in the number of LAs where these arrangements are well developed or fully established, from 59% in February to 89% in June.

Personal Budgets:

- There was an increase in the number of LAs where Personal Budget arrangements were fully or well developed, from 74% in February to 85% in June.

Young Offenders:

- There was an increase in the number of LAs where arrangements to work with young offenders were fully or well developed, from 48% in February to 65% in June.

Areas for development

Stakeholder engagement:

- 76 LAs are still experiencing difficulties in engaging with adult mental health services.
- 78 LAs are still experiencing difficulties in engaging with adult speech and language therapy professionals.
- 21 LAs are still experiencing difficulties in engaging with children and young people; whilst not a particularly high number engagement with children and young people is a key element of the reforms.

Person-centred reviews:

- 3% of LAs who responded reported that practitioners in their area were making limited progress in ensuring that families are experiencing person-centred reviews as part of EHC needs assessment pathways.

EHCs issued within 20 weeks:

- The percentage of LAs who were extremely or very confident they will meet the statutory deadline has decreased from 59% in February to 36% in June.
- 25% of LAs were not very or not at all confident of meeting this deadline.

Year 1 priority transfers:

- The percentage of LAs who were extremely or very confident these will be completed within the timescale has decreased from 40% in February to 29% in June.
- 31% of LAs were not very or not at all confident that transfers will be completed within the timescale.
- 19% of LAs who responded were not very or not at all confident that all transfers would be completed by April 2018.

Joint Commissioning:

- 59% of LAs have well or fully developed arrangements in place.

Young Offenders:

- 3% of LAs stated they had not started developing arrangements to work with young offenders with SEND.

SUMMARY OF PARENT CARER FORUM SURVEY RESULTS

You can read the initial findings [here](#).

In summary:

- 67% think PCFs are very or extremely well engaged.
- 67% don't know how their local authority is using their preparing for employment grant. 27% didn't know how it was being used and 5% said it wasn't being used as it was intended.
- 51% thought the joint commissioning arrangements either hadn't started or were in early stages.
- Only 22% thought that their LA's Personal Budgets offer for those with EHC plans were well or fully developed.
- 73% thought their local authority had mediation arrangements either fully or to some extent in place.
- 69% did not know if their local authority had arrangements in place for those between 10 - 18 with Special Educational Needs (SEN) in custody.

- 54% think their LA are measuring the impact of the SEN reforms. 46% either thought they weren't or didn't know.
- 40% thought that there was limited progress towards Education Health and Care (EHC) reviews being person centred.
- 52% were either not at all or not very confident that the LA would meet the 20 week timescale for producing EHC plans. Gathering information and LA capacity were the two highest attributing factors to this.
- 44% said yes the local authority had changed the transition plan since September whilst 35% didn't know.
- Only 14% were confident or extremely confident that their local authority would transfer all planned LDA's and statements by the 31st August 2105. This went up to 20% being confident all transfers would be achieved by August 2018.
- Only 1% thought the feedback about the quality of the transfer review was good. 51% said it was good/ mixed.
- 48% knew there was a named Designated Medical Officer (DMO) in post.
- 55% said their Clinical Commissioning Group (CCG) have appointed a commissioner for children and 68% said they had a contact at the CCG they could raise issues with.
- 67% reported that their local authority was intending to make changes to their short break provision either in 2015/16 or planned for 2016/17.
- 65% said their Information Advice and Support Service (IASS) service was either fully developed or well developed.
- 67% reported being involved in developing the Independent Support service in their area.
- 90% said they thought Independent Support services were still going to be needed after March 2016.
- 68% reported that working with Independent Support and IASS services had been a positive experience.