

Wiltshire Council

Cabinet

21 May 2013

Subject: Disabled Children and Adults (DCA) Pathfinder

Cabinet member: To be appointed

Key Decision: No

Executive Summary

The purpose of this report is to update Cabinet on the positive progress Wiltshire has made as a pathfinder for the Green Paper 'Support and Aspiration: A new approach to special educational needs and disability', and the accompanying emerging legislation. Wiltshire's approach to this as a pathfinder has been to proactively lead the way by involving parent carers and children and young people in all aspects of this work. Wiltshire have recently been appointed, by the Department for Education, to be a regional Pathfinder Champion – the Council will now also therefore assume responsibility for developing and encouraging good practice across all non-pathfinder local authorities in the South West region. Additionally, the DCA Pathfinder has been asked to lead at selected national events and share best practice.

The report details the expectations and requirements of draft legislation due to be in place by September 2014 along with parents expectations of service improvement within Wiltshire.

Proposal

That Cabinet notes the requirements of the Green Paper 'Support and Aspiration: A new approach to special educational needs and disability' and changes required due to the draft legislation in the Children and Families Bill and the outcomes of the systems review led by Children and Adult Services.

Reason for Proposal

The Local Authority will have a statutory duty to deliver the changes proposed in the draft Children and Families Bill, the draft regulation and the draft SEN Code of Practice by September 2014

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Wiltshire Council

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Purpose of Report

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Background

2. Two years ago, the Council agreed to undertake a transformational review of the support and services for disabled children and adults. The main objective of the review was simple: to change the way we work to ensure that disabled children, adults and their families in Wiltshire could lead fulfilling lives. This work was jointly led by the Head of Commissioning in Childrens Services and the Head of Commissioning for Disabilities in Adults Services.
3. The review had three main aims which included making things better for the people who used services, giving more choice and control to children and families, and to ensure the council worked efficiently. The review also aimed to improve the transition process from children to adult services that was often described by families as 'falling off a cliff edge'.
4. Families also told us that support provided by individual services was often good but if different services were involved the co-ordination between them was poor, with families often having to repeat information.
5. Shortly after we had started this review, the government published a [green paper](#), 'Support and Aspiration: A new approach to special educational

needs and disability (SEND)'. The Green Paper set out proposals that would radically reform current systems for identifying, assessing and supporting children and young people who have disabilities or have a special educational need, and their families.

6. In the green paper the government made commitments that by 2014 they would:-

- Implement a single assessment process and Education, Health and Care Plan supporting 0-25yr olds with SEND. In Wiltshire we are currently calling this the My Plan.
- Introduce an offer of a personal budget for families with a Education, Health and Care plan.

In addition to this the green paper calls for:-

- Earlier intervention and prevention
- Giving control to parents
- Preparing young people for adulthood
- Services to work together for families
- Provide better support to vulnerable children
- Development of a 'local offer' that describes in one place what support is available and by whom
- Joint working- health, social care and education
- Parental participation- individual and strategic level
- A focus on outcomes

7. In August 2011 a bid was submitted to DfE to become a pathfinder for the green paper work. Wiltshire NHS, GWH NHS FT Community Health Services Wiltshire, a voluntary sector representative for the Wiltshire Children & Families Voluntary Sector Forum and Wiltshire Parent Carer Council supported and signed the application. In September 2011 confirmation was received that we were one of 20 pathfinders selected. The pathfinder has recently been extended and is due to run until September 2014.

8. As the work of the DCA review and the requirements of the green paper are aligned the two pieces of work were brought together and are now managed as the DCA Pathfinder. Following the very successful joint working approach between Childrens and Adults Services, including the agreement to transfer resources to create a 0-25 social care service, based in Childrens Services, this work is now led by Children's Services, but continues to be governed by a cross-departmental and multi-agency Board, including SDs and lead members from both service areas.

Main Considerations for the Council

Legislation update

9. In September 2012 draft legislation, “Reform of provision for children and young people with Special Educational Needs (SEN)” was published. In Wiltshire we are committed to developing and implementing these reforms through a proof of concept¹ team. The draft legislation gave an overarching view rather than the detail.
10. The draft legislation proposes changes to support the delivery of the Green Paper requirements, such as replacing the current SEN statement and learning difficulties assessments with a single assessment process and single plan, an Education, Health and Social Care plan (EHCP), and the option of personal budgets.
11. Pre-legislative scrutiny, led by Education Select Committee, ran over autumn/winter 2012 and pathfinders along with other interested parties were asked to comment on the draft legislation.
12. Our overall opinion was that whilst the draft legislation goes some way to make improvements for children and young people with SEN and disabilities, there are some areas that we believe legislation could be stronger and clearer to ensure that the aspirations raised with parents and colleagues as a result of the “Support and Aspiration” Green Paper are routinely met. There is a very strong focus on education and opportunities could be missed if there were no duties on health and social care.
13. In February 2013 DfE published a Children and Families Bill 2013 which responded to evidence from pre-legislative scrutiny. Part 3 of the Bill introduces a new single system from birth to 25 years for all children with SEN, (previously the system covered children aged 3 to 19). It will:
 - Introduce new requirement for Local Authorities and Health Services to commission education, health and social care services jointly
 - Require Local Authorities to publish a “local offer”
 - Require better co-operation between the Local Authority and partners and requires Local Authorities to involve parents and young people in reviewing and developing provision
 - Introduce a more streamlined single assessment process
 - Replace statements and learning difficulty assessments with the single EHCP from 0-25yrs across education, health and social care (‘My Plan’)
 - Offer families a personal budget to extend choice and control
14. In March 2013 further detail was published in the draft Special Educational Needs Code of Practice and accompanying draft regulations.

¹ The purpose of a proof of concept is to evidence that a model or idea is feasible.

15. In March 2013 it was announced that the Government will bring forward an amendment to the Bill to place a legal duty on Clinical Commissioning Groups to secure health services that are specified in Education, Health and Care Plans.
16. Royal assent and implementation is planned for Spring 2014 onwards
17. An Education Bill received Royal Assent on 15 November 2011. The act enables pathfinders to test direct payments for SEN education services. This enables us as a pathfinder to test personal budgets, that include giving money as a direct payment for SEN services. Lessons learnt by pathfinders will be drawn upon and will inform legislation.
18. In addition to all of this, the published [draft Care and Support Bill](#) includes provision to give local authorities powers to assess older children for adult services. It also provides a new protection to ensure that children's services continue until the assessments and planning required for adult services have been completed, and support is ready to meet their needs. This will ensure that there is no gap in care.

Progress in Wiltshire

19. Since September 2012, a 'proof of concept' team, who step outside of current ways of working and test and develop new ways of working, has been testing the single assessment framework and plan, the single assessment process and a new role supporting this process (the SEND lead worker). Approximately 50 families to date have been approached to be involved in testing this exciting and creative assessment process. An interim evaluation report on the proof of concept has been published and the key learning to date is;
 - Paperwork-families, professional and schools like the new paperwork commenting that it is much more user friendly, contains a richness of information and may be unpicking things that traditional paperwork may not have identified.
 - Co-production at every stage with practitioners and parent carers is crucial.
 - Role- the SEND lead worker role can take a whole system child centred approach that cuts across traditional boundaries. Having practitioners sitting together from different disciplines promotes the exchange of information, skills and expertise. There is already a shift in children's services towards preparing for adulthood and increased creativity and links between services. People feel "licensed to think differently".
 - Personal budgets have been a positive option for some, but take up has been limited.
20. There are still areas for development that the proof of concept will continue to test during the next few months. These include:-

- Further testing of paperwork ensuring its robustness when used as a statutory document and its relationship to the paperwork in safeguarding and looked after children assessments. The paperwork captures aspirations and focuses on outcomes the young person wants.
 - Testing with older children/borderline cases/more complex cases.
 - Further testing the SEND lead worker role, particularly in relation to complex families and with health.
21. Early indications are that parents and carers with children and young people and practitioners have welcomed this new approach.
- 'I would like to add that I have found this new way of going about the assessments much easier and a more personal approach to assessing my sons needs. I think by doing it this way, and having all the appropriate people together in one room also means ideas and understanding for the child's needs are shared and understood more clearly by all'- parent*
- 'I think this is invaluable to inform the statutory assessment process. It will allow excellent holistic assessments and allow all professionals to be involved. It respects the family's queries and feelings and will ensure appropriate assessment'- practitioner*
22. The benefits include greater engagement with families, increased joint working, a reduction in the current statutory assessment timeframe and a plan that focuses on the young person and what they want to achieve.
23. Key information from the assessments and plan will inform commissioning intelligence at both a local and strategic level. Strategically this will inform the Joint Strategic Assessment, the Health and Wellbeing board and joint commissioning groups, and plans.
24. The green paper proposes that all local authorities publish a local offer which states what support is available for children and young people with SEN and disabilities and who provides it. We are in the early stages of thinking about Wiltshire's local offer. We expect that it will include support available across the Local Authority, schools and health and a clear indication of eligibility criteria. As the ethos of the 0-25 SEND service is that wherever possible children and young people are supported in the universal mainstream settings, a clear and accessible local offer is critical.
25. The DCA Pathfinder has received confirmation that our pathfinder status has been extended until Sept 2014. DfE has placed explicit requirements on all pathfinders as part of the condition of the grant for the extension of the pathfinder programme. This is to allow more time to refine approaches to assessment and planning, scale up test approaches to whole areas and broader age ranges, and build on new local offers. The extension also

enables pathfinders to inform the legislative reforms that are due to come into effect from September 2014.

26. In addition to this we applied to become a regional Pathfinder Champion. In March 2013 confirmation was received that the bid was successful, which will mean that the council will assume responsibility for sharing the messages of the green paper, and developing and encouraging good practice across all non-pathfinder local authorities in the southwest region. Wiltshire has the largest number of non-pathfinders in its region. Additionally the DCA Pathfinder will be expected to lead at national events and share best practice

Approach moving forwards

27. The System's Thinking Review Board, which governs the DCA Pathfinder, gave agreement in January 2013 for the DCA Pathfinder to:-
- Develop an Extended Social Care (0-25) Disability Service. This involves the bringing together of the Children's Disability Team with resources from Adult Care and some Personal Advisors from Integrated Youth Services which will enable holistic planning in the years leading up to and past an 18th birthday. It will support the young person at an earlier age to prepare for life. This became operational on 2 April 2013.
 - Continue and expand scope of Proof of Concept to further explore and test, the learning of which will continue to inform legislation developments.
 - Continue to develop proposals for further change to create an Integrated Service for children and young people aged 0-25 with SEN and Disability.
28. Whilst we understand that improvements will be made for children/young people and their families by introducing the changes stated within the green paper and draft legislation, we also believe that the way we structure (to remove interfaces and barriers to coordinated working) and the philosophy we follow, will facilitate better outcomes for children, young people and their families. A conceptual model containing the detail about a 0-25 yr SEND service can be found on DCA [pathfinder e-forum](#) .
29. Parent Carers, Young people and professionals have worked together to design the new service, including
- Service Purpose
The 0-25yr Service is for children and young people with special educational needs and disabilities, and their families, who require support to be included in their community
 - Key Principles that the service will work within:
Enabling and Inclusive
Person Centred
Single assessment process and plan
Timely services
Excellent communication and information

- A SEND lead worker role.
30. A 0-25yr Service would focus on supporting universal provision as well as traditional case work. Families have asked for a truly integrated approach to working with a SEND lead worker who supports them to plan for immediate and long term good outcomes for their children.

Environmental and climate change considerations

31. There are no particular impacts of this work on environmental and climate change issues.
32. Once fully implemented it may be the case that an integrated service model and new processes result in a reduction in service usage over time. The proposals will, eventually, it can be assumed result in fewer journeys being made by staff and customers. No risks have been identified.

Equalities Impact of the Proposal

33. A key purpose of the SEND service is to ensure that the single assessment process is transparent and fair. The local offer will clearly describe the support available. All of the design work has been completed by a wide range of stakeholders to ensure all views are heard and involved in the design of a new way of working.
34. An initial detailed equalities analysis has been undertaken and discussed with DCA Pathfinder and Equalities Team. The analysis will be updated when appropriate to do so.

Risk Assessment

35. Risk registers are maintained for the DCA Pathfinder. Key risks are raised and discussed at the Systems Thinking Review Board and any significant risks identified would follow corporate guidelines in being escalated.
36. The Department for Education (DfE) is monitoring the work from all Pathfinders. The expectation is that Pathfinders will deliver changes before September 2014 when the revised legislation is expected to be in place.

Financial Implications

37. As a pathfinder we receive £150k a year from DfE to facilitate engagement and to design and test new ways of working. Additional funding of approx £62k will be received following the successful Pathfinder Champion application.

38. The development of the 0-25yr Service has included the transfer of existing budgets from within the wider Children's Services (7.14 wte staff from Integrated Youth Services) and also from Adult Care services. A total of 18.27wte staff have transferred from Adult Services to Children's Services with a net budget transfer of £475,419. A Care Placement Budget of £720k was also transferred, giving a total transfer of £1,195,419.

Legal Implications

39. The Government's reforms of Special Educational Needs (SEN) provision will lead to significant changes in the way in which children and young people in England with SEN are provided for. The main changes are contained in the Children and Families Bill currently at committee stage in the House of Commons and expected to gain Royal Assent in 2014. There are also amendments to other acts and bills to facilitate and complement the proposed changes. The report details these changes.
40. As one of 20 pathfinders established by Central Government, Wiltshire Council are presently enabled to work outside the current statutory framework and test the full range of SEN reforms. However, existing legislation remains in force and families can elect to opt out and return to those existing processes.

Options Considered

41. From September 2014 the legislative framework will require these changes to supporting children and young people with Special Educational Needs and Disability to be implemented. Recent DfE expectations are that Pathfinders should move rapidly towards the delivery structure that the Local Authority and its partners will need in order to fully deliver the reforms.
42. The work to date has been designed by a multi agency group consisting of practitioners from the Local Authority and Health, Voluntary and Community Sector and parent carers. The 0-25yr Service would be based on what people who work with, or are supported by, us have developed. It not only delivers draft legislation requirements but also what parents have requested.

Conclusions

43. Cabinet is asked to consider this report and support the move towards a 0-25 SEND Service to ensure that we meet the requirements of the emerging legislation, respond appropriately to the views of parent carers, professionals and young people, and implement the findings of the systems review led by Children and Adult Services.

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Background Papers

None

Appendices

None
