

Dear all,

Welcome to our Autumn CDC Digest. I am very happy to be back at CDC after recovering from a knee operation, and catching up on our very busy summer. Autumn is a great time to take stock of the year so far, and to plan for what lies ahead for the rest of the year.

We are really pleased to have been involved in the campaign launched this week to put #ChildrenAtTheHeart of Government spending. With backing from over 120 organisations, this campaign is calling for Government to recognise compelling evidence that the services and support that children and young people rely on are at breaking point. We know from our work as part of the Disabled Children's Partnership that there is a £1.5billion funding gap for services needed by disabled children. It is great to support the creation of this coalition, with organisations across the country all coming together to call for action.

Our Assistant Director for Social Care, Caroline Bennett gives an update on the Mental Capacity (Amendment) Bill, which is currently progressing through Parliament. There have been widespread challenges implementing the Mental Capacity Act 2005 and ensuring that individuals who lack capacity to make decisions are effectively supported and have their rights protected. This Amendment Bill is in response to the Law Commission review of the Mental Capacity Act 2005 and is focused primarily on the Deprivation of Liberty Safeguards (DoLS) in an effort to streamline the process and to reduce the burden on local authorities and community settings. Caroline gives us an update on the changes proposed and the potential impact on young people and families.

Our new Information, Advice and Support Programme is well and truly underway. The team have been delivering a range of workshops across the country, and have developed a set of minimum standards for Information, Advice and Support Services. It's great to see the Programme take shape and for so many practitioners to benefit already.



[Dame Christine Lenehan](#),
Director at the Council for
Disabled Children



In the last digest we shared a blog from Meg, a previous member of our FLARE group. Since then Meg was featured in a BBC article talking about her experiences of loneliness. The article references a study which found that young people are particularly vulnerable to loneliness, and is well worth a read.

As always, we are committed to ensuring that you remain up to date with the latest legal and political developments in the sector, and Steve Broach's case law updates are included. These updates are a fantastic opportunity to read an accessible summary of the latest case law findings, and to see the implications of these on children, young people and families and on local authorities.

We are also working with DFE, DHSC and NHSE on a range of initiatives and guidance to further support young people. Our next issue will include an update on Exclusions, Continuing Healthcare and Transforming Care.

Happy reading, and do let us know what you think!

Best wishes,

Christine Lenehan



[Dame Christine Lenehan](#),
Director at the Council for
Disabled Children



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Campaign - Putting Children At the Heart

CDC is part of an influential new coalition. Over 130 children's charities, teaching unions and other organisations have joined together to request that the Government recognise compelling evidence that the services and support that children and young people rely on are at breaking point.

We know that services for disabled children and young people are vastly underfunded. The Disabled Children's Partnership **published economic research** earlier this year which found a £1.5billion shortfall for disabled children's services. This represents just a small part of the overall gap in funding for children and young people's services.



The call comes from one of the broadest coalitions to assemble around such a cause, with representatives working across child health, education, social care, disability and poverty all adding their voice to the campaign.

The letter, sent to both the Prime Minister and Chancellor, highlights the pressing challenges facing services and other support for children, showing that:

- Ninety children are being taken into care every day – this is a record high;
- Less than a third of children and young people with a diagnosable mental health problem will get access to NHS funded treatment this year;
- Only three in a hundred families of disabled children think the health and care services available to their children are adequate;
- Almost three-quarters of school leaders expect they will be unable to balance their budgets in the next financial year;
- The number of children with special educational needs who are awaiting provision has more than doubled since 2010;
- Up to 3 million children are at risk of going hungry during school holidays.

Theresa May has promised to bring forward the 'end of austerity' and increase investment in public services, however the letter points to a growing body of evidence showing that significant challenges lie ahead.

Read more about the campaign [here](#) and sign the public petition [here](#).

The Mental Capacity (Amendment) Bill Update

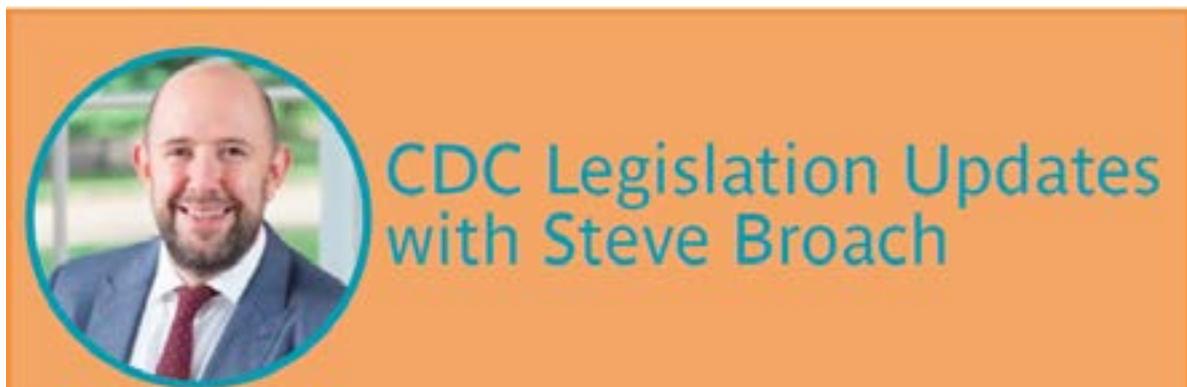
The Mental Capacity (amendment) Bill will enter Report stage in the House of Lords on 21st November. The Bill seeks to amend the Mental Capacity Act 2005 in relation to the Deprivation of Liberty Safeguards (DoLS), replacing them with the Liberty Protection Safeguards (LPS).

In CDC's Legislation Update in July, Steve Broach, Barrister at Monckton Chambers highlighted a number of the implications for disabled young people. Some of which were potentially challenging. It is now possible that some of these will be amended as the Bill moves forwards.

Importantly in the second day of the committee stage Lord O'Shaughnessy (Parliamentary undersecretary of state DHSC) confirmed that the government will bring forward proposals to extend the scope of the Bill to include 16 and 17 year olds in line with the original recommendation by the Law Commission. He also advised that "it is essential that that person's wishes and feelings about proposed arrangements be at the heart of the model"

This will mean that young people aged 16 and over will be within the scope of the LPS unlike the current DoLS system which applies from 18. As the Bill continues to move through the parliamentary process we will be keen to work with our networks and partners to explore the practical implications of these changes and how we can support alignment of processes across the LPS process; EHC needs assessments and plans; and other systems that disabled young people and their families may be engaged with.

If you are interested in information, training and updates on the Mental Capacity (amendment) Bill please contact us at TMoncada@ncb.org.uk.



*Last quarter we started a **new series** of legislation updates from Steve Broach. These updates are intended to provide general information about relevant legislation going through Parliament. They cannot and do not provide a definitive guide to the legislation, nor do they give any advice in relation to individual cases. Where legal issues arise specialist legal advice should be taken in relation to the particular case.*

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Postcard From Vienna - Philippa Stobbs

At the bi-annual meeting of the European Agency for Special Needs and Inclusive Education in October, a new project was launched. The title, Preparing All Teachers to Include All Learners, struck me as resonating with current intentions in England, whether realised or not, and with whole school approaches more generally. In mapping the territory for the new work, the Agency identifies the topic as being a significant priority for all Agency member countries. The importance of this issue is also apparent in other Agency projects, for example a recent piece of work on school leadership identified the importance of 'commitment to on-going professional learning for all teachers and other stakeholders' and of all staff taking, 'responsibility for the success and well-being of all learners.' A good juxtaposition of both the anticipated responsibility of all teachers and the necessary preparation for taking that responsibility.



Because there is a lot of discussion about Warnock, 40 years on, I wondered what she and her committee had said about both the responsibility of all teachers and training for it. With a focus very much on those who were already in 'ordinary' schools and perhaps not having had their needs identified and met, she talked about the 'likelihood of children requiring special educational provision being identified for the first time in school,' the need for 'close and continuous observation' of all children by their teachers, and the early assessment of needs:

We believe that this knowledge and appreciation should be taught to all teachers in the course of initial teacher training and during their induction into their first teaching post.

Where do we articulate all this in our current expectations of teachers? And our commitment to training and preparation?

Well, the responsibilities are set out in the teacher standards. Teachers are expected to:

- set goals that stretch and challenge pupils of all backgrounds, abilities and dispositions
- have a clear understanding of the needs of all pupils, including those with special educational needs; those of high ability; those with English as an additional language; those with disabilities; and be able to use and evaluate distinctive teaching approaches to engage and support them.

Responsibility for training to some extent seems to fall back on teachers as they are also expected to:

- take responsibility for improving teaching through appropriate professional development...

A colleague then assured me that the responsibility of all teachers was in the Code of Practice, 'All teachers are teachers of children with special educational needs.' It's not in the 2015 Code! Or I couldn't find it. Was this omission intended? I had to go back to the 2001 Code of Practice to find the statement:

All teachers are teachers of children with special educational needs. Teaching such children is therefore a whole school responsibility (para 5:2 for primary schools, and the equivalent for secondary schools in para 6:2, substituting 'pupils' for 'children').

So I found myself thanking Damien Hinds, again, for his speech this July, in which he made the clear statement:

Every school is a school for pupils with SEND; and every teacher is a teacher of SEND pupils.

As ever it seemed to me that the benefit of some of the discussions across Europe, as with research, is not necessarily to move to a different place but to better understand the place where you are. As I attempted to get a ticket from the machine at the Bahnhof to get myself to the Flughafen, such a reminder might have calmed my fraying nerves, or may be have increased my anxiety.

Wish you were here!

Philippa Stobbs

Government Response to 'Good Intentions, Good Enough?' Report

In December 2016, our Director, Dame Christine Lenehan was asked by the Department for Education to lead an independent review of the experiences and outcomes of children and young people in residential special schools and colleges. The Government has now responded to the resulting report, '**Good Intentions, Good Enough?**'.



Our report 'Good Intentions, Good Enough?' was published in November 2017 and the Government committed to respond more fully to the findings in 2018.

Damian Hinds, Secretary of State for Education, wrote to Dame Christine with the Government's formal response to her review. You can find more details of the report [here](#).

Realistic Positivity Report

Adoption changes the lives of the children and families involved forever. Whilst providing nurturing new families for children can be extremely rewarding for adoptive parents, it also presents significant challenges.

The pressure can multiply if a young child has additional needs that emerge after placement or that parents feel unprepared for. Families can struggle to cope with the extra demands of raising a child with special educational needs, disabilities or health problems.

Our report sheds light on the experiences of adoptive parents, and highlights the difficulty that professionals face in recognising, understanding and responding to the additional needs of young children placed for adoption.



The Information, Advice and Support Programme

October saw the Information Advice and Support Programme at CDC deliver 10 regional workshops in partnership with the Department of Education. The workshops brought together for the first time managers of Information, Advice and Support Services alongside their designated local authority commissioner and/or procurement lead.



The main focus of each workshop was to provide the sector with an update on the national SEND position by the Department for Education and the new Minimum Standards devised by Daisy Russell. The workshop also provided services with advice and support on future operational planning and the process statutory services under contract to CDC will need to follow to be considered for additional funding to put plans into action from April 2019 onwards. The workshop

ended with an overview of the national helpline delivered by Contact and helped to set out how the Helpline can support and complement the work being offered locally by IASS.

By the time the last cup of coffee had been drunk at the final workshop, over 267 delegates attended the workshops, where the evaluation tells us that the events were considered overwhelmingly purposeful, informative, useful, relevant and good use of people's time.



For more information on the work of the Information Advice and Support Programme please see our website:

<https://councilfordisabledchildren.org.uk/information-advice-and-support-programme>.

Transforming Care

Children and Young People's Accelerator Project
By Phil Brayshaw, NHS England Lead



NHS England and the Department for Education are working with 6 Transforming Care Partnerships (TCPs) to rapidly develop and strengthen community support and services to ensure improved outcomes for children and young people with learning disability, autism, or both. The focus of this work is to prevent unnecessary admission to hospital or other institutional settings for children and young people with learning disabilities, autism or both, and to reduce significant length of stays. Each site has agreed to share their learning with other TCPs in their region and across England.

The TCPs are currently developing detailed plans and progressing their work in the following areas:

North Cumbria and North East TCP

Working with secondary schools to make sure they are providing good support for children and young people with autism. This will include:

- good senior leadership
- supporting positive approaches with teachers informed by Positive Behaviour Support
- putting in place autism friendly school approaches
- “All About Me” type courses for Children and Young People
- adaptive ways to work with parents
- more support at home and school for children and young people

Greater Manchester TCP

Working with 4 Local Authority areas to prevent unnecessary admissions to hospital and other institutional placements including residential schools, by developing Intensive support Services to provide:

- therapeutic support (Positive Behaviour Support), Short Breaks Services, and individualised support at home

They will also:

- roll out of a children and young people's dynamic risk model across all 10 Local Authority areas
- establish a Children and Young People's Learning Disability and Autism forum

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Essex TCP

Developing a Positive Behaviour Support Service to work with children and young people with learning disabilities and challenging behaviour, including:

- an intensive multi-disciplinary service across Essex
- working across education, social care and mental health
- targeted at families with children with learning disability at risk of breakdown
- provide a key worker to make sure all services are providing the right support
- provide Positive Behaviour Support training for a wider group of staff
- 4 out of 10 children and young people supported will avoid admission/institutional placement

Arden TCP

Plan to develop their community mental health support for children and young people with autism. This includes piloting outreach support into homes, schools and other community settings for children and young people both pre diagnosis and post diagnosis. There will also be co-ordinated peer support for families

Spot purchasing support for 10 children and young people presenting in mental health crisis to prevent admission to, or facilitate discharge from, tier 4 beds.

Develop a single planning framework for children and young people admitted to hospital linked to the Education, Health and Care Plan framework.

Kent and Medway TCP

Will undertake three pieces of work:

- providing integrated and co-ordinated support for young people with autism and mental health issues
- developing a Positive Behavioural Support service to provide intensive support to a small number of children, young people and families
- undertake some work across the TCP to make sure staff are well trained in Positive Behaviour Support; develop the wider workforce

As part of this project NHS England want to accelerate work in relation to a number of other areas including personal health budgets, key working, transition, and other important issues. For more information about the accelerator work please contact the NHS England lead Phil Brayshaw at phil.brayshaw@nhs.net

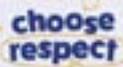
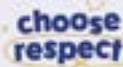
Anti-Bullying Week

Anti-Bullying Week 2018 is happening from Monday 12th – Friday 16th November and has the theme 'Choose Respect'. It is coordinated by the **Anti-Bullying Alliance** which is based at the **National Children's Bureau**.

What You Can Do

Choose Respect is the overarching theme for this year's Anti-Bullying Week and was developed with young people so we'd love for you to help promote the message on your social media channels. The simplest way of doing this is by sharing or pledging your message of support to always #ChooseRespect. This could be a text-based post, a photo a video, a GIF or something else!

There are many ways you can get involved with this year's Anti-Bullying Week:

MONDAY 12 NOVEMBER	TUESDAY 13 NOVEMBER	WEDNESDAY 14 NOVEMBER	THURSDAY 15 NOVEMBER	FRIDAY 16 NOVEMBER
				
KEY ACTIVITY Odd Socks Day for Anti-Bullying Week	KEY ACTIVITY School Staff Award winners announced	KEY ACTIVITY Parliamentary reception event	KEY ACTIVITY Stop Speak Support. Cyberbullying Day	KEY ACTIVITY Anti-Bullying is not just for Anti-Bullying Week message.
				

The Aims of Anti-Bullying Week

The aims of this week are to support schools and other settings to help children and young people, school staff, parents and other professionals who work with children to understand:

- the definition of respect.
- that bullying is a behaviour choice.
- that we can respectfully disagree with each other i.e. we don't have to be best friends or always agree with each other but we do have to respect each other.
- that we all need to choose to respect each other both face to face and online.

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Odd Socks Day

To mark the start of the week, Monday 12th November is Odd Socks Day, fronted by Andy Day, who is one of the most popular children's TV presenters in the country. He has worked with young children for over 10 years, and is a favourite amongst children and parents alike. Andy and his band, the Odd Socks, promote a message that it's good to be different and everyone is unique.



You can find out much more about Anti-Bullying week on the [website](#). You'll find resources for a wide range of settings, information about events and really great merchandise available to purchase.

NICE Guideline on Decision Making and Mental Capacity

The Mental Capacity Act 2005 applies to everyone over the age of 16 and this guideline focuses on decision making for people who may lack capacity now or in the future.

This new guideline from NICE sets out clear recommendations across a range of areas:

- supporting decision-making
- advance care planning
- assessment of mental capacity
- best interests decision-making



It aims to help those working directly with young people and adults aged over 16 to support them to make their own decisions where they have the capacity to do so, and to keep people who lack capacity at the centre of the decision-making process.

Who is it for?

- health and social care practitioners working with people who may (now or in the future) lack mental capacity to make specific decisions.
- independent advocates, with statutory and non-statutory roles.
- practitioners working in services (including housing, education, employment, police and criminal justice) who may come into contact with people who lack mental capacity.
- people using health and social care services who may (now or in the future) lack mental capacity to make specific decisions, as well as their families, friends, carers and other interested parties.

You can read more about the guideline, along with our other resources on decision making and mental capacity [here](#).

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Blogs and reports

Here's what we've been reading this quarter...

Mental Health and Wellbeing Provision in Schools

The Department for Education (DfE) published a report summarising findings from a research project looking at the information schools in England provide to support their pupils' wellbeing and mental health. The study involved 45 secondary schools, 45 primary schools and 10 special schools. Findings include: a variety of approaches, interventions, and support were identified in schools' policies that can contribute towards the promotion of mental health and wellbeing; and schools would benefit from further awareness, advice and resources to enable stand-alone interventions to be further embedded within whole-school strategies that promote the mental health and wellbeing of all pupils.

New Initiative Empowering Young People to Make Informed Decisions About Their Mental Health

A new initiative has been launched to help young people have more engagement in mental health support, to give them a greater say in the treatment they receive and the outcomes they desire.

On My Mind is a new website developed by the Anna Freud Centre that provides young people the opportunity to make informed decisions about their own mental health and wellbeing.

On My Mind is an easy and safe way for young people to access clinically-approved information online. The pages were co-produced by young people, including the Centre's Young Champions, to help other young people.

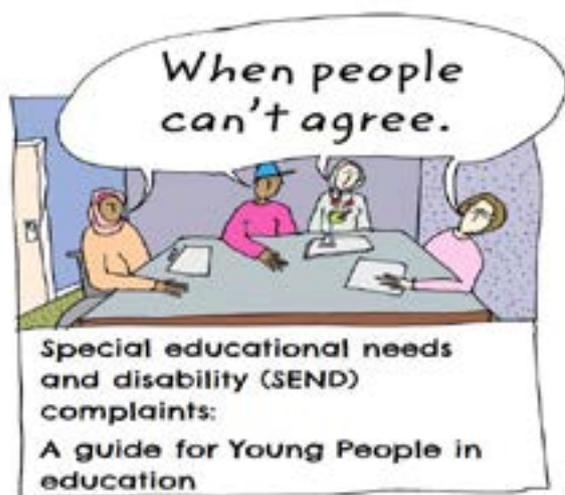
The new website has nine digital resources, which include:

- the Youth Wellbeing Directory which allows you to search for free mental health services by postcode or name for those up to age 25;
- a Jargon Buster to help young people understand medical terms in simple language;
- films and Q&As about receiving support from services and understanding referrals;
- Helping Someone Else offers tips and advice from young people about how to help a friend or family member;
- Know Your Rights allows young people to be empowered to make their own informed decisions.

Research shows that 50% of mental health problems are established by age 14 and 75% by age 24 and that's why it's so important to provide extra help at this stage.

The new pages are targeted at children and young people between the ages of 11-25, but it is also a resource for GPs, teachers or parents who can signpost young people to the website.

Best of social media



Facebook [facebook.com/councilfordisabledchildren](https://www.facebook.com/councilfordisabledchildren)

Take a look at this great guide for young people aged 16-25 on disagreement resolution for #SEND issues. It gives advice for young people who are unhappy with their support and explains where to get more advice:

<http://bit.ly/16-25disputeguide>

LinkedIn [linkedin.com/company-beta/2382839](https://www.linkedin.com/company-beta/2382839)

In case you missed it, our Director, Dame Christine Lenehan, wrote for Special Needs Jungle about how SEND support in England is changing:

<https://www.linkedin.com/feed/update/urn:li:activity:6443441724403523584>



Twitter twitter.com/cdc_tweets



Children & young people with #SEND meet complicated language all the time. Our jargon busters explain policy and health jargon in clear, simple terms: bit.ly/2NMdBcs @CDC_tweets @KIDScharity

https://twitter.com/CDC_tweets/status/1024415160839139329

Update from Meg - former FLARE member

In the last digest we featured a blog from Meg, a former member of our FLARE group. Since then Meg has written about her experiences of loneliness, and was featured on a BBC Radio programme.



We all have sad times at some point in our lives. There are times when it feels like nothing's going right and that we don't have friends around to make us smile. Sometimes bad things happen to us which make us feel rubbish but we always get through them one way or another. I had a great time in my first few years of secondary school but when we hit year nine, my friends became obsessed with boys, make up and magazines – all things I wasn't interested in. Suddenly, I had no one to hang around with and lonely breaktimes stretched in front of me.

I want to share some things with you that have helped me get through these times. Even if only one of these works for you, it could make a big difference.

Keep Your Hobbies Close

In lonely times, it can be really helpful to keep something with you that you can get out and do when you're bored. I did lots of reading in my breaktimes and wrote stories too. Try to avoid your phone as you might get into trouble for using it in school. There's no reason why you shouldn't keep a sketchpad, magazine or knitting close though. If you have a particular hobby and aren't sure if you'll be allowed to do it in school, try to talk to a teacher about it and I'm sure they'll understand.

Play to Your Strengths

Think of things that you're good at or that you really enjoy doing. It's possible that there are clubs both inside and outside of school that you could join. This helps you meet people who like the same things as you do, and it distracts you from the sad time. I joined my school's writing club which meant I didn't have to spend Tuesday lunchtimes on my own.

Your school might have a scheme where you pair up with another student to help them with a subject or for them to help you. When I was given a History Mentor, I didn't like the idea because I hated History! It actually turned out to be good fun because my mentor was really nice and she was fun to talk to. One less lonely breaktime for me!

Hold the Door Open

This is a weird one but it helped me. By holding the door open, people talk to you to say

thank you and will sometimes start a conversation about something else if they see you around. Also, it makes you look helpful. Bonus!

Talk to Teachers

Ok, I was pretty desperate when I tried this! I saw my English teacher in the corridor and asked her how she was. We spent the rest of that breaktime talking about her new kittens! The point is that teachers can be fun to talk to. They are people too and they like talking about normal things because even they get bored of talking about teacher things all the time! If you want to give this a go but aren't quite sure about it, start with a teacher that you like and feel you know quite well. Hopefully you'll have some fun breaktime conversations.

Make as Many Friends as Possible

Friends at school are important but it's also nice to have people that you can spend time with outside of school. I've already talked about joining clubs in your area and you could also look for events where young people can get together from all over the country. A lot of my friends lived a long way from me so I used to love going to see them in the holidays.

Give Yourself Things to Look Forward To

It's really important to have good things to focus on, especially if we're feeling rubbish. My mum used to bake on Fridays so I would sit in Maths, thinking about the big slice of cake I would get to eat after school. It doesn't have to be cake; chocolate is a great thing to look forward to! Whether it's buying something you've wanted for ages or looking forward to cuddles with the dog, try to keep thinking forwards to that next good thing. Out of all the tips I've suggested here, this is the one I use most often when I feel rubbish. I try to look forward to running a hot bath, putting in a bath bomb and lying for hours in the hot water before lathering myself in body butter and snuggling up in my pyjamas. It's not the kind of thing everyone looks forward to but it works for me! Now your turn to do what works for you.

You can read more from Meg and others on loneliness [here](#).

In the news

NHS England Guide: Commissioning for transition to adult services for young people with SEND

This Quick Guide is intended to help local areas develop their transition processes for young people with special educational needs and disability (SEND) from childhood to adulthood.

It works in conjunction with other existing national guidance. The format is based on the ten key transition principles published by the National Institute for Health and Care Excellence (NICE) in 2016. Local areas can use this as a resource to inform their own practice.

Achievement for All Call for Every Child to be Included in Education

On Wednesday 17th October, hundreds of school and setting leaders, educators, parents, carers, community organisations, business and sector leaders came together for the Achievement for All annual Every Child Included in Education conference.

Brian Lamb, OBE, Professor Sonia Blandford, Dr. Tim Coulson, James Bowen, Sam Butters, Joan Deslandes, Anne Longfield, OBE, and Dr. Carol Shanahan gave impassioned speeches about the importance of social mobility and ensuring every child is included.



Speaking about the issue, CEO Sonia Blandford said: “Today, schools and education settings are experiencing challenges generated by a lack of investment, guidance and support. We are a country that commits more funding to higher education than any other in the developed world, yet we are in the lowest quartile for early years funding (OECD, September 2018)”

“Exclusions are at their highest since 2007, with 48,000 fixed term or permanent exclusions last year (IPPR, 2017). Over 50% of those excluded have a diagnosed special educational need. In the summer, only 17% of Children Looked After achieved 5 GCSEs A* - C or 4 and above. These are startling statistics that reveal the outcome of generations of policies that have failed to ‘Close the Gap’ (EPI, 2017, Social Mobility Commission, 2017, OECD, 2018).”

Collectively, through both the presentations and variety of workshops, the speakers and attendees outlined their commitment to supporting children vulnerable to overcome

underachievement and focused on practical solutions to deliver against five co-developed priorities outlined in its manifesto, including:

1. promote kindness and wellbeing in education, business and third sector settings, where every child and young person is included every day
2. further investment across all phases of education, beginning with the early years
3. greater focus on teachers as professional learners through recruitment, retention, and CPD
4. reduce children and young people being excluded in education and close the gap for SEND - too often the marginalised and forgotten group
5. increased recognition of parents, carers and wider communities
6. find out how you can support the Achievement for All's manifesto for change [here](#).

Can we read for 200 Million Minutes?

The day also saw the launch of the 200 Million Minutes of Reading Challenge.

Coming in 2019, Achievement for All's 200 Million Minutes Reading Challenge will bring schools, settings, families, community groups and organisations from across the globe together as we attempt to read more minutes than ever before in this international reading competition!

To take part and be in with a chance to win some fantastic prizes, **register your interest here** and we'll be in touch with more details about the challenge soon!

Exam accommodations for autistic students

GCSEs are stressful and difficult for most students. Autistic students may face additional challenges, such as sensory overload and unclear or ambiguous questions and instructions. Having recognised these challenges, the DfE commissioned the **Autism Education Trust (AET)** to develop **guidance around accommodations** to help teachers and exam officers support autistic students to demonstrate fully their knowledge and skills in qualifications. The guide was written specifically to support autistic students being entered for GCSEs, but the principles and good practice examples can be applied to all public examinations. The guide includes tips on:



The availability of access arrangements

The **Joint Council for Qualifications (JCQ)** publishes requirements for the most common access arrangements for GCSEs etc. Access arrangements include reasonable adjustments that are needed to make exams accessible for candidates who have disabilities. A reasonable

adjustment may be unique to that individual and may not be included in the JCQ's list of available access arrangements.

Preparing the student

In order to prepare autistic students for taking exams, teachers should be familiar with the exam content and formatting so that they can provide individualised guidance and support.

It is good practice to make use of any available previous papers and practice material.

Multi-agency safeguarding – Early Adopters programme



Following the **Wood Review (2017)** into the role and functions of Local Safeguarding Children Boards (LSCBs), the Government has introduced legislation through the Children and Social Work Act 2017 to reshape the way in which local agencies work together to safeguard and promote the welfare of children. This sees LSCBs ceasing to be the mechanism for multi-agency safeguarding, and instead sets out 'safeguarding partner' arrangements, which will comprise three key agencies (local authorities, health and police).

The Department of Education (DfE), together with the Department of Health & Social Care (DHSC) and the Home Office has funded 17 Early Adopters to develop, test and implement new arrangements for multi-agency safeguarding. The National Children's Bureau (NCB) is facilitating the Safeguarding Early Adopters programme, working with the 17 Early Adopter sites as they put in place new arrangements for multi-agency safeguarding. Find out more about the programme and read an overview of each Early Adopter's learning themes and approaches **here**.

Case Law update

Our regular update on the latest legal decisions and what they mean for you, with Steve Broach, Barrister at Monckton Chambers.



These updates are part of our **case law series** reviewing judgements relating to the implementation of the Children and Families Act 2014.

Each review looks at a specific case and explains the potential implications for parents, local authorities and sector practitioners. The reviews have been produced for us by Barrister Steve Broach.

Case Law update 30 - Judicial review of cuts to SEN budget

In this **update**, the High Court allowed an application for judicial review of the Council's decision to cut the Special Education Needs budget on a number of grounds, particularly the Council's failure to consult before making its decision.

Case overview

This case involved a mother, her 9 year old child, and another 9 year old, both of whom had additional needs. The challenge was to the Council's decision to set a schools' budget which included cuts of approximately £5 million to the high needs block budget (which provided for those with special education needs, 'SEN').

The claimants argued that the Council had failed to consult before deciding on the cuts, as required by the Equality Act 2010, the Children and Families Act 2014, and the common law duty of fairness. However the Council argued that these changes had not yet taken effect, and that the claim was premature. The Council also argued that even if it was at fault, it was highly likely that there would not be any substantial difference in the outcome of the claim if it had consulted and / or complied with the other duties the Claimants relied on.

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What this means for children, young people and families

Individuals and their families may be able to successfully challenge those cuts where the decision maker has not followed the correct process, such as failing to consult. Proper investigation is required before decisions to make cuts can be made, and families may well need to be consulted before significant reductions in funding occur.

Implications for local authorities and other public bodies

Local authorities need to gather proper information to come to reasoned conclusions about cuts to services. Where decisions are made without this information, decisions may be vulnerable to challenge in the courts. In times of strain on public finances, it is vital that authorities take the time to consider what information they need to make fully reasoned decisions. Local authorities must ensure that they carry out their duties properly, rather than attempting to meet minimum statutory requirements.

Case Law update 31 - ruling on 'tendency to physical abuse'

In this **update**, the Upper Tribunal found that 'L' had been discriminated against on the grounds of his disability in respect of a fixed term exclusion from school.

Case Law update 32 - ruling on independent school placement

In this **update**, the Upper Tribunal refused to overturn a decision to educate a 7 year old boy at an independent school, given that his refusal to attend a mainstream school made that option inappropriate.

Case Law update 33 - no fixed time limit for Children Act 1989 section 20 accommodation

In this **update**, 8 children in a family were accommodated under section 20. The Supreme Court confirmed that there is no fixed time limit on the use of section 20 to accommodate children, but parents need to be fully informed of their rights.

Case Law update 34 - ceasing to maintain an EHC plan

In this **update**, the Upper Tribunal set aside a decision of the First-tier Tribunal that the local authority was entitled to cease to maintain an EHC plan of a severely disabled young person. There are numerous reasons why it may be necessary for a local authority to continue to maintain an EHC plan, and the question is not simply whether the outcomes in the plan have been achieved.

Case overview

This appeal concerned a decision by the local authority not to maintain an Educational, Health and Care Plan (EHC Plan) for a severely disabled young person, 'Ms M'.

At the relevant time, Ms M was attending the sixth form at a specialist school, as named in her EHC Plan. She had been offered a place at a local college, yet an independent panel did not approve the application, considering that her needs could instead be met through a day care placement. The Council then informed her parents of their decision to cease to maintain her EHC plan, as her needs could be met through non-formal provision.

Ms M's parents appealed this decision, which was upheld by the First Tier Tribunal. The Upper Tribunal allowed the parents' appeal, explaining that where outcomes in an EHC plan have been achieved, this does not automatically mean that is no longer necessary to maintain the plan. The young person's educational and training aspirations, the reasons why the outcomes were achieved, and whether the young person's special educational needs profile has altered, should also be considered. Before making the decision, local authorities should make sure they have sufficient up-to-date information about a young person.

What this means for children, young people and families

The decision means that a local authority will not be able to cease to maintain a young person's EHC Plan without a proper assessment of whether their special educational needs can be met if the plan is not maintained. Young people and parents should therefore consider appealing decisions to cease to maintain EHC Plans if they are unhappy with the offer of alternative provision under (for example) a care and support plan governed by the Care Act 2014.

Implications for local authorities and other public bodies

Before deciding to cease to maintain an EHC plan, local authorities should make sure they have sufficient up-to-date information about the young person, and ask whether it is necessary to maintain the plan. The local authority should have regard to the range of considerations explained above, not only to whether the outcomes in the plan have been achieved, and it is not sufficient to rely on a recent Care Act assessment.

Case Law update 35 - school transport as special educational provision

In this **update**, the Upper Tribunal decided that school transport can be special educational provision within an EHC plan, where the transport fulfils some educational or training function. No rule was found to exist that school transport can never be special educational provision.

Case overview

The case concerned a 16 year old, Karen who was travelling to a college, over 60 minutes from her home. The Council issued an EHC plan for Karen, who then objected to the section which dealt with assistance with transport. She appealed to the First-Tier Tribunal (FTT). The FTT ordered the section to be amended to include transport for Karen to be provided to allow an assessment of her transport needs to be concluded, and to support her to become an independent traveller.

The Council appealed against this decision on the basis that transport to and from school could not constitute special educational provision. The Upper Tier Tribunal rejected the Council's argument and explained that transport can be deemed special educational provision if it 'educates or trains'. Whether or not transport 'educates or trains' is for the appellant to make a case, and the answer will depend on the facts of each particular case.

What this means for children, young people and families

Families should note that entitlement to school and college transport for children and young people will normally arise through a separate statutory scheme under the Education Act 1996, for which there are separate appeal processes arranged by each local authority.

It will only be where there is a specific educational need which is being met by school transport that the First-Tier Tribunal will have jurisdiction to order it to be included within section F of an EHC plan.

Implications for local authorities and other public bodies

When preparing an EHC plan, local authorities will need to consider whether the child or young person has transport-related special educational needs and whether the provision of transport is required to fulfil those needs. Previous decisions which suggested that transport cannot amount to special educational provision can no longer be relied upon in relation to plans prepared under the 2014 Act.

Participation news

FLARE Social Media Campaign

FLARE, the young advisory group with SEND for the Department for Education, ran their social media week from 15th -19th October. The theme was Equal Pay for Equal Work: the concept that people with disabilities should be paid the same amount as non-disabled people if they do the same amount of work.

The theme was inspired by the Make Your Mark vote by the UK Youth Parliament, where the issue was the third highest voted for. Our FLARE members discussed the issue at their last meeting, and decided to focus specifically on the barriers that young people with SEND face when accessing employment and then getting equal pay. All the material was directly taken from young people, and shared on social media.



The campaign was a huge success, with over one million people reached throughout the week! If you missed it, check out the #PayMeRight on Twitter to see what FLARE had to say.

Factsheet No.6 Developing a Supportive Environment

For children and young people with special educational needs and disabilities (SEND) to reach their full potential, they need effective, flexible support in a wide range of areas. While these support needs will differ for each individual, all good support starts in an environment in which all adults, children and young people see support as a positive element of a child or young person's life.

This resource has been co-produced with children and young people to provide guidance on developing an environment which is responsive to disabled children and young people's support needs, and views them in a positive light. It consists of two mutually reinforcing aspects: 'building a supportive environment' and 'talking about support needs'.

Jargon busters

Children & young people with SEND meet complicated language all the time. Our **jargon busters** explain policy and health jargon in clear, simple terms.

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Want to know more about transition? Join the Transition Information Network today!

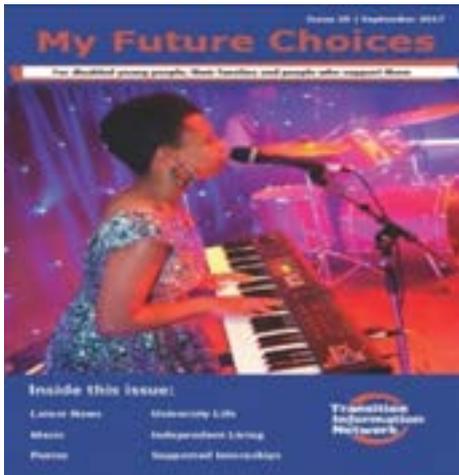
The [Transition Information Network \(TIN\)](#) is a source of information and good practice for disabled young people, families and professionals. It's a specialist CDC network set up to provide targeted information and resources about transition through online resources, publications and events.



The network works in partnership with the voluntary and community sector and with young people to develop training for professionals such as training on the Mental Capacity Act 2005 and on the Children and Families Act 2014 and Care Act 2014.

TIN also works behind the scenes on policy issues, responds to government consultations and works with leading organisations to develop and promote good practice in transition.

[Sign up to receive the latest news from TIN here.](#)



New issue of My Future Choices coming soon

We are finalising the latest edition of our My Future Choices magazine which showcases stories written by disabled young people about their lives. We had some excellent submissions so do keep an eye out for the next edition. You can take a look at the previous magazines [here](#).

Debate on Autism and Learning Disability Training for Healthcare Professionals

On 22nd October 2018 a House of Commons debate was held in relation to mandatory training for healthcare practitioners on learning disabilities and autism. The debate came in response to a **highly successful petition** and campaign by Paula McGowan following the tragic death of her 18 year old son, Oliver. The debate concluded with an agreement to roll out mandatory training for professionals as soon as possible.

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National Children's Bureau news

Chair of the Board of Trustees

The National Children's Bureau (NCB) has recruited a new Chair of the Board of Trustees, Alison O'Sullivan.

Alison has worked extensively in the children's sector in senior roles, and has dedicated her career to improving the lives of children in the UK.

She currently serves as a member of the Advisory Board for the Children's Commissioner for England, providing advice, challenge and scrutiny to the Commissioner and their office.

Alison was elected Vice President of the Association of Directors of Children's Services in 2014/15 and served as its President during 2015/16. She is also a former Co-chair of the Government's expert panel on the mental health needs of children in care.

Anna Feuchtwang, Chief Executive of NCB said:

'Alison has been at the heart of children's policy improvement, from the Marmot review to Future in Mind which led to the changes in the government's approach to children's mental health. Her leadership in the children's sector at the most senior level will be a great asset to NCB as we face significant challenges in improving outcomes for children with continuing financial pressures on services, growing levels of household poverty, and increasing levels of stress damaging children's emotional wellbeing. Thanks to the leadership of our brilliant and dedicated outgoing Chair, Elaine Simpson, we have an ambitious new strategy and a strong platform to build on. With Alison's understanding of the issues facing the charity sector and vulnerable children, as well as her proven leadership skills, we are confident that she is the right person to steer NCB and join us in our determination to improve children's lives.'

Alison O'Sullivan, New Chair of Trustees:

'In these troubled times it is vital that the voice of all children be heard. It will be my privilege to play a part in NCB pushing for change through research, policy and collaborating with others in the sector to ensure that children continue to have a powerful voice.'



Resources

Department for Education SEND Newsletters

Here you can find updates for professionals working in SEND, including the latest October 2018 newsletter.

Minimum Standards for Information, Advice and Support Services (IASS) - Published

The IASSN have published new minimum standards for IAS services, as part of the **Information, Advice and Support Programme**. The standards were drawn up by a group of IASS managers, parents, LA reps and the chair of the IASP board, in consultation with the DfE. They are based on the law, the SEND Code and the IASS Quality Standards (which they now supercede). The consultation process recieved feedback from IAS Services, LA staff, third sector organisations, health services and parents.

SEND Casework Award

nasen have an Award for SEND casework teams. The Award is the only on-the-job training and accreditation written specifically for those directly involved in SEND casework. To date more than 50 local authorities and 375 candidates nationally have participated in the Award.

Here's what some of the successful candidates have to say:

"I am more organised, more informed about how the statutory assessment process works, more knowledgeable about the Code of Practice and feel more confident."

"It has made me think more about what I do and has made me more confident as I realise how much I can do and do well.."

"This award has definitely raised the status of the candidates, both within and outside our team."

More information available [here](#).

Guide to Childhood Acquired Brain injury

This guide aims to introduce childhood acquired brain injury (ABI), consider how it is acquired and why it is often misdiagnosed, and provide some practical support strategies.

An acquired brain injury to the brain after a period of normal development is where the child was not born with the injury, but acquired neurological injuries after birth. The injury can change the way a person thinks, feels and responds to the world around them.

Training and Events

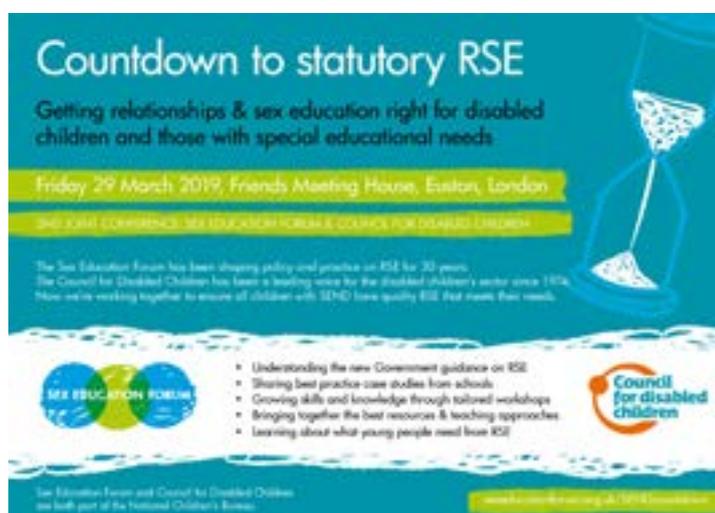
Getting children involved in social science research

Did you know that involving children and young people in social science research can improve the design, methods, findings and impact of your research? This half-day event is co-produced with young people and explores participatory research. There will be three separate workshops on methods and experiences from the perspectives of young people and researchers.

The workshops are facilitated by **NCB's Young Research Advisors**, the **CDC FLARE group** of disabled young people, and the **Children's Policy Research Unit** based at UCL. The event is relevant for anyone working with children and young people or research, such as practitioners, charity workers, civil servants, policymakers, consultants and academics.

Countdown to Statutory Relationships and Sex Education Conference

CDC and the Sex Education Forum are delighted to present their second annual conference: *Countdown to Statutory RSE – getting relationships and sex education right for disabled children and those with SEN.*



The Sex Education Forum has been shaping policy and practice on RSE for 30 years. Now we're working together to ensure all children with SEND have quality RSE that meets their needs.

One year on from our influential inaugural conference, and counting down to the start of mandatory RSE in all schools, we'll be moving discussion on by sharing new case-studies and research and offering delegates an even larger choice of practical workshops to support the implementation of high quality RSE that meets the needs of disabled children and those with SEN.

Who it's for?

- RSE and PSHE leads from special and mainstream schools
- sexual health services
- special educational needs coordinators
- teaching assistants/pastoral staff
- public health commissioners and safeguarding managers

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- voluntary and community sector organisations

You'll leave the conference:

- understanding the new Government guidance on RSE
- sharing best practice case studies from schools
- growing skills and knowledge through tailored workshops
- bringing together the best resources & teaching approaches
- learning about what young people need from RSE

More information to available [here](#).



Transition Event - East

The #TransitionEvent East is a one day conference and exhibition exploring the transition to adult services for young people with additional needs. Our Assistant Director for Social Care Caroline Bennett is chairing this fantastic event, and our lead for Transition Catherine Goodall will be presenting. The event is designed for young people, parents and carers, schools and professionals supporting disabled young people. Free tickets for parents, carers and young people, and tickets for professionals available [here](#).

Youth Mental Health First Aid Course

nasen will be hosting a 2 day training course on Mental Health First Aid (MHFA). Youth Mental Health First Aid (MHFA) training is for anyone who works with, lives with or supports young people aged 8-18. This training helps the adults in a young person's life to have the skills and confidence to step in, offer first aid and guide them towards the support they need.

The Youth MHFA Two Day course qualifies you as a Youth Mental Health First Aider and everyone who completes the course gets an MHFA manual to keep and refer to whenever they need it.

Bespoke training from CDC

We deliver training to help practitioners and services for children, young people and families on a range of current issues, combining sensible guidance on all the latest legislation with practical advice and solutions for delivering good outcomes for children and young people. All of our training can be delivered on request to your organisation on site. To find out more email cdc@ncb.org.uk for a quote or click [here](#).

Got an event to tell us about?

We're happy to assist - please email Catherine at cgoodall@ncb.org.uk to see how we can help.

Shining the Spotlight

We are really proud of our members and will jump at every chance to shout about them and their achievements! This is a dedicated place to showcase members and to shine the spotlight on their projects. This time we're looking at Swings & Smiles.



How it works

Swings & Smiles provides opportunities for children with special needs and their families to play. It offers a unique environment where the whole family feels supported and where they can spend quality time together. Our services include play sessions, sibling support and outreach.

Swings & Smiles' mission is to support children and young people with special needs and their families to be happy, have fun and feel included.

Our centre is situated in West Berkshire, however sibling support groups and outreach take place within a 40 mile radius of here. Any child age 0-19 years with special needs is welcome to join us.

What has been achieved?

In the last 4 years Swings & Smiles has supported over 400 families to come and play at the centre. In 2018 a fabulous new outdoor area was installed and now provides even more opportunity for play, all of it is accessible, and includes a variety of swings, a slide, trampoline, various sensory areas and mini-golf. Outreach has provided more than 200 hours of sensory play sessions in the community, travelling across Berkshire, Hampshire and Oxfordshire. Sibling support is a priority too, with regular drop-ins at the centre now available twice a month, and a six week programme being delivered in schools so that as many brothers and sisters can receive the practical and emotional support that they deserve

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Next steps

To build upon the success that has already been achieved by offering more sessions so that increased numbers of children and families can attend the centre. This will involve working with children, families and other professionals to make sure that what is being delivered is what is required.

To increase the outreach offer, both in terms of going out to more settings and to deliver across a wider geographical area. For outreach to also be able to support more families in their own homes.



For sibling support to increase so that more groups can be run in schools and more children are able to attend the drop-in sessions at the centre. For the older siblings to have groups and a service that is distinctively different to that that is run for the younger ones.

To meet the needs of a wide range of children with a variety of additional needs, staff may need to specialise in

certain areas and activities might have to be tailored to work for individual children so that opportunity for fun and play are maximised.

More information

office@swingsandsmiles.co.uk 01635 285170

Website: **www.swingsandsmiles.co.uk**

Twitter: **@swingsandsmiles**

About the Digest

The CDC Digest is a quarterly round-up of all the essential policy, practice and other news involving disabled children and young people, and their families. You can **download the latest issues from the CDC website**.

If you would like to be added to the list to receive this digest, please visit councilfordisabledchildren.org.uk/about/subscribe-newsletter and tick 'CDC Digest'.

About CDC

The **Council for Disabled Children (CDC)** is the umbrella body for the disabled children's sector in England, with links to other UK nations. We are the only national body that brings together the diverse range of organisations that work with and for disabled children to support the development and implementation of policy and practice. Our work impacts on over 800,000 disabled children and their families.

CDC hosts **Making Ourselves Heard**, the **IASS Network**, the **Special Educational Consortium**, the **Transition Information Network**, and the **Information, Advice and Support Programme**.

The Council for Disabled Children is part of the National Children's Bureau.

Support NCB



Interested in supporting our work? For over 50 years we've been fighting to reduce the inequalities that prevent children from achieving their full potential. We help by working with children and families, policy-makers and practitioners to research, innovate and establish best practice across the children's sector. For more information on how you can help, visit <https://www.ncb.org.uk/partner-us>.

Find out more



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