

Social Care and the SEND Reforms Facilitator Notes

Introduction/Refresher training for Social Workers, Early Help Practitioners, EHC plan coordinators and all those involved in the EHC planning process



Learning Outcomes

At the end of this session participants will:

- Understand how Part 3 of the Children and Families Act 2014 links with existing social care legislation in relation to:
 - Participation of children and young people
 - Education, Health and Care (EHC) needs assessment and planning
 - Social Care Provision
 - Record keeping
- Understand the role of social care in the EHC assessment and planning process, including identification of social care needs;
- Understand the purpose of EHC plans in supporting children, young people and their families.

Trainer's notes

This training session is designed to be delivered in an hour, within a team meeting or bespoke training session as needed. The session is designed to be an introduction or refresher to the role of social care in embedding the SEND reforms and is adapted from the e-learning module CDC has developed with practitioners which can be accessed at:

www.councilfordisabledchildren.org.uk/learning/sections/frontline-practice/social-care-and-send-reforms

General notes and further information are provided in this facilitators guide to support you in delivering the session to colleagues.

Suggested activities are indicated in **bold** with an indicative time allocation provided. Materials required for the activities are supplied with this pack and can be duplicated for use in the sessions only.

There is an animation included in the session which would require internet access, projection and speakers for sound. This can be accessed by individuals after the session if these facilities are not available.

Please note, this material has been developed under contract with the Department for Education and is not to be used for commercial purposes without express written permission from CDC.

Specific additional support is available from CDC. Please contact Catherine Goodall on cgoodall@ncb.org.uk with any queries that come up throughout the session, we will come back to you as soon as possible with an answer.

Slides and Notes

Introduction and overview

Slide 1

- Briefly talk through notes as above.
- Give an overview of the session including timings and breaks.

Slide 2

- Read through the learning objectives.
- This session is designed to give an overview of the role of social care in embedding the SEND reforms. Individuals can access the links to e-learning, resources, information and legislation to gain further detail, knowledge and understanding.

Background and introduction

Slide 3

This section will give some background to the SEND reforms, and why they were needed.

Slide 4

- Read through points on the slide.
- Highlight that attendees are likely to be familiar with all of the above, and we know this from a range of reports and evidence, such as:
 - *The Kennedy Review: Getting it right for Children and Young People* (<https://www.gov.uk/government/publications/getting-it-right-for-children-and-young-people-overcoming-cultural-barriers-in-the-nhs-so-as-to-meet-their-needs>)
 - *Children and Young People's Health Outcomes Forum Report* (<https://www.gov.uk/government/publications/children-and-young-peoples-health-outcomes-forum-2014-to-2015>)
 - *Improving Health Outcomes for Children and Young People: A system wide response* (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/214928/9328-TSO-2900598-DH-SystemWideResponse.pdf)
 - *Chief Medical Officer's annual report 2012: Our Children Deserve Better: Prevention Pays* (<https://www.gov.uk/government/publications/chief-medical-officers-annual-report-2012-our-children-deserve-better-prevention-pays>)
 - *Winterbourne View Inquiry Report* (<https://www.gov.uk/government/publications/winterbourne-view-hospital-department-of-health-review-and-response>)

- *Future in Mind – CAMHS report*
(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/414024/Childrens_Mental_Health.pdf)
- The above reports and evidence can be shared with attendees after the session.

Slide 5

Talk through key points which should represent what we all want from the system for children, young people, families and services.

Slide 6

- Talk through the legal framework set out on slide – are people aware of what is happening locally in relation to them? Highlight that it is important that we understand the key changes the SEND reforms brought about, and how these interact with other pieces of legislation.

Education, Health and Care (EHC) Plans

Slide 7

This section introduces the purpose of an EHC plan.

Slide 8

- Read through the points on the slide.
- Highlight that the ethos behind EHC plans is that this is not just a document or a record. The approach to assessment and planning should be holistic and person-centred, involving the child or young person, their family and services which provide them with support. Co-ordinated assessment and planning is at the heart of the process.

Slide 9

Talk through the Section 19 principles on the slide as set out in the Children and Families Act 2014 and **consider as a group the implications for practice.**

Slide 10

- Embedded animation to be played.
- This animation was created by the Independent Support programme funded by the Department for Education and provides an accessible introduction to EHC plans.

Slide 11

- Read through the slide in relation to who can request an EHC needs assessment.

- In terms of the role of Social Care, the first opportunity to be involved in the EHC process may be requesting an assessment. This may be as an allocated Social Worker or Early Help practitioner who is identifying additional needs.
- Requesting an assessment is the critical first step in ensuring the needs of children, young people and their families are identified and met either through the Local Offer or through statutory services as appropriate. As the SEND Code of Practice emphasises, any request or 'bringing to the attention of' should be done with the knowledge and, where possible, agreement of the child's parent or the young person.

Slide 12

This slide sets out the legal threshold for carrying out an EHC needs assessment.

Slide 13

Highlight the three phases of the EHC needs assessment and planning process.

Slide 14

The graphic on this slide demonstrates the timeline of the EHC planning process, over the 20 week period. It is useful to talk through the graphic from left to right.

Slide 15

Read through the points on the slide in relation to evidence gathering as part of the EHC needs assessment process.

- It is a central principle of the new approach that repetitive assessments should be avoided. There should be joined up assessment across education, health and social care and existing evidence should be used to inform further assessment.
- Information sharing is particularly important for looked after children, those with a Child Protection plan and those with multiple Health and Social Care assessments and plans.
- CDC have produced a guide to support with this area: Sharing Data and Information to Support Education Health and Care Plans-
<https://councilfordisabledchildren.org.uk/help-resources/resources/sharing-data-and-info-ehc-plans>

What does it mean for social care practitioners?

Slide 16

This section sets out the role and responsibilities of social care practitioners within the EHC needs assessment and planning process.

Slide 17

- Read through slide setting out what we mean by social care needs and how these might be being met.
- Refer to CDC guide: 'Identifying the social care needs of disabled children and young people and those with SEN as part of Education, Health and Care Needs Assessments' (this can be downloaded and printed for free to support the session) -
https://councilfordisabledchildren.org.uk/sites/default/files/field/attachment/Identifying%20the%20social%20care%20needs_0.pdf

Slide 18

- Read through the slide which describes the key points where social care practitioners should be involved in the EHC needs assessment and planning process.
- Local authorities have developed different approaches to gather high quality social care advice for EHC plans.
- CDC have developed two guides to support this, one for Health and one for Social Care, available here:
<https://councilfordisabledchildren.org.uk/help-resources/resources/advice-education-health-and-care-plans>
- These documents contain exemplar request and response for advice templates, which can be adapted to suit local needs.

Slide 19

- There are a number of Social Care assessments, planning and review processes that disabled children and young people and those with SEN may be involved in at any one time, which means that seamlessly joining up processes is complicated. As such, a pragmatic approach is required.
- **Question to audience (5 mins)**: ask attendees to think about how social care advice is being provided where children and young people are not already known to children's social care.

Slide 20

- Read through sections on an EHC plan specifically focussed on social care.
- CDC have developed an 'EHC Plans: Examples of Good Practice' guide, which provides advice and guidance, as well as examples of good quality outcomes:
<https://councilfordisabledchildren.org.uk/sites/default/files/field/attachment/EHCP%20Exemplar%20Guide%202017.pdf>
- 'Examples of Good Practice From Year 9 and Beyond' guide:
<https://councilfordisabledchildren.org.uk/sites/default/files/field/attachment/EHC%20Exemplar%20yr%209%20and%20beyond%20-%20Final%20Draft.pdf>

Slide 21

- Where a plan includes social care provision (in Sections H1 or H2) this should be linked back to the social care needs in section D and should be reflected in outcomes in Section E. Equally, where a need is identified and recorded in section D there should be corresponding provision in either section H1 or H2.
- EHC needs assessments do not alter social care thresholds. Whether a child or young person has eligible needs under the relevant legislation will need to be determined after the assessment process has been completed and in accordance with the relevant statutory guidance and any local authority policy.
- **Important to note:** It is crucial to identify who needs to be involved with a particular assessment at an early stage, preferably before an EHC needs assessment is started. This will enable sufficient time for a statutory assessment under the Children Act 1989 to be completed if it is deemed appropriate.

Slide 22

- We need to strike the balance between providing sufficient relevant information to support the child or young person and their family, with the need to ensure that potentially sensitive information is only shared with those who have a clear need to access this. A simple indication that a child or young person has a CIN/CP plan or is LAC may be all that is needed in their EHC plan.

Slide 23

- Share example social care needs taken from EHC plans.
- Information about social care needs may come from a range of people, teachers, social workers, parents etc. It is important that we capture social care needs even when these are currently being met by universal services or by the family or local community. In this way a child or young person's needs have been identified and if their needs increase or the provision which currently meets the needs ceases, details are already included in the plan. This makes the process of securing further provision where needed far more streamlined.

Section H1 and H2: Social Care Provision

Slide 24

- This section sets out the how to correctly identify social care provision for sections H1 and H2 of an EHC plan.
- Identifying the correct provision for sections H1 and H2 has caused confusion for many practitioners. Local authorities need to be able to clearly identify the correct provision for each section and to evidence the decision making process. We will explore social care provision in more detail, firstly providing background on the pieces of legislation which underpin each section to provide context.

Slide 25

- Talk through use of Children Act 1989 in practice, in terms of Section 17 and social work assessments.
- **Question to audience:** ask who is familiar with the Warwickshire judgement? This is really important case law as it has moved our practice around Children Act Assessments for Disabled children and young people forward.
- As set out in Children Act 1989, all disabled children are “children in need” and have a right to an assessment under section 17 of the Children Act 1989. Working Together revised in 2015 currently states that a Child in Need Assessment must be carried out by a Social Worker.
- However, this statutory guidance can be departed from where there is a considered decision that there is good reason to do so. Recent case law (Warwickshire judgement) found that the guidance should not be read as insisting that every disabled child should be initially subject of a full blown social worker assessment. Alternatively, if it does say that then LAs and safeguarding boards would have good reason for departing from them. CDC work with a Barrister, Steve Broach, to produce regular case law updates. More information is available on the Warwickshire judgement via CDC’s case law directory: <https://councilfordisabledchildren.org.uk/our-work/social-care/policy/case-law-directory>

Slide 26

- **Question to audience:** are you confident in using the Chronically Sick and Disabled Persons Act (CSDPA) 1970 in practice?
- Talk through Chronically Sick and Disabled Persons Act 1970 from the slide and how the use of this piece of legislation has evolved.
- **Note:** It is really important that this piece of legislation isn’t ignored as the LA could face legal challenges. This is reflected in findings from recent tribunal rulings.

Slide 27

- Read through notes on the Care Act 2014
- This is designed to improve transition for young people by ensuring planning happens early.
- It is important to note that the two conditions are likely to be met at different ages and stages for individual young people which means that blanket policies for the age at which a ‘transition assessment’ takes place are likely to be unlawful.

Slide 28

Read through the Children and Families Act 2014 definition of use of CSDPA 1970 in Section H1.

Slide 29

Read through the provision which falls under Section 2 of CSDPA 1970

Slide 30

Read through the mechanism for deciding whether it is necessary to provide support under the CSDPA

Slide 31

Share examples of H1 social care provision taken from EHC plans

Slide 32

Read through the Section H2 provision not available under Section 2 of CSDPA 1970

Slide 33

- Share examples of H1 social care provision taken from EHC plans
- Note here that Alan has provision which would be covered under the CSDPA and recorded in H1, if he were under 18. However he is 20 and therefore his provision is in H2.

Slide 34

Group Activity – 10 minutes

- Ask attendees to read through the case study and use the flowchart provided to identify which social care provision will be recorded in each section, and why.
- Group discussion is encouraged
- If there is time, consider whether any other information should be recorded in the plan, and where (e.g. CP plan).

Recap learning and wrap up

Slide 35

- Recap on the learning outcomes for the session and check in on understanding.
- Take any questions on what has been covered – feed these back to CDC if necessary.
- Individuals are encouraged to access the resources on the next slide and the relevant pieces of legislation if they require further information.

Slide 36

The CDC website has a wide range of guides and resources on the SEND reforms and EHC plans.

Slide 37

Contact details for CDC provided.