

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