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**SPECIAL EDUCATIONAL NEEDS AND DISABILITY: 0 TO 25 YEARS**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To provide an update on the implementation of the national reforms associated with the 0-25 Special Education Needs (SEN) System.

**Summary**

2. The Children and Families Act came into force on 1 September 2014 and provides the legislation for organisations who work with and support children and young people with special educational needs and disabilities.
3. The new approach seeks to join up help and support across education, health and care for children and their families, from birth to 25.
4. As a national pathfinder, Darlington has been testing the reforms and identifying new ways of working since early 2012. This report provides Committee Members with an update on the implementation of the reforms in Darlington.

**Recommendation**

5. It is recommended that:-
  - (a) Committee Members note the content of the report;
  - (b) Children and Young People's Scrutiny Committee provide continued support and appropriate challenge in the development of the new 0-25 special needs system across Darlington.

**Jenni Cooke**  
**Director for Children, Families and Learning**

**Background Papers**

Special Educational Needs and Disability Code of Practice: 0-25 years - statutory guidance from the Department for Education and the Department for Health.

Author: Rachel Kershaw Extension: x2026

S17 Crime and Disorder	No direct implications
Health and Well Being	The SEN Reforms will improve the Health and Well Being of all children with additional needs
Carbon Impact	No direct implications
Diversity	The SEN Reforms will improve the diversity of provision and support for all children with additional needs
Wards Affected	All children with SEN across the Borough will be affect by the new reforms
Groups Affected	Children and Young People aged 0-25 with additional educational needs
Budget and Policy Framework	No adverse effect
Key Decision	No
Urgent Decision	No
One Darlington: Perfectly Placed	To improve the life chances and education opportunities for all children with additional needs
Efficiency	Better use of resources in a more targeted approach will achieve efficiencies

## MAIN REPORT

### Information and Analysis

6. Committee Members will recall a report presented in February providing an overview of the new reforms being introduced for the 0 to 25 special needs system and the work of Darlington as a national pathfinder in developing new approaches for implementing the changes.
7. The Children and Families Act came into force on 1 September 2014 and provides the legislative framework for the Governments ambition in reforming the special educational needs processes. The legislation and accompanying code of practice implements a new approach which seeks to join up help and support from children and their families across education, health and care, from birth to 25. Help will be offered at the earliest possible point, with children and young people with special educational needs and their parents or carers fully involved in decisions about their support and what they want to achieve. This will help lead to better outcomes and more efficient ways of working.
8. As a national pathfinder, Darlington has been testing the reforms and identifying new ways of working since early 2012. An approach has been developed which is routed in person centred techniques and aims to engage support and advice at the earliest stage a need is identified. Training and support has been provided so that every practitioner working with a child who has additional needs will be able to start a non-statutory co-ordinated support plan (called a 'One Plan') even if the needs of the child do not meet the requirements for a statutory Education, Health and Care plan (EHCP).

## **The Code of Practice**

9. The Code of Practice issued jointly by the Department for Education and the Department for Health provides the framework for how the reforms must be implemented. The Code provides guidance on a range of areas and uses the word '**must**' when referring to a statutory requirement under primary legislation, regulations or case law.
10. The main requirements in the Code include:-
  - (a) The provision of support to children/young people and their families in accessing impartial information, advice and support;
  - (b) Improved and closer ways of working together across education, health and care for joint outcomes;
  - (c) A duty to develop and publish a Local Offer setting out the support that Local Authorities expect to be available for local children and young people with special educational needs or disabilities;
  - (d) Guidance for early years provides in implementing the reforms;
  - (e) Guidance for schools in implementing the reforms, including the requirement for all schools to publish an annual SEN Information report;
  - (f) Guidance for further education providers in implementing the reforms;
  - (g) An emphasis on ensuring young people with SEN or disabilities are being prepared for adulthood at the earliest years;
  - (h) The formal process surrounding the new EHCP which replace the previous Statement of Special Educational Need;
  - (i) A great emphasis and encouragement to resolve disagreements locally and at an earlier stage in the process.
11. The main themes of the Code are built around the work of the Pathfinders, so Darlington is in a beneficial position in terms of implementation and general understanding. However, the Code has also introduced a vast array of new requirements for which local arrangements have to be tailored to meet.

## **Education, Health and Care Plans**

12. Since September 2013, all children newly identified with additional needs in Darlington have automatically been offered the option of an Education, Health and Care plan instead of the historical Statement of Educational Need. All families have taken this option and over 100 families have been supported to engage in the new process. The general feedback has been very positive and concerns about process or guidance have been quickly ironed out.
13. The Code of Practice introduced new requirements about the specific information that should be included in an EHCP plan. The Darlington EHCP has been tweaked slightly to adhere to these requirements, but feedback from DfE has been extremely positive about the format and layout we have adopted.
14. In August, the Government set a target that all existing Statements of SEN must be reviewed and if appropriate transferred to the new EHCP process by April 2018. Young people with a Learning Disability Assessment must have their needs

assessed and an EHCP plan in place by 1 September 2016. Darlington has just over 400 existing Statements and almost 100 LDA's currently in place.

15. A local plan for phasing the conversion of Statements and LDA's to the new EHCP has been developed, in consultation with local stakeholders. The document was made available from the 1 September (**Appendix A**) and identifies targets for conversion each year. The requirements are ambitious alongside the introduction of relatively new processes and procedures, and although everyone is focussed on achieving the timescales set, the quality of young people's and parents engagement in the process is being closely monitored to ensure the transfer is done 'with them' not 'to them'.

### **Personal Budgets**

16. The new legislation has introduced the ability for families/young people to request a Personal Budget as a way of managing the funding aligned to an EHCP.
17. Personal Budgets are not new to Darlington as they have been accessible for families with social care needs for a number of years. The approach encourages increased levels of transparency about the money that is available to support a child/young person's needs, with the option of providing families with more control over the solutions and support they want.
18. A personal budget policy was published at the beginning of September outlining the current arrangements for families in Darlington who could access a personal budget through an EHCP (**Appendix B**). This document is only an initial version of the policy and it is hoped opportunities for families to access more services through a personal budget can be developed in future years. To date there have been very few requests from families for a personal budget and the general consensus is that if the service is being provided effectively, families do not crave the additional burdens of managing their own budgets.

### **School Based High Needs Funding**

19. Traditionally SEN funding in Darlington has been delegated to schools through the Schools Funding Formula as a 'Notional SEN' allocation. This allocation is driven by a combination of free school meal and postcode deprivation (IDACI) factors. For mainstream secondary schools all funding for SEN is delegated. For primary schools up to £13,506 is delegated, with amounts above that coming from a centrally held fund and allocated with a statement.
20. In 2014 the DFE began implementing changes to the schools funding formula through the introduction of a £6,000 threshold for delegation of SEN funding through the Schools Block of the Direct Schools Grant (DSG). For Darlington schools this meant a reduction in delegated limits and the need for a movement of funding from the schools formula driven 'Notional SEN' allocation to the High Needs Block. The DFE intention is that high needs funding will be then be re-allocated on a needs led basis where individual pupils require additional support above the £6,000 threshold. However, there is local concern that this reduces a

schools ability to respond flexibly and creatively to the needs of all children in their setting.

21. Together with the LA a number of schools are involved in looking at developing a methodology for allocating the high needs funding where individual support needs exceed £6,000.
22. Whilst the working group has been looking at models for costing the specific needs of each child, a number of other funding models are emerging and being trialled by other local authorities. These include more traditional banding systems, Resource Allocation Systems (RAS) linked to identified outcomes, such as those used in Social Care as well as other costed provision models.
23. As these various options continue to emerge it has become obvious that further investigation is required to ensure that we get the right resource allocation model in place for Darlington. Schools have also expressed concerns regarding unintended consequences resulting from changes to the funding that are currently not fully understood by the school community.
24. The matter has been debated by Schools Forum and it has been proposed that no changes be made to the funding formula for high needs in 2015/16; allowing the Local Authority and schools, through further workshops, an opportunity to develop robust options for further consultation.

### **Multi-Agency Working**

25. Professionals across each of the three agencies (Education, Health, Social Care) continue to be involved in the development of individual EHCP's as appropriate and engagement has been across all staff including (but not exclusively), nursery settings, post-16 colleges, therapists, paediatricians, early support co-ordinators and school SENCo's.
26. The SEN Steering Group and Project Team continue to meet and the group benefit from the support for a wide range of agencies and professionals, particularly Education, Health, Social Care and the Voluntary Sector. The work of the group continues to be focussed on guidance, documentation and processes to assist all professionals and families affected by the implementation of the new legislation. In the next six months the work of the group will shift to monitoring the implementation of the reforms and considering improvements based on feedback from children, young people and their families and also from professionals.
27. Training and staff development continues to be a key part of the programme, particularly over the next 12 months to ensure that the new ways of working are fully embedded. Specific training for Governors has been developed and an intense programme of support for schools is also being introduced. General training opportunities are being opened up to all professionals, parents and young people so that everyone can come together and gain learning from a range of different perspectives.

28. Since March 2014, Darlington has been supporting the role of the Regional Champion for the North East as a way of disseminating good practice and sharing ways of working with the other 12 LA's in the region. This role includes an opportunity to deliver training and discussion events across a group of LA's. At such an early stage in implementing the reforms, the experience and knowledge this brings is invaluable.

### **Outcome of Consultation**

29. Significant consultation and engagement has been undertaken throughout all stages of the pathfinder programme. Families, children and young people have been instrumental in developing all elements of new process and have been fully supported to be involved through a close working relationship with Darlington Association on Disability.
30. Professionals from each of the three elements, Education, Health and Care have been fully involved and have led the majority of the development work.
31. All feedback, views and information received will continue to be monitored and be used to continually improve the changes that are taking place for young people and families in Darlington.