

CDC's key messages on the draft provisions



CDC welcomes the broad aims of the draft SEN and disability provisions of the Children and Families Bill, in particular, the intention to create a much more joined up approach to the educational, health and care needs of children and young people. The commitment

to extend entitlement into further education settings and academies will clarify responsibilities and improve the system.

CDC has concerns that, in a number of areas, the draft provisions fall short of the vision set out in the Green Paper. CDC is committed to working with Government to strengthen the duties in these areas:

Ensuring the Bill applies to all disabled children and children with SEN



CDC welcomes the extension of local authority responsibility to all children with SEN, rather than the current duties which only extend to children who may need a statement of SEN. However, the provisions do not apply to disabled children or those with a health condition unless they require special educational provision. This would mean, for example, that the local authority duty to provide a local offer will only apply to children with SEN.

CDC is committed to securing entitlement under this legislation for disabled children as well as those who need special educational provision.

A coordinated response to meeting the needs of disabled children and children with SEN



Health and Social Care Act 2012

The draft provisions require local authorities to keep education and social care provision under review and to promote integration across services. There is a new duty on local authorities and clinical commissioning groups to make arrangements for joint commissioning of education, health and care services. CDC welcomes these provisions. We believe that the assessment of local need must be joined up with commissioning arrangements undertaken by Health and Wellbeing Boards.

CDC wants to ensure that the duties in the Children and Families Bill link to and complement the duties set out in the [Health and Social Care Act 2012](#).

A robust local offer

CDC welcomes the duty on local authorities to provide information on the education, health and care services it expects to be available locally, the local offer. The local offer is crucial in meeting the full range of children's needs and avoids the potential for 'a plan or nothing' approach. The majority of children and young people will rely on the local offer. Better information for parents and young people is welcome, but the provisions on the local offer do not go far enough.

CDC believes that there should be a legal duty to provide what is set out in the local offer; parents and young people need to be able to challenge agencies if it is not delivered.

Assessment and Education, Health and Care Plans

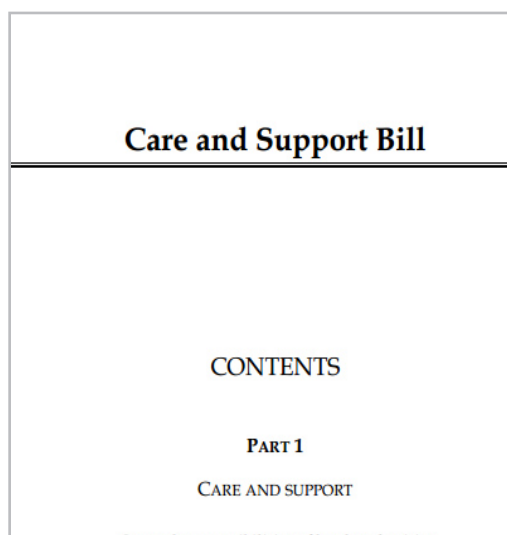
CDC welcomes the provisions setting out a multi-agency assessment and planning process for children and young people from birth to the age of 25, the tighter focus on outcomes, and the extension of the duties into further education and training and to

Academies. CDC wants to ensure that disabled children and young people who have health and care needs but who do not need special educational provision are included, see above.

CDC wants to see the assessment and planning duties extended to include disabled children and young people who do not need special educational provision but need health and/or care provision.

CDC welcomes the increased co-ordination between different agencies at a strategic level but wants to see a strengthened entitlement to the health and care elements in an EHC plan.

CDC wants a strengthened entitlement to the health and care elements in an Education Health and Care plan.



CDC welcomes the extension of the current duties to give an entitlement to an EHC plan to young people up to 25 who are in FE and training. CDC wants to ensure that those young people not in FE and training, for example those in apprenticeships, and those who may be in and out of different settings, are supported through a continuous planning process.

CDC wants to ensure that there is robust linkage between an EHCP and a Care and Support Plan from adult services.

Young people who are not in education or training should be entitled to support through an EHC plan.

CDC urges the Government to ensure that the duties in the Children and Families Bill link to and complement the duties set out in the draft Care and Support Bill.

The participation of children and young people



Disabled children and young people have the right to participate in all matters that affect them individually, and in all strategic decisions about national and local authority service provision, development and delivery.

Disabled children and young people should be provided with disability- and age-appropriate assistance to be able to participate in decision-making.

CDC believes that the Bill should provide disabled children and young people with the right to participate in all matters affecting them individually, including an EHCP, and in wider planning arrangements such as the development of the Local Offer and joint planning and commissioning. We also believe the Government should provide clarity regarding an individual's ownership of their EHCP.

Appropriate structures and a range of mechanisms need to be in place to ensure that professionals take the views of disabled young people into account when making decisions about their care and support.

CDC welcomes the commitment to provide information and advice to young people. We urge the Government to ensure that providers of this information are trained and resourced to provide age-appropriate information and advice.

Disabled children and young people need to be provided with age-appropriate information about services that are available to them and information and support to be able to participate in decision-making.