

## **SEND Update newsletter: February 2015**

This is the third edition of our Special Educational Need and Disability (SEND) Update newsletter for local authorities. We are now some months into implementation of the SEND reforms. It's a time of great change across children's services. We are grateful for all you are doing to make these SEND reforms succeed. There are some really great examples of family-centred practice coming through. We recognise that helping children and young people transfer from statements and Learning Difficulty Assessments (LDAs) is a significant amount of work for local authorities, their partners and for families. Do send us your case studies, so we can celebrate them and other authorities can benefit from your examples of good practice.

The results from the autumn implementation survey were encouraging and helpful in identifying areas where further work is required. We have just issued the second SEND implementation survey: do respond as fully as you can. The survey can be found here: [LA implementation survey Feb 2015](#). All responses are due by close on Friday 13 February.

We are inviting Designated Medical Officers (DMOs) to a central London event on 23 March to help establish a peer support network and help them explore practical solutions to supporting those with SEND, both strategically and individually. Let your DMO know, so that they can save the date! And if you don't have a DMO in place yet – this is a good time to appoint one, or invite a clinical commissioning group representative to attend so they can see what is involved in more detail.

One of the main areas of activity is transferring statements and LDAs to Education, Health and Care (EHC) plans. The EHC plan is of course not simply a rebadging of the statement or LDA. To ensure that EHC plans are person-centred and focused on outcomes, an EHC plan must only be issued following a 'transfer review' – an EHC needs assessment. We need to ensure that families are valued partners in this process; and that they have information they need, including access to high quality Information, Advice and Support and Independent Supporters. Some families have said to us that having more help to advise them on the transfer process would be helpful. Do make sure details of your independent advice and support services are included in your local offer (<http://www.iassnetwork.org.uk/find-your-iass/>), alongside details of your local independent supporters (<http://www.councilfordisabledchildren.org.uk/news/january-june-2015/getting-in-touch-with-your-local-independent-supporter>). It is early days, but based on the first 100 evaluation responses received directly from parents and young people, 80% would recommend the service to others, and nearly 95% said their work with the Independent Supporter was either 'extremely useful' or 'very useful'.

A statement is only formally transferred to an EHC plan once the review process is fully complete and the parent has received the new plan. The school census and the SEN2 exercise (see below) will be important for tracking progress over transfers. We would encourage all those submitting data about transfers in these contexts to check that figures relate only to EHC plans where a formal transfer has been completed.

Schools have a pivotal role to play in delivering the SEND reforms. It is crucial that schools (and colleges) are familiar with local authorities' plans for transfer reviews. We have set out further information about transfer reviews in the factsheet for schools that we are publishing alongside this. We have drafted the factsheet in partnership with the teaching unions. You will also be able shortly to find the factsheet on nasen's SEND gateway (<http://www.sendgateway.org.uk/index.cfm>).

We have also included a selection of recent news items relating to SEND and details of future events.

Our next newsletter will focus on outcomes and EHC planning, so if you have questions that you would like us to address do let us know.

Our October newsletter contained questions and answers on transitions and our December newsletter tackled post-16 issues. If you would like copies, let us know.

Finally, whilst this newsletter is intended principally for local authorities, anyone is welcome to be on the mailing list. Please feel free to forward this e-mail onto anyone who you feel would have an interest.

To contact us, please e-mail: [SEN.IMPLEMENTATION@education.gsi.gov.uk](mailto:SEN.IMPLEMENTATION@education.gsi.gov.uk).

With thanks,

0-25 SEND Unit

## Recent developments

### *Implementation survey – local authorities and clinical commissioning groups*

The Department has recently sent out the latest implementation surveys to local authorities and clinical commissioning groups (CCGs), with a deadline for reply of 13 February. These surveys are crucial for us in tracking progress and identifying where we can most usefully focus our support.

We expect NHS England shortly to issue an implementation survey to CCGs.

### *New legislation over young offenders with SEND and related update of the Code of Practice*

Statutory guidance designed to strengthen the support and rehabilitation options offered to young offenders with SEN has been laid in Parliament. The changes will commence from 1 April 2015. They will give local authorities where the young person's home is based the responsibility to ensure support for them is pulled together and continued throughout their journey. This will require working proactively with the youth justice and health sector. It also allows new EHC assessments to start while in custody.

- The SEND Detained Persons Regulations can be found here: <http://www.legislation.gov.uk/id/uksi/2015/62>.
- The revised SEND Code of Practice has been published here: <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>.
- The Government response to the consultation has been published here: <https://www.gov.uk/government/consultations/sen-and-disability-detained-persons-regulations-and-revised-code>.

### *SEN2 Return*

The deadline for local authorities to return the SEN2 is 26 February. For further details, including how to submit your data, see [SEN2 data return 2015](#). Please contact the EDD Helpdesk via the [Data Collection Service Request Form](#) if you have any queries or concerns regarding COLLECT or the SEN2 data collection 2015.

### *Longer term changes to SEND funding – call for evidence*

The deadline for the Department's call for evidence to inform longer term changes over distributing SEND funding more fairly in future is 27 February. For details, see <https://www.gov.uk/government/consultations/funding-for-children-and-young-people-with-send>.

### *Review of arrangements for disagreement resolution*

We are currently finalising the scope of this review, including the Tribunal pilot which will enable the Tribunal to make non-binding recommendations on aspects of health and social care in EHC plans. We are running a procurement process to appoint an external organisation to gather evidence for the review and to evaluate the pilot. We were encouraged by the response from local authorities wanting to join the pilot which is due to start in the spring. There may be a further opportunity to join the pilot later in the year.

### *Future support for local authority implementation of the reforms*

Now that the reforms have begun to bed in, we have been rethinking how best we can support local authorities with implementation. Key elements to this include:

- an organisation to support Parent Carer Forums, support the National Network of Parent Carer Forums, and offer a free, national helpline to parents and provide support through e-mail and websites;
- appointing SEND regional lead authorities to support implementation and encourage peer support between authorities and their partners;
- a Delivery Support contractor to support the regional leads; coordinate the SEND adviser service; provide specialist advice and support to local authorities and their partners; and deliver a pilot training and development programme aimed at senior SEN and disability managers in local authorities; and
- a Strategic Reform Partner to provide expert views and evidence on key elements of the SEND reforms, such as collecting and channelling feedback from parent carers, children and young people and the Voluntary and Community Sector (VCS).

We are also assessing bids for VCS grants on the themes of:

- support for Parent Carer Forums;
- ensuring that parents and young people have access to independent advice, support and guidance;
- support for organisations and umbrella groups providing specialist advice on specific types of SEND; and
- supporting local authorities, early years settings, schools and colleges, as well as the health sector and other delivery partners in implementing the SEND reforms; mental health; and encouraging innovative approaches to implementation of the SEND reforms.

Announcements about the successful bidders will be made on or around 19 March.

### *Procurement legislation – streamlined procedures*

We expect new procurement regulations to be published shortly. These will give local authorities extra flexibility in how they procure educational services, including places in schools or colleges for students with EHC plans. We will be issuing guidance to help local authorities to take advantage of the new options open to them to reduce the procurement burden, and to ensure that the preferences of children, their parents/carers and young people remain at the heart of the EHC planning process. We will be updating DCSs through the regular local authority email.

### *Changes to the dedicated schools grant for 19-25 year olds with EHC plans*

Following consultation, we are making changes to the dedicated schools grant, which will mean it cannot be used to fund places or top-up for 19 to 25 year olds in special schools and special academies. The new regulations will continue to allow the funding of a 19 year-old in such schools who is attending a secondary course which began before they turned 18. The regulations do not, however, allow for special schools and academies to be funded for students after 19, or for new students aged 19 or above. For further details, see the Government response to the consultation on new Funding Regulations:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/390720/Consultation\\_response\\_School\\_and\\_Early\\_Years\\_Finance\\_Regs\\_2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/390720/Consultation_response_School_and_Early_Years_Finance_Regs_2014.pdf).

### *Mental capacity and supported decision-making*

We have been developing resources and best practice over how key principles of the Mental Capacity Act 2005 link with the duties in the Children and Families Act 2014 and the Care Act 2014. The factsheet *The Mental Capacity Act 2005 and Supported Decision Making* explores how to support young people in decision-making to create positive outcomes as they prepare for adulthood. You can access it here:

<http://www.preparingforadulthood.org.uk/resources/pfa-resources/pfa-factsheet-the-mental-capacity-act-2005-and-supported-decision-making>.

There is also a series of films on Preparing for Adulthood's Youtube channel, at <https://www.youtube.com/user/PrepforAdulthood>, covering topics such as young people's views on involvement in supported decision-making.

### *'Disability matters'*

*Disability matters* is a free e-learning resource for the UK workforce, which covers a wide range of issues about understanding, supporting and communicating with disabled children and young people. All the resources have been co-produced with disabled children, young people, parent carers and lots of people who work with them. Access the resources from here: <https://www.disabilitymatters.org.uk/>.

### *Review of non-GCSE English and maths qualifications*

In November, the Government asked the Education and Training Foundation (ETF) to lead a review of non-GCSE English and maths provision. There will be some significant equality considerations for ETF to take into account. ETF will be working with Ofqual, Ofsted, a wide range of experts, and employers. For more information about the review, including how to 'join the conversation' about the review, you can visit the ETF webpage at <http://www.et-foundation.co.uk/our-priorities/english-maths/review-english-maths-qualifications/>.

### *Character education – grant funding*

The deadline for bids for a Character Education Grant from the Department is 6 February. The scheme is designed to help schools ensure that more children develop a set of character traits, attributes and behaviours that underpin success in education and work. For details, see <https://www.gov.uk/government/news/character-education-apply-for-2015-grant-funding>.

*Forthcoming events (contact organisers for further details)*

<p>4 February - London 6 February - Leicester 9 February - York 12 February - London 24 February - Merseyside 3 March - Somerset</p>	<p>Six regional Contact a Family co-production workshops. For details, see <a href="http://www.cafamily.org.uk/media/810556/co_production_workshops_final_pcf.pdf">http://www.cafamily.org.uk/media/810556/co_production_workshops_final_pcf.pdf</a>.</p>																
<p>3 March - London 5 March - Birmingham 9 March - Manchester 17 March - Leeds 18 March - Newcastle 25 March - Taunton</p>	<p>4Children and The Council for Disabled Children are running a series of events to engage the broadest range of practitioners from across the sector in the SEND reforms. The events will be of interest to all early years practitioners, and those supporting them, such as those in the role of Area SENCO, Inclusion Advisers, Early Years Specialist teachers.</p> <p>To book a place, go to <a href="http://www.4children.org.uk/Event">www.4children.org.uk/Event</a>.</p>																
<p>3 March – North East: East Durham College 4 March – London, Westminster Kingsway College 9 March - East of England, Peterborough Regional College 10 March – Yorks and</p>	<p>Joint college/local authority workshops on EHC planning, run by Preparing for Adulthood (NDTi) in conjunction with the Department, AoC and NATSPEC.</p> <p>To sign up, go to:</p> <table border="1" data-bbox="396 1430 1435 1875"> <tr> <td>North East</td> <td><a href="http://northeastpfaevent.eventbrite.co.uk">http://northeastpfaevent.eventbrite.co.uk</a></td> </tr> <tr> <td>London</td> <td><a href="http://londonpfaevent.eventbrite.co.uk">http://londonpfaevent.eventbrite.co.uk</a></td> </tr> <tr> <td>East of England</td> <td><a href="http://eastofenglandpfaevent.eventbrite.co.uk">http://eastofenglandpfaevent.eventbrite.co.uk</a></td> </tr> <tr> <td>Yorkshire &amp; Humber</td> <td><a href="http://yorkshumberpfaevent.eventbrite.co.uk">http://yorkshumberpfaevent.eventbrite.co.uk</a></td> </tr> <tr> <td>South East</td> <td>Once date and venue confirmed book via <a href="http://southeastpfaevent.eventbrite.co.uk">http://southeastpfaevent.eventbrite.co.uk</a></td> </tr> <tr> <td>South West</td> <td><a href="http://southwestpfaevent.eventbrite.co.uk">http://southwestpfaevent.eventbrite.co.uk</a></td> </tr> <tr> <td>North West</td> <td><a href="http://northwestpfaevent.eventbrite.co.uk">http://northwestpfaevent.eventbrite.co.uk</a></td> </tr> <tr> <td>West Midlands</td> <td>Once date and venue confirmed book via <a href="http://westmidlandspfaevent.eventbrite.co.uk">http://westmidlandspfaevent.eventbrite.co.uk</a></td> </tr> </table>	North East	<a href="http://northeastpfaevent.eventbrite.co.uk">http://northeastpfaevent.eventbrite.co.uk</a>	London	<a href="http://londonpfaevent.eventbrite.co.uk">http://londonpfaevent.eventbrite.co.uk</a>	East of England	<a href="http://eastofenglandpfaevent.eventbrite.co.uk">http://eastofenglandpfaevent.eventbrite.co.uk</a>	Yorkshire & Humber	<a href="http://yorkshumberpfaevent.eventbrite.co.uk">http://yorkshumberpfaevent.eventbrite.co.uk</a>	South East	Once date and venue confirmed book via <a href="http://southeastpfaevent.eventbrite.co.uk">http://southeastpfaevent.eventbrite.co.uk</a>	South West	<a href="http://southwestpfaevent.eventbrite.co.uk">http://southwestpfaevent.eventbrite.co.uk</a>	North West	<a href="http://northwestpfaevent.eventbrite.co.uk">http://northwestpfaevent.eventbrite.co.uk</a>	West Midlands	Once date and venue confirmed book via <a href="http://westmidlandspfaevent.eventbrite.co.uk">http://westmidlandspfaevent.eventbrite.co.uk</a>
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<p>Humber –  Shipley  College,  Bradford  12 March –  East  Midlands -  Trent  Bridge  Cricket  ground,  Nottingham  17 March –  South  West,  Weston  College,  Weston-  Super-Mare  19 March –  North West  – Haydock  Park  WM/ SE  dates and  locations to  be  confirmed.</p>	<p>East Midlands  <a href="http://eastmidlandspfaevent.eventbrite.co.uk">http://eastmidlandspfaevent.eventbrite.co.uk</a></p>
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