

Lancashire County Council

Education Scrutiny Committee

**Tuesday, 21st June, 2011 at 10.00 am in Cabinet Room 'C' - County Hall,
Preston**

Agenda

Part 1 (Open to Press and Public)

No. Item

1. Appointment of Chair

The Committee is asked to note the appointment by the full County Council on the 26th May 2011 of County Councillor C Grunshaw as the Chair of the Committee for 2011/12.

2. Appointment of Deputy Chair

The Committee is asked to note the appointment by the full County Council on the 26th May 2011 of County Councillor Mrs P Case as the Deputy Chair of the Committee for 2011/12.

3. Membership, Terms of Reference and Programme of Meetings. (Pages 1 - 4)

4. Disclosure of Personal/Prejudicial Interests.

Members are asked to consider any Personal/Prejudicial Interests they may have to disclose to the meeting in relation to matters under consideration on the Agenda.

5. Minutes of the meeting held on the 15th March 2011 (Pages 5 - 12)

6. SEND Green Paper Consultation - Support and aspiration: A new approach to Special Educational Needs and Disability (Pages 13 - 36)

7. Urgent Business

An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any Member's intention to raise a matter under this heading.

8. Date of the Next Meeting

As the meeting previously scheduled for the 12th July was brought forward the next meeting of the Committee will now be held at 10.00am on the 1st November 2011 in Cabinet Room 'C' at County Hall, Preston.

I M Fisher
County Secretary and Solicitor

County Hall
Preston

Agenda Item 3

Education Scrutiny Committee

Meeting to be held on 21st June 2011

Electoral Division affected: None

Membership, Terms of Reference and Programme of Meetings

Contact for further information: Mike Neville 01772 533431, Office of the Chief executive mike.neville@lancashire.gov.uk

Executive Summary

This report sets out those Members who have been nominated to serve on the Education Scrutiny Committee, together with the Terms of Reference of the Committee and the previously agreed programme of meetings for 2011/12.

Recommendation

The Committee is asked to note the membership, Terms of Reference and programme of meetings as set out in the report.

Background and Advice

At the annual meeting on the 26th May 2011 the full County Council agreed the membership of the Committee as sixteen County Councillors and five voting co-optees on the basis of three representing faith schools and two parent governor representatives.

The following County Councillors have subsequently been nominated to serve on the Committee for the following year:

County Councillors (16)

K Bailey	C Grunshaw
RN Blow	A Jones
K Brown	AD Kay
P Case	A Knox
S Derwent	Y Motala
C Evans	S Riches
P Evans	C Wells
S Fishwick	M Younis

The following co-opted members will continue to serve on the Committee.

Voting Co-opted Members (5)

Mr T Charnock – Representing RC Schools
Mr F Kershaw - Representing CE Schools
Mr K Wales - Representing Free Church Schools
Mrs J Hamid - Representing Parent Governors (Secondary)
Mr J Withington - Representing Parent Governors (Primary)

Terms of Reference of the Education Scrutiny Committee

1. To review decisions made, or other action taken, in connection with the discharge of any relevant functions undertaken by the Cabinet collectively, or the relevant Cabinet Members or Cabinet Committee.
2. To make reports or recommendations to the Full Council, the Cabinet or the relevant Cabinet Members or Cabinet Committee with respect to the discharge of any functions undertaken by the Cabinet collectively or the relevant Cabinet Members or Cabinet Committee.
3. In reviewing decisions (other than decisions designated as urgent under Standing Order 34(3)) made in connection with the discharge of any relevant functions undertaken by the Cabinet collectively or the relevant Cabinet Members or Cabinet Committee, but which have not been implemented, the Committee may recommend that the decision be reconsidered by the person who made it or to refer the decision to the Full Council for it to decide whether it wishes it to be reconsidered by the decision taker.
4. To consider at its discretion as appropriate Forward Plans prepared by the Leader with a view to determining which, if any, of the proposed decisions it wishes to scrutinise.
5. To hold general policy reviews and to assist in the development of future policies and strategies (whether requested by the Full Council, the Cabinet, the relevant Cabinet Members, Cabinet Committee or decided by the Committee itself) and, after consulting with any appropriate interested parties, to make recommendations to either the Cabinet, the relevant Cabinet Members, Cabinet Committee or to the Full Council as appropriate.
6. To fulfil all the statutory functions of an Overview and Scrutiny Committee as they relate to education functions of a Children's Services Authority
7. To undertake reviews (whether requested by the Full Council, the Cabinet, the relevant Cabinet Members, Cabinet Committee or decided by the Committee itself) and make recommendations to the Full Council, the Cabinet, Cabinet committee or the relevant Cabinet Members, as appropriate, on relevant services or activities carried out by external organisations which affect Lancashire or its inhabitants.

8. To consider any relevant matter referred to the Committee by the Scrutiny Committee following a request by a County Councillor or a Co-optee of the Committee who wishes the issue to be considered.
9. To request that the Scrutiny Committee establish sub-committees, task groups and other working groups and panels as necessary.
10. To invite to any meeting of the Committee and permit to participate in discussion and debate, but not to vote, any person not a County Councillor whom the Committee considers would assist it in carrying out its functions.
11. To require any Councillor who is a member of the Cabinet, the appropriate Executive Director or a senior officer nominated by him/her, or the Director of the Lancashire County Commercial Group to attend any meeting of the Committee to answer questions and discuss issues.
12. To review and scrutinise relevant aspects of the Local Area Agreement in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007
13. To recommend the Full Council to co-opt on to the Committee persons with appropriate expertise in the relevant education matters, without voting rights
14. To recommend to the Scrutiny Committee appropriate training for members of the Committee on education related issues.

Programme of meetings

At the meeting on the 16th December 2010 the full County Council agreed the following programme of meetings for the Committee in 2011/12.

12th July 2011*

1st November 2011

13th March 2012

Meetings will be held at 10am in Cabinet Room 'C' at County Hall Preston.

* with the agreement of the Chair this meeting was subsequently brought forward in order that the Committee could consider the Government Green Paper 'Support and aspiration: a new approach to special educational needs and disability' and submit comments before the end of the consultation period on 30th June 2011.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

There are no significant risks associated with this item.

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Directorate/Tel
Agenda/Proceedings from Full County Council	16 th December 2010 and 26 th May 2011	Mike Neville, Office of the Chief Executive, 01772 533431

Reason for inclusion in Part II, if appropriate
N/A

Agenda Item 5

Lancashire County Council

Education Scrutiny Committee

Minutes of the Meeting held on Tuesday, 15th March, 2011 at 10.00 am in Cabinet Room 'C' - County Hall, Preston

Present:

County Councillor Clive Grunshaw (Chair)

County Councillors

K Bailey	A Jones
Mrs R Blow	A Kay
K Brown	A Knox
Mrs P Case	Y Motala
Mrs S Derwent	S Riches
C Evans	C Wells
P Evans	M Younis
S Fishwick	

Co-opted members

T Charnock	(RC Schools representative)
Mrs J Hamid	(Parent Governor)
F Kershaw	(CE Schools representative)
K Wales	(Free Church Schools representative)

1. Apologies

No apologies for absence were presented at the meeting.

2. Disclosure of Personal/Prejudicial Interests.

There were no declarations of interest in relation to matters appearing on the agenda.

3. Minutes of the meeting held on the 19th January 2011

Mr Stott, the Director for Universal and Prevention Services from the Directorate for Children and Young People, referred to the comment at the bottom of page 1 of the Minutes and informed the meeting that information regarding insurance liability was included in the report set out at item 4 on the agenda.

Resolved: That the Minutes of the meeting held on the 19th January 2011 be confirmed as an accurate record and signed by the Chair.

4. Academies Act 2010

Mr Stott, the Director for Universal and Prevention Services presented a further report to update the Committee on developments in relation to Academies and informed the meeting that the current position regarding schools in Lancashire was as follows.

Hambleton Primary School) all converted to Academies on
Lancaster Girls Grammar School) 1 st January 2011
Clitheroe Royal Grammar School)
Lancaster Royal Grammar School) applied to be Academies. Academy
Hodgson High School) Orders issued and awaiting
Ripley St Thomas CE High School (Lancaster)) confirmation of conversion.
St Michaels CE High School (Chorley)) all in the process of applying for
Bishop Rawsthorpe CE High School) Academy status.
Bowland High School)

It was also noted that under previous legislation two other Academies existed in the County at Accrington and Fulwood, near Preston.

Mr Stott reported that whereas previously the opportunity to convert to an Academy had been restricted to those schools which had been judged by Ofsted to be 'outstanding' the Department for Education (DfE) had recently announced an extension of the arrangements so that 'good schools with one or more outstanding features' could also apply to become Academies on the same basis as outstanding schools. In addition other schools which did not satisfy the above criteria would be able to apply to convert to Academies provided that such an application was made in conjunction with an outstanding school or a good school with one or more outstanding features. It was also noted that that where a special school had been rated as 'outstanding for overall effectiveness' by Ofsted it would in future be able to apply to convert to become an Academy.

The following information was presented regarding schools in Lancashire.

1. Schools which were considered to be outstanding.

Primary	69
Secondary	16
Special	6
2. Schools which were considered to be good.

Primary	263 of which 220 had one or more outstanding features.
Secondary	34 of which 27 had one or more outstanding features.
Special	18 all of which had one or more outstanding features.

In response to requests from County Councillors Jones and Motala, Mr Stott stated that he would arrange for members of the Committee to receive a more detailed breakdown of the information outside of the meeting.

With regard to voluntary and foundation schools it was reported that the DfE had agreed model documentation with the National Society (Church of England) and the Catholic Education Service which would be used where such schools sought to become Academies. The Committee noted that currently three CE schools were engaged in the process though no applications for conversion had yet been made from RC schools.

In view of the change to the criteria County Councillor P Evans asked whether the County Council expected a rush of applications from schools wishing to convert to Academies and whether the authority would be able to cope if this proved to be the case. In response Mr Stott reported that whilst there was no legal requirement to do so all schools which were intending to become academies had to date informed the authority as a courtesy which had been helpful. It was reported that currently there was little overall information regarding the number of schools which intended to convert though Mr Stott was confident that the authority would be able to cope should further requests be made.

With regard to schools of other faiths Mr Stott reported that the application by Preston Muslim Girls School to become a Voluntary aided school was progressing and was expected to be finalised in time for the September 2011 term. It was noted that plans for a muslim girls college on the former site of Burnley College were progressing and a similar facility already existed in Lancaster. It was further reported that the DfE was currently considering an application from the independent Maharishi School in West Lancashire to become an Academy under the Free School route.

In response to a query from County Councillor Knox Mr Stott confirmed that should an existing faith school wish to convert to an Academy it would need the approval of its existing Trust in order to establish a new Trust to take that forward. Mr Kershaw further clarified this point stating that the approval of the body which appointed Foundation Governors would be required before a faith school could pursue becoming an Academy and it was expected that future legislation would clarify this point.

The increase in the floor standard for primary/secondary schools was discussed and Mr Stott informed the meeting that the Executive Director for Children and Young People was due to meet with representatives from the DfE to discuss the matter. In response to a query from County Councillor Jones Mr Stott reported that under the previous arrangements there would have been 25 primary schools and 5 secondary schools which did not meet the standard. It was noted that the increase to a 35% floor standard could potentially involve a larger number of schools, though it was noted this was dependent on examination results in the summer.

Mr Stott assured the Committee that robust school improvement plans were in place regarding the schools concerned and he was confident that the majority of schools would achieve the new floor standard. County Councillor Case expressed her wish that any proposed plans would involve the schools concerned working with either a single school or as a collective in order to improve performance and Mr Stott confirmed that this would be the case.

The issue regarding insurance liability was discussed and Mr Stott informed the committee that providing they acted appropriately then the Governing body of an Academy would be subject to the same protection as the Governors of a community school. It was noted that should a school convert to an Academy it was essential that the necessary insurance be in place from midnight on the date of conversion in order to ensure continuity of cover.

It was reported that Academies would continue to be funded at a comparable rate to maintained schools with an additional 'top up' to represent their share of central funding that the local authority spends on behalf of maintained schools. Mr Stott reported that the Cabinet Member for Children and Schools had previously written to the Secretary of State for Education regarding a shortfall of £6.5 million between the £8 million which had been removed from the County Council budget in anticipation of an estimated number of schools converting to Academies which was more than the £1.5 million cost of the actual number which had converted. County Councillor Case suggested that concerns regarding funding should also be raised via the Local Government Associations Childrens Board.

With regard to traded services County Councillor Case expressed her concern that such services would be unable to generate sufficient additional income to counter balance that which had been lost. In response Mr Stott reported that the authority valued all schools equally and would want to offer traded services to schools outside of the community sector, though this would be on the basis of full cost recovery and not to the detriment of community schools in Lancashire. Academies would be able to purchase traded services subject to an additional premium levied which was intended to ensure that all costs would be recovered. It was noted that whilst the majority of traded services was with Lancashire maintained schools other activity was marginal and the possibility for offering traded services to schools outside the County was being explored with a view to generating additional income.

On behalf of the Committee the Chair thanked Mr Stott for an informative report and excellent presentation.

Resolved:

1. That the report be noted.
2. That further information be provided to the Committee regarding the outcome of discussions with the Secretary of State for Education in relation to the directive route for Academies.
3. That the following additional information be circulated to the members of the Committee outside of the meeting.
 - a) A detailed breakdown of the number of primary, secondary and special schools in each district which have been judged by Ofsted to be outstanding, good with one or more outstanding features and good.

- b) A comparison between the number of schools in Lancashire which do not currently satisfy the increased floor standard for primary/secondary schools and the national average.
- c) The response to the Cabinet Member for Children and Schools regarding future funding from the DfE.

5. Schools White Paper "The Importance of Teaching" and the Education Bill 2010/11

Mr Stott presented an overview of the Schools White Paper and the subsequent Education Bill 2010/11. It was noted that the Bill covered the following seven areas as summarised in the report and Appendix.

- Teaching and Leadership
- Behaviour
- Curriculum, Assessment and Qualifications
- The New School System
- Accountability
- School Improvement
- School Funding

The Chair invited members of the Committee to comment on the areas and the following points were discussed.

Teaching and Leadership

In response to a query from County Councillor Wells regarding the link between academic ability and teaching ability Mr Stott reported that teaching was a graduate profession and the provisions of the Bill sought to increase recruitment routes into teaching as set out in the Appendix. However, he also recognised that academic ability did not always necessarily equate with teaching ability.

With regard to teachers acting as role models for young people County Councillor Motala expressed concern that there were not more disabled teachers. In response Mr Stott stated that this was a matter which would be monitored via the recruitment process and whilst he was aware of some disabled teachers within Lancashire he accepted that the County Council could not afford to become complacent.

Behaviour

It was noted that the Bill sought to strengthen teacher's powers in relation to behaviour with particular notice being given to the proposals regarding exclusions. In response to a comment from County Councillor Blow Mr Stott acknowledged that it was important for excluded pupils to be reintegrated into mainstream education and this was usually via Pupil Referral Units. He drew attention to the fact that in future the responsibility for funding any excluded

pupil's ongoing education would be the responsibility of the school (or Academy/Free School) from which they were excluded, until such time as the pupil was reintegrated into mainstream education. It was also noted that the exam results of pupils who were excluded would be reflected in the relevant school's performance tables.

County Councillor Case welcomed the proposal which she felt reflected the good work already done in Lancashire by the PRUs which had been identified by the Behaviour in Schools Overview and Scrutiny Task Group in 2008. She added that schools needed the freedom to experiment in order to identify alternative ways of supporting excluded pupils and Mr Stott reported that the County Council had already made a submission to the DfE regarding current services provision relating to excluded pupils with a view to building upon current good practice as part of a pilot scheme.

Curriculum, Assessment and Qualifications

County Councillor Riches referred to the use of systematic synthetic phonics and asked whether schools would have the freedom to disapply that particular teaching method. Mr Stott reported that the proposed national reading test for children aged six would highlight potential schools where the expected standard level of reading was not achieved and in those circumstances the approach adopted by a particular school would be examined.

It was reported that the 'English Baccalaureate' would recognise those students who achieved C+ GCSEs in English, Maths, two sciences, a modern or ancient language and a humanity (history or geography). Mr Stott noted that whilst the Baccalaureate was not intended to be used as a measure of the performance of schools the fact that results would be published meant the information would inevitably be a factor for parents when considering schools.

The reference to languages was discussed and it was noted that a minority of schools would provide course in an ancient language and that the provision of courses in modern foreign languages was of high importance.

Accountability

With regard to the future governance of schools it was noted that more flexible approaches were proposed including smaller, focussed governing bodies with a minimum of two parent governors and the headteacher. Mr Stott reported that there were some difficulties in recruiting parent governors who had children of school age due to their commitments. In response County Councillor Blow suggested that greater use be made of Grandparents who were increasingly the providers of significant childcare for school aged children.

School Funding

Mr Stott reported that the new Pupil Premium would follow poorer children directly to the school that they attended in addition to the underlying school budget from 2011/12 and that schools would determine how it was spent. It was

noted that the premium would initially be £400 rising to £1,700 per year by the end of the current Parliament and that discussions would take place with schools in order to establish the most effective impact of the funding.

County Councillor P Evans welcomed the proposed Bill which he felt represented an opportunity to support young people in education, especially those from deprived areas or who attended under performing schools. In response Mr Stott informed the meeting that the Education Endowment Fund was intended to provide an additional source of funding to which local authorities could make applications regarding initiatives which would raise the educational attainment of deprived children in underperforming schools.

County Councillor Case referred to the recent Green Paper 'Support and aspiration: a new approach to special educational needs and disability' which set out the Government's proposals for reforming the education system for children with special educational needs. There was general agreement amongst the members of the Committee that this should be the subject of a report to a future meeting.

Resolved:

1. That the report be noted.
2. That in view of the specific remit of the Committee and the wider implications regarding special educational needs discussions take place with the Chair of the Scrutiny Committee in order to identify an appropriate method by which to scrutinise proposals set out in the Green Paper 'Support and aspiration: a new approach to special educational needs and disability'.

6. Urgent Business

There were no items of urgent business presented for consideration at the meeting.

7. Date of the Next Meeting

It was noted that the next scheduled meeting of the Committee was due to take place at 10.00am on the 12th July 2011 in Cabinet Room 'C' at County Hall, Preston.

I M Fisher
County Secretary and Solicitor

County Hall
Preston

Education Scrutiny Committee
Meeting to be held on 21 June 2011

Electoral Division affected: All

SEND Green Paper Consultation - Support and aspiration: A new approach to Special Educational Needs and Disability
(Appendix A refers)

Contact for further information: Sally Riley, 01772 532356, Directorate of Children and Young People sally.riley@lancashire.gov.uk

Executive Summary

The report sets out the implications of the government's proposals for significant reforms to special educational needs and disabilities seeking to support better life outcomes for young people; give parents confidence by giving them more control; and transfer power to professionals on the front-line and to local communities.

Recommendation

The Committee is asked to :

1. Note the report.
2. Contribute comments to be included in the Authority's response to the Department of Education before the end of the consultation period on the 30th June 2011.

Background and Advice

Summary of Key Points – the case for change

- Around two million children and young people identified as having a special education need or who are disabled
- Their life outcomes are disproportionately poor
- Post-16, young people with SEN are more than twice as likely to be not in education, employment or training (NEET) as those without
- They can feel frustrated by a lack of the right help at school and from other services
- Children's support needs can be identified late
- Parents say the system is bureaucratic, bewildering and adversarial and
- Parents have limited choices about the best schools and care

In publishing its proposals, the government's vision is to:

- Support better life outcomes for children and young people from birth to adulthood (0-25) by proposing a new approach to the identification of SEN and a single assessment process – the Education, Health and Care Plan;
- Give parents confidence by giving them control by proposing local authorities and other services set out a local offer of all services available and giving parents access to a personal budget from 2014;
- Transfer power to professionals on the front line and to local communities by proposing to give parents a real choice of school and to introduce greater independence to the assessment of children's needs.

To test this, government will:

- ✓ Undertake a consultation (59 questions) as part of a consultation with all stakeholders from 9 March to 30 June 2011;
- ✓ Establish Pathfinders from September 2011 to test approaches and detailed response to consultation by the end of the year with legislation in May 2012 at the earliest.

The Green Paper forms part of a suite of changes and should be considered alongside the White Paper on the Importance of Teaching and the recent Education Bill. The SEND Green Paper has five chapters which set out the issues of concern and the government's proposals to address these. These are summarised below:

1. Early Identification and Assessment

Children's needs should be identified as early as possible so that the right support is put in place for them and their family. Government proposes to:

- help professionals identify problems as they emerge, with a robust system of early checks for children involving education, health and social care
- put in place a reformed assessment process for children with complex needs, with a single multi-agency approach and 'Education, Health and Care Plan' for 0-25, focusing on outcomes, giving parents the same statutory protection as the current statement of SEN
- in the meantime, speed up the process for families, by reducing the time limit for statutory assessments

To work towards this, government will:

- ✓ test how to reform the statutory SEN assessment and statement system to create an 'Education, Health and Care Plan' through local pathfinders
- ✓ explore whether the voluntary and community sector could coordinate assessment and bring greater independence to the process. The proposed Education Health and Care Plan would mean that:
- By 2014, all children who would currently have a statement of SEN or learning for further education and skills training should have a single statutory assessment

process and 'Education, Health and Care Plan', from birth to 25.

- Makes clear who is responsible across education, health and social care for which services and includes a commitment from all parties to provide their services.
- Like a statement sets out needs but also set out learning and life outcomes
- Would be transparent about funding for support package

Local pathfinders will focus on:

- less bureaucratic approach where agencies work together
- whether the voluntary and community sector could coordinate assessment and bring greater independence to the process

and also explore:

- personal budgets
- mediation
- transition between phases and areas

2. Giving Parents Control

Parents to be at the heart of decisions made about their child and feel confident that support will be put in place. Government proposes to:

- make services more transparent for families, with local services publishing a 'local offer' of what is available
- strengthen the choice and control given to parents, with the option of personal budget by 2014 for all families with children with a statement of SEN or a new single plan
- support families through the system, with trained key workers to help parents navigate services
- ensure parents have a real choice of a range of schools
- ensure that parents and local authorities always attempt mediation before making an appeal to the Tribunal.

To work towards this:

- ✓ local authorities and health services will explore how to extend the scope of personal budgets
- ✓ government will give parents of children with statements of SEN the right to express a preference for any state-funded mainstream or special school, including Academies and Free Schools.

3. Learning and Achieving

All children must receive a high quality education whether in mainstream or special schools. Government proposes to:

- address over-identification of SEN with a new single early years- setting and school based SEN category to replace School Action and School Action Plus
- sharpen accountability on progress for the lowest attainers, introducing a new measure into school performance tables
- better equip teachers and support staff to address SEN and poor behaviour through training and CPD
- give schools more autonomy to innovate and transform SEN provision, and allow special schools to become Academies.

To work towards this, government will:

- ✓ produce clearer guidance on SEN identification
- ✓ support the best schools to share their practices
- ✓ continue funding SENCO training in 2011/12
- ✓ introduce an indicator in performance tables that gives parents clear information on the progress of the lowest attaining pupils
- ✓ ensure that all maintained special schools will in due course have the opportunity to become Academies
- ✓ enable parents and members of local communities to establish new special Free Schools.

For behaviour, Government will:

- ✓ Work with Anti Bullying Alliance to share best practice
- ✓ Evaluate the trial of the delegated funding to schools for alternative provision on pupils with SEN
- ✓ Exclusion guidance will suggest schools trigger multi-agency assessment for pupils not responding to normally effective behaviour management techniques
- ✓ Support to build the capacity of voluntary sector to contribute to Targeted Adolescent Mental Health in Schools (TaMHS)

4. Preparing for Adulthood

All young people should make a successful transition to adulthood and enjoy making a full contribution to society. Government proposes to:

- increase the range and quality of learning opportunities;
- provide effective help for young people to move into employment;
- improve joint working across paediatric and adult health services, with GPs providing annual health checks for disabled young people over 16; and
- help young people to live independently by working across government to build on the Independent Living Strategy.

Government will take forward a programme of action so that by 2015 disabled young people and young people with SEN will have:

- ✓ early and well-integrated support for, and advice on, their future as part of the proposed 'Education, Health and Care Plan
- ✓ access to better quality vocational and work-related learning options so that they can progress in their learning post-16

- ✓ good opportunities and support to get and keep a job
- ✓ a well-coordinated transition from children's to adult health services.

Government will set out more detail on these plans by the end of the year.

5. Services working together for families

The Green Paper vision requires a strong role for local government alongside schools, health agencies and social care.

Government proposes to:

- set out a strong role for local authorities as champions of families and vulnerable children;
- encourage greater collaboration between local authorities and between services in local areas; and
- explore a national framework for funding specialist provision for children with SEN that improves consistency across areas and allows continued local flexibility.

To work towards this government will:

- ✓ explore with GP consortia pathfinders how best to commission healthcare service for disabled children and those with SEN
- ✓ reduce bureaucratic burdens by simplifying and improving the statutory guidance
- ✓ work with the educational psychology profession and local commissioners to review future training arrangements for educational psychologists
- ✓ provide targeted funding to voluntary and community sector organisations
- ✓ explore how the different funding arrangements for special provision pre-16 and post-16 might be better aligned.

Next Steps

A four-month period of consultation commenced in March to June 2011 and a period of testing proposals in local areas will commence from September 2011.

By June government will invite expressions of interest from groups of local authorities to:

- Start piloting a new approach involving a single assessment process and plan, including testing how the voluntary and community sector can support this process
- Join the existing Individual Budget Pilots and how the scope of personal budgets could be increased

Government will set out detailed plans by the end of the year. This will form the basis of any necessary legislative changes to be taken forward from May 2012.

Consultations

In order to gain a comprehensive response to the SEND Green Paper consultation, the Head of Inclusion and Disability has met with the Lancashire Children's Trust Partnership Board, nursery, primary, secondary and special school Head teachers and SENCos, health commissioners and providers, parents through the Lancashire Parent Carer Forum, voluntary and community sector representatives, services within the Children and Young People's Directorate, local colleges and further education providers, transition co-ordinators and Adult and Community Services representatives to seek views, comments and concerns. A composite response is being prepared to send to the Department for Education and it is hoped that Members will also contribute to the Lancashire response.

A list of consultation questions sent out by the Department for Education which the Committee may wish to take into account when considering its response to the consultation is attached at Appendix 'A'.

Implications

Subject to the outcome of the national consultation and the findings of the local authority pathfinders, new legislation is anticipated from May 2012 at the earliest which will determine any implications for legal, financial and personnel matters.

Risk management

There are no identified risks whilst we participate in the national consultation.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Tel
SEND Green Paper Consultation - Support and aspiration: A new approach to Special Educational Needs and Disability	March 2011	Sally Riley, 01772 532356, Directorate of Children and Young People

Reason for inclusion in Part II, if appropriate
N/A

SEND Green Paper Consultation Questions

- 1) How can we strengthen the identification of SEN and impairments in the early years, and support for children with them?
- 2) Do you agree with our proposal to replace the statement of SEN and learning difficulty assessment for children and young people with a single statutory assessment process and an 'Education, Health and Care Plan', bringing together all services across education, health and social care?
- 3) How could the new single assessment process and 'Education, Health and Care Plan' better support children's needs, be a better process for families and represent a more cost-effective approach for services?
- 4) What processes or assessments should be incorporated within the proposed single assessment process and 'Education, Health and Care Plan'?
- 5) What is the potential impact of expanding the scope of the proposed single assessment process and plan beyond education, health, social care and employment?
- 6) What role should the voluntary and community sector play in the statutory assessment of children and young people with SEN or who are disabled and how could this help to give parents greater confidence in the statutory assessment process?
- 7) How could the proposed single assessment process and 'Education, Health and Care Plan' improve continuity of social care support for disabled children?
- 8) How could the arrangements for provision of health advice for existing statutory SEN assessments be improved?
- 9) How can we make the current SEN statutory assessment process faster and less burdensome for parents?

- 10) What should be the key components of a locally published offer of available support for parents?
- 11) What information should schools be required to provide to parents on SEN?
- 12) What do you think an optional personal budget for families should cover?
- 13) In what ways do you think the option of a personal budget for services identified in the proposed 'Education, Health and Care Plan' will support parents to get a package of support for their child that meets their needs?
- 14) Do you feel that the statutory guidance on inclusion and school choice, *Inclusive Schooling*, allows appropriately for parental preferences for either a mainstream or special school?
- 15) How can we improve information about school choice for parents of children with a statement of SEN, or new 'Education, Health and Care Plan'?
- 16) Should mediation always be attempted before parents register an appeal to the First-tier Tribunal (SEN and Disability)?
- 17) Do you like the idea of mediation across education, health and social care and how might it work best?
- 18) How can we ensure that the expertise of special schools, and mainstream schools with excellent SEN practice, is harnessed and spread through Teaching Schools partnerships?
- 19) How can we ensure that we improve SEN expertise, build capacity and share knowledge between independent specialist colleges, special schools and colleges?
- 20) How can we continue to build capacity and SEN specialist skills at each tier of school management?
- 21) What is the best way to identify and develop the potential of teachers and staff to best support disabled children or children with a wide range of SEN?

- 22) What is the potential impact of replacing School Action and School Action Plus and their equivalents in the early years with a single category of SEN in early years settings and schools?
- 23) How could changing the school and early years setting-based category of SEN embed a different approach to identifying SEN and addressing children's needs?
- 24) How helpful is the current category of Behavioural, Emotional and Social Development (BESD) in identifying the underlying needs of children with emotional and social difficulties?
- 25) Is the BESD label overused in terms of describing behaviour problems rather than leading to an assessment of underlying difficulties?
- 26) How could we best ensure that the expertise of special schools in providing behaviour support is harnessed and shared?
- 27) What are the barriers to special schools and special academies entering the market for alternative provision?
- 28) What are the ways in which special academies can work in partnership with other mainstream and special schools and academies, and other services, in order to improve the quality of provision for pupils with SEN and disabilities?
- 29) What are the barriers to special academies becoming centres of excellence and specialist expertise that serve a wider, regional community and how can these be overcome?
- 30) What might the impact be of opening up the system to provide places for non-statemented children with SEN in special free schools?
- 31) Do you agree with our proposed approach for demonstrating the progress of low attaining pupils in performance tables?
- 32) What information would help parents, governors and others, including Ofsted, assess how effectively schools support disabled children and children with SEN?

- 33) What more can education and training providers do to ensure that disabled young people and young people with SEN are able to participate in education or training post-16?
- 34) When disabled young people and young people with SEN choose to move directly from school or college into the world of work, how can we make sure this is well planned and who is best placed to support them?
- 35) Do you agree that supported internships would provide young people for whom an apprenticeship may not be a realistic aim with meaningful work opportunities and how might they work best?
- 36) How can employers be encouraged to offer constructive work experience and job opportunities to disabled young people and young people with SEN?
- 37) How do you think joint working across children's and adult health services for young people aged 16 to 25 could be improved?
- 38) As the family doctor, how could the GP play a greater role in managing a smooth transition for a disabled young person from children's to adult health services?
- 39) How can central government enable and support local authorities to carry out their role effectively?
- 40) What would be the best way to provide advice to GP consortia to support their commissioning of services for children and young people with SEN or who are disabled and their families?
- 41) What would be the most appropriate indicators to include in the NHS and public health outcomes frameworks in the future to allow us to measure outcomes for children and young people with SEN or who are disabled?
- 42) What are the ways in which the bureaucratic burdens on frontline professionals, schools and services can be reduced?
- 43) In addition to community nursing, what are the other areas where greater collaboration between frontline professionals could have the greatest

- positive impact on children and young people with SEN or who are disabled and their families?
- 44) What more do you think could be done to encourage and facilitate local services working together to improve support for children with SEN or who are disabled?
- 45) How do you think SEN support services might be funded so that schools, academies, free schools and other education providers have access to high quality SEN support services?
- 46) What are the innovative ways in which new models of employee-led organisations, such as mutuals and cooperatives, could improve services for children and young people with SEN and their families?
- 47) In addition to their role in the assessment process, what are the innovative ways in which educational psychologists are deployed locally to support children and young people with SEN or who are disabled and their families?
- 48) How do you envisage the role and service structures of educational psychologists evolving to meet local demands?
- 49) What are the implications of changes to the role and deployment of educational psychologists for how their training is designed and managed?
- 50) What do you think can be done to facilitate and encourage greater collaboration between local authorities?
- 51) What do you think are the areas where collaboration could have the greatest positive impact on services for children, young people and families?
- 52) How do you think that more effective pooling and alignment of funding for health, social care and education services can be encouraged?
- 53) What are the ways in which a Community Budget approach might help to improve the ways in which services for children and young people with SEN or who are disabled and their families are delivered?

- 54) What are the ways in which we could introduce greater local freedom and flexibility into the ways in which funding for services for children and young people with SEN or who are disabled is used?
- 55) What are the areas where the voluntary and community sector could have the greatest positive impact on services for children and young people with SEN or who are disabled and their families, and what are the ways we can facilitate this?
- 56) How do you think a national banded funding framework for children and young people with SEN or who are disabled could improve the transparency of funding decisions to parents while continuing to allow for local flexibility?
- 57) How can the different funding arrangements for specialist provision for young people pre-16 and post-16 be aligned more effectively to provide a more consistent approach to support for children and young people with SEN or who are disabled from birth to 25?

SEND Green Paper 2011 - A consultation

SUPPORT AND ASPIRATION: A NEW APPROACH TO SPECIAL EDUCATIONAL NEEDS AND DISABILITY

Sally J. Riley
Head of Inclusion and Disability Support

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JOINING THE AGENDA FOR CHANGE

- The White Paper - *The Importance of Teaching 2010*
 - free teachers from constraint and improve their professional status and authority
 - raise the standards set by our curriculum and qualifications to match the best in the world
 - hold schools effectively to account for the results they achieve
 - ensure that school funding is fair, with more money for the most disadvantaged
 - support teachers to learn from one another and from proven best practice
 - The Education Bill 2011
 - Role of the Local Authority
 - Academies and Free Schools
 - The Green Paper - *Support and Aspiration: A new Approach to Special Educational Needs and Disability*
 - 5 chapters
- www.lancashire.gov.uk

ROLE OF LOCAL AUTHORITY



- Strong strategic role as champions for parents and families, for vulnerable pupils and of educational excellence
- Promote a good supply of strong schools – encouraging the development of Academies and Free Schools
- Ensure fair access to all schools for every child.
- Stand up for the interests of parents and children.
- Support vulnerable pupils – including LAC, those with SEN and those outside mainstream education.
- Support maintained schools performing below the floor standards to improve quickly or convert to Academy status with a strong sponsor.
- Develop their own school improvement strategies – market their School Improvement Services to all schools.

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ROLE OF LOCAL AUTHORITY



- LA role as convenor of local services also means that they are best placed to act as the champion for vulnerable pupils in their area
- Ensure that children with SEND can access high-quality provision that meets their needs
- Responsible for funding provision for pupils with statements of SEN.
- Free to develop new and innovative approaches to providing services and deploying resources.
- Act as the corporate parent for LAC – with a key role in improving their educational attainment

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ACADEMIES

Academies DO NOT receive a share of local authority funding in the following areas:

- educational psychology services;
- SEN administration, assessment and co-ordination;
- parent partnership services, guidance and information;
- monitoring SEN provision;
- SEN transport;
- support for inclusion between mainstream & special, and
- PRUs, education out of schools and excluded pupils.

Academies DO receive a share of funding which is for:

- centrally provided SEN support services;
- behaviour support services;
- therapies and other health related services; and
- education and welfare services.

Note – LA funding protected re SEN support services in 2011-12

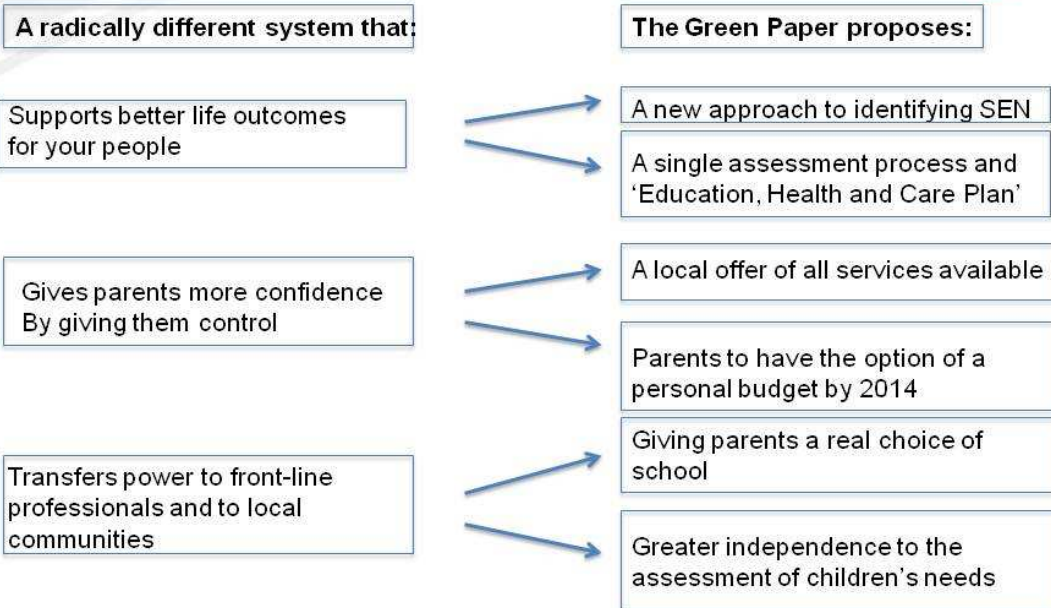
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GREEN PAPER - THE CASE FOR CHANGE

- Around **two million children and young people** identified as having a special educational need or who are disabled;
- Their life outcomes are **disproportionately poor**;
- Post-16, young people with SEN are **more than twice as likely** to be not in education, employment or training (NEET) as those without.
- They can feel frustrated by a **lack of the right help** at school or from other services;
- Children's support needs can be **identified late**;
- Parents say the system is **bureaucratic**, bewildering and adversarial; and
- Parents have **limited choices** about the best schools and care.

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GOVERNMENT'S VISION



THE GREEN PAPER – FIVE CHAPTERS

Chapter	Title
1	EARLY IDENTIFICATION AND ASSESSMENT
2	GIVING PARENTS CONTROL
3	LEARNING AND ACHIEVING
4	PREPARING FOR ADULTHOOD
5	SERVICES WORKING TOGETHER FOR FAMILIES

1. EARLY IDENTIFICATION AND ASSESSMENT

Children's needs should be identified as early as possible so that the right support is put in place for them and their family. Government proposes to:

- **help professionals identify problems as they emerge**, with a robust system of early checks for children involving education, health and social care
- **put in place a reformed assessment process** for children with complex needs, with a single multi-agency approach and 'Education, Health and Care Plan' for 0-25, focusing on outcomes, giving parents the same statutory protection as the current statement of SEN
- in the meantime, **speed up the process** for families, by reducing the time limit for statutory assessments

1. EARLY IDENTIFICATION AND ASSESSMENT

To work towards this, Government will:

- ✓ test how to reform the statutory SEN assessment and statement system to create an 'Education, Health and Care Plan' through **local pathfinders**
- ✓ explore whether the **voluntary and community sector** could coordinate assessment and bring greater independence to the process

EDUCATION, HEALTH AND CARE PLAN

- By 2014, all children who would currently have a statement of SEN or learning for further education and skills training should have a single statutory assessment process and '**Education, Health and Care Plan**', from birth to 25.
- Makes clear **who is responsible** across education, health and social care for which services and includes a **commitment** from all parties **to provide their services**.
- **Like a statement** sets out needs but also set out **learning and life outcomes**
- Would be **transparent about funding** for support package

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LOCAL PATHFINDERS

Will focus on:

- **Single assessment process**
- **less bureaucratic approach** where agencies work together
- whether the **voluntary and community sector** could coordinate assessment and bring greater independence to the process

Also explore:

- **personal budgets**
- **mediation**
- **transition** between phases and areas

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2. GIVING PARENTS CONTROL

Parents to be at the heart of decisions made about their child and feel confident that support will be put in place.

Government proposes to:

- **make services more transparent for families**, with local services publishing a 'local offer' of what is available
- strengthen the choice and control given to parents, with the option of **personal budgets** by 2014 for all families with children with a statement of SEN or a new single plan
- **support families through the system**, with trained key workers to help parents navigate services
- ensure parents have a **real choice of a range of schools**
- ensure that parents and local authorities **always attempt mediation** before making an appeal to the Tribunal.

2. GIVING PARENTS CONTROL

To work towards this, Government will:

- ✓ local authorities and health services will explore how to extend the scope of **personal budgets**
- ✓ we will give parents of children with statements of SEN the right to express a preference for **any state-funded mainstream or special school**, including Academies and Free Schools.

3. LEARNING AND ACHIEVING

All children must receive a high quality education whether in mainstream or special schools.

Government proposes to:

- **address over-identification** of SEN with a **new single** early years- setting and school-based **SEN category** to replace School Action and School Action Plus
- **sharpen accountability** on progress for the lowest attainers, introducing a new measure into school performance tables
- better equip teachers and support staff to address SEN and poor behaviour through **training and CPD**
- **give schools more autonomy** to innovate and transform SEN provision, and allow special schools to become Academies.

3. LEARNING AND ACHIEVING

To work towards this, Government will:

- ✓ produce **clearer guidance** on SEN identification
- ✓ support the best schools to **share** their practices
- ✓ continue funding **SENCO training** in 2011-12
- ✓ introduce an indicator in **performance tables** that gives parents clear information on the progress of the lowest attaining pupils
- ✓ ensure that all maintained special schools will in due course have the **opportunity to become Academies**
- ✓ enable parents and members of local communities to establish **new special Free Schools**.

3. LEARNING AND ACHIEVING

For behaviour, Government will:

- ✓ Work with **Anti Bullying Alliance** to share best practice
- ✓ Evaluate the trial of the **delegated funding to schools for alternative provision** on pupils with SEN
- ✓ **Exclusion guidance** will suggest schools trigger multi-agency assessment for pupils not responding to normally effective behaviour management techniques
- ✓ Support to build the capacity of **voluntary sector** to contribute to **TaMHS**

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4. PREPARING FOR ADULTHOOD

All young people should make a successful transition to adulthood and enjoy making a full contribution to society.

Government proposes to:

- increase the range and quality of **learning opportunities**;
- provide effective help for young people to move into **employment**;
- **improve joint working** across paediatric and adult health services, with GPs providing annual health checks for disabled young people over 16; and
- help young people to **live independently** by working across government to build on the Independent Living Strategy.

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4. PREPARING FOR ADULTHOOD

Government will take forward a programme of action so that by 2015 disabled young people and young people with SEN will have:

- ✓ **early and well-integrated support** for, and advice on, their future as part of the proposed 'Education, Health and Care Plan
- ✓ access to **better quality** vocational and work-related learning options so that they can progress in their learning post-16
- ✓ **good opportunities and support** to get and keep a job
- ✓ a **well-coordinated transition** from children's to adult health services.

Government will set out more detail on these plans by the end of the year.

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5. SERVICES WORKING TOGETHER FOR FAMILIES

The Green Paper vision requires a strong role for local government alongside schools, health agencies and social care.

Government proposes to:

- set out a strong role for **local authorities as champions** of families and vulnerable children;
- encourage **greater collaboration** between local authorities and between services in local areas; and
- explore a national framework for funding specialist provision for children with SEN that **improves consistency** across areas and allows continued local flexibility.

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5. SERVICES WORKING TOGETHER FOR FAMILIES

To work towards this Government will:

- ✓ explore with **GP consortia pathfinders** how best to commission healthcare services for disabled children and those with SEN
- ✓ **reduce bureaucratic burdens** by simplifying and improving the statutory guidance
- ✓ work with the educational psychology profession and local commissioners to review future training arrangements for **educational psychologists**
- ✓ provide targeted funding to **voluntary and community sector** organisations
- ✓ explore how the different **funding arrangements for special provision** pre-16 and post-16 might be better aligned.

NEXT STEPS

Four-month period of consultation to 30 June and a period of testing proposals in local areas from September 2011.

By June Government will invite expressions of interest from groups of local authorities to:

- Start piloting a new approach involving a single assessment process and plan, including testing how the voluntary and community sector can support this process
- Join the existing Individual Budget Pilots and how the scope of personal budgets could be increased

Government will set out detailed plans by the end of the year.

This will form the basis of any necessary legislative changes to be taken forward from May 2012.

