

Disabled Children and Adults (DCA) Pathfinder

Purpose of Report

1. The purpose of this report is to update members on the green paper 'Support and Aspiration: A new approach to special educational needs and disability' and Wiltshire's approach to this as a pathfinder.

Background

2. Last year work started on the disabled children and adults review. 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 'normal' and fulfilling lives.
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. During the same time, the government published a [green paper](#), 'SEND green paper - Support and Aspiration: A new approach to special educational needs and disability'. They 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.
5. In the green paper the government made commitments that by 2014 they would:-
 - Implement a single assessment process and Education, Health and Care Plan. In Wiltshire we are currently calling this the Single Assessment Framework and Plan (SAFP).
 - 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 what support is available and by whom
6. In August 2011 a bid was submitted to DfE to become a pathfinder for the green paper work. Wiltshire NHS, Wiltshire Community Services, voluntary sector representative for the Wiltshire Children & Families Voluntary Sector Forum and Wiltshire Parent Carer Council supported and signed the application. In Sept 2011 confirmation was received that we were one of 20 pathfinders selected. The pathfinder is due to run until April 2013 although DfE have suggested this may be extended to inform legislation changes.
 7. 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.

Main Considerations for the Council

8. Whilst we are still at the pathfinder stage, the government has clearly indicated through the recent Queen's Speech that it intends to take forward legislation in the Children's and Families Bill to require the implementation of a single assessment process and Education, Health and Care Plan.

Current timeframe for legislation changes include:

- Draft clauses to be published in early September 2012
- Pre-legislative scrutiny (PLS) to run over autumn and winter 2012
- PLS likely to be led by Education Select Committee and will involve evidence leading to a final report to the government
- Revised Bill will then be introduced in Parliament in spring 2013 to begin legislative scrutiny.
- Royal assent and implementation Spring 2014 onwards.

The reforms are about strengthening protections, not taking them away.

9. The legislation will include provision to ensure that services for disabled children and young people and those with special educational needs are planned and commissioned jointly and that there are clear duties on all of the agencies involved.
10. The legislation changes will provide statutory protections comparable to those currently associated with a statement of SEN to up to 25yrs old in further education – instead of it being cut off at 16.
11. 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 education services. Lessons learnt by pathfinders will be drawn upon and will inform legislation. There is currently ongoing discussion about the application

of the legislation.

12. In addition to all of this, the recently published [draft Care and Support Bill](#) includes provision to give local authorities powers to assess 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.
13. The [Children's and Families Bill draft legislation](#) published early September 2012 gives a clear indication that government is taking forward the proposals in the green paper. In Wiltshire we are committed to developing and implementing these through a proof of concept¹ team.
14. Whilst we understand that improvements will be made to children/young people and their families by introducing the changes stated within the green paper, 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.
15. We have agreement from the project sponsors (Carolyn Godfrey and Sue Redmond) to design and develop a 0-25yr (stability²) Special Educational and Disability (SEND) service. A design team of 48 people across SEN, health, social care in children and adults, voluntary and community sector and parent carers have developed a service purpose and key operating principles it will work within. A conceptual model containing detail about the SEND service can be found on DCA [pathfinder e-forum](#) .
16. Starting in Sept, a proof of concept team will be testing the single assessment framework and plan, the single assessment process and a new role supporting this process (the SEND lead worker). Approximately 40 families will be approached to be involved in testing this exciting and creative assessment process.
17. We are looking to test the viability of the single assessment and plan replacing the SEN statementing process, social care learning disability assessments in children and adult services, a community care assessment at 18, section 139a assessment, carers assessments , separate transition plan, health action plan and continuing health care assessment processes.
18. We are testing an integrated approach and team as the DCA work concluded that this is the way forward. So whilst we are the proof of concept stage , it is clear that new ways of working together with new structures will be required to support children and young people with special educational needs or disabilities.

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

² Supports until the young person is relatively stable, knowing where they would like to live and employment that would like etc.

19. During the proof of concept families will be supported and encouraged to step outside of the current process to test the single assessment framework. During the proof of concept the statutory legislation remains in place so at any point families can choose to opt out and return to the relevant current process, including statutory processes, where eligible.
20. Early indications are that parents and carers with children and young people have welcomed this new approach as highlighted in the quote below from a parent.

'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 have found in the past I have had to repeat my sons needs to so many different people at different times, and often things are misunderstood via transit to other people i.e. mum to social worker to SEN to school etc, it all becomes very long winded. 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'.

21. Admission to a special school is currently via a statement. During the proof of concept, special schools will be encouraged to accept the new single assessment paperwork in addition to the statement which is currently a requirement.
22. Some families in the proof of concept may choose to have a personal budget. A personal budget is a way of enabling families to choose how their support is delivered and this may be partly through a direct payment. Families will be advised how much of an indicative budget they have allocated to meet their outcomes.
23. Personal budgets in the proof of concept will be based on an indicative amount based on a reasonable amount to achieve outcomes. Case law is emerging in adult care stating that a Resource Allocation System (RAS) is a useful starting point, however this must be supported by more individual costings to ensure that the indicative amount is sufficient for needs to be met.
24. Key information from the assessments and plan will inform commissioning intelligence at both a local and strategic level. Strategically this will inform Joint Strategic Needs Assessment, the Health and Wellbeing board and joint commissioning groups, including the Children's Partnership.
25. 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.

Environmental Impact of the Proposal

26. As a pathfinder we have been given authority to step outside of current statutory processes to 'pathfind' a new way of working. We are designing a new approach and testing a hypothesis. We are not testing an approach already fully designed. Currently legislation conflicts with the work pathfinders have been asked to develop. However, throughout our proof of concept stage we need to remember the legislation remains and families can choose to opt out and return to the statutory processes at any point.

Equalities Impact of the Proposal

27. 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.

28. Initial conversations have taken place with the Equalities Impact Assessment team and further discussions will take place.

Risk Assessment

29. A full risk register has been in place since the start of the DCA Review. The following risks are representative of some of those identified on the register:-

Resources

- Working in an early intervention and holistic approach across all age ranges may identify previously unmet needs that require resources.

Engagement

- Families will need to be fully supported during the proof of concept and the benefits of the single assessment process are clearly described to them. Otherwise a limited representation of families could choose to opt into the proof of concept.
- Schools will need to be fully engaged to understand the impact of the single assessment process and their role within this.

Financial Implications

30. As a pathfinder we receive £150k a year from DfE to facilitate engagement and to design and test new ways of working. The majority of this money has been allocated to support families who choose to take up personal budgets, as we may need to double fund for the proof of concept.

31. The DCA pathfinder does not have set financial savings set against it. However, by changing the way we work, resources could overtime be redirected from supporting families at crisis point to supporting families

requiring lower level support .Currently, services tend to spend budgets on high cost individuals and supporting them once they require intensive support. By working in a preventative way, resources will be diverted to support children with lower support needs , potentially reducing a crisis at a later date and preventing high cost services.

Legal Implications

32. The Business Lead is working closely with DfE to develop regulations to support the draft legislation and will watch closely for emerging legal issues.

Conclusions

33. This report has been presented for information and further information will be brought to the Children's Select Committee as required.

Carolyn Godfrey and Sue Redmond (Corporate Directors)

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Background Papers

None

Appendices

None
