

Wiltshire Council

Children's Select Committee

Thursday 28th March 2013

Disabled children and adults (DCA) pathfinder

Purpose of Report

1. The purpose of this report is to update Members on the development surrounding 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. In September 2012 a paper taken to Children's Select Committee updated members on the proposals being set out within the Green Paper 'Support and Aspiration: A new approach to special educational needs and disability' and Wiltshire's approach to this as a pathfinder.
3. This paper summarises the key learnings to date and developments from DfE in relation to the draft legislation.

Main Considerations for the Council

Legislation update

4. In September 2012 draft legislation, "Reform of provision for children and young people with Special Educational Needs" was published. The draft legislation gives an overarching view but the detail is yet to be published in the draft Code of Practice and regulations.
5. 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.
6. 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.
7. 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.

8. Education Select Committee published a report to the government in December 2012 based on feedback from all key parties to the draft legislation.
9. 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. 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 0-25 across education, health and social care (which in Wiltshire we have been calling a “My Plan”)
 - Offer families a personal budget to extend choice and control
10. The revised Bill will be introduced in Parliament in spring 2013 to begin legislative scrutiny. Royal assent and implementation is planned for Spring 2014 onwards.

Progress in Wiltshire

11. Whilst we acknowledge 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 work (to remove interfaces and barriers to coordinated working) and the philosophy we follow, will facilitate better outcomes for children, young people and their families.
12. Since September 2012, a ‘proof of concept’ team, who step outside of current ways of working and test and develop new ways of working, have 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 paper of 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. Feedback on the one page profile has been very positive and one school referred to it as a ‘delicious piece of paper’. The “My Plan” allows a sense of ownership and personalisation to plans. An interim new and contemporary “My Plan statement” has been developed that meets current SEN legislative requirements.
 - 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.

13. 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.

14. During the proof of concept data has been collected internally and externally by a company, recruited by DfE to evaluate all Pathfinders, called SQW. The data collected consists of outputs (numbers of professionals involved at each stage, time family involved, timescale to complete assessment and planning etc) as well as outcomes (experiences of families and practitioners involved). All of the families who have tested a personal budget have had an in-depth face to face interview to understand their experience.

15. All pathfinders are still understanding how outcomes for a child/young person can systematically be measured and inform commissioning intentions. We have seen on an individual basis how person centred paperwork encourages the focus on outcomes rather than outputs and we have examples of how traditional assessments might not have picked up issues that led to improved outcomes for young people. This is an area of continued focus.

16. The DCA Pathfinder is attending a session with DfE and other pathfinders in March to start to understand what data measures DfE may pose following legislation changes.

Approach moving forwards

17. 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 some resources from Adult

Care and some Personal Advisors from Integrated Youth Services which will enable holistic planning to be done 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 will be implemented from 1st 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. A paper is going to the STR Board in March to discuss proposals.

18. 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.

- The anticipated timescale for legislative reform means EHCP, may need to be offered to all new referrals, including statutory SEN assessments, in all areas as early as September 2014. It is vital that pathfinders lead the way and fully implement new approaches at a quicker pace than other areas. Hence pathfinders are expected to:
- Move rapidly towards the integrated delivery structure that the local authority and its partners will need in order to deliver fully the reforms.
- From the end of June 2013, offer personal (notional) budgets to all those with a new EHCP.
- From 1st September 2013, offer all new referred children and young people the option of following the integrated assessment and EHCP pathway, rather than the existing Statement of SEN or Learning Disability Assessment (LDA) process (whilst recognising that the protections of the 1996 Education Act continue to apply until new legislation is commenced).
- From September 2013 onwards, work towards converting existing statements and LDAs to the new process where appropriate and where agreed with families and young people. There is currently no fixed deadline for completing conversions.
- During 2013-14, develop and refine their initial/draft Local Offer (a statement available to all parents describing services that are available and how they may be accessed) due to be published by the end of March 2013, so that by December 2013 it covers as many services as feasibly possible.
- Test across the full age range of 0 - 25 and look to include children and young people with a breadth of different special needs, across education, health and social care.
- Extensive and routine co-working with schools and early years settings, and commissioners and providers of health services covering all age ranges.

19. In addition to this the DCA Pathfinder, supported by the STR Board, applied to become a regional Pathfinder Champion. On 5th March 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.

Environmental Impact of the Proposal

20. 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

21. 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.

22. 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.

23. The whole work intends to improve outcomes and reduce inequalities.

Risk Assessment

24. A full risk register has been in place since the start of the DCA Pathfinder.

Financial Implications

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

Legal Implications

26. The Business Lead is working closely with DfE to develop regulations to support the draft legislation and will watch closely for emerging legal issues. The "My Plan" has been agreed with legal colleagues.

Conclusions

27. This report has been presented for information and further information will be brought to the Children's Select Committee as we continue to progress this work.

Carolyn Godfrey (Corporate Director)

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Background Papers

None

Appendices

None
