

# **Report of the Strategic Director Children's Services to the meeting of the Health & Wellbeing Board to be held on 29th July 2015**

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**B****Subject:****Special Educational Needs & Disability****Summary statement:**

The Children & Families Act 2014 and the associated SEND Code of Practice (SEND CoP) introduced new responsibilities for Local Authorities, clinical commissioning groups (CCG's), educational settings and other key agencies. The Health & Wellbeing Board must ensure a Joint Strategic Needs Assessment (JSNA) of the current and future needs of the whole local population is developed to inform the NHS and Local Authorities own commissioning plans, across Health, Social Care, Public Health & Children's Services.

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## 1. SUMMARY

The Health and Wellbeing Board (HWBB) is responsible for ensuring a joint commissioning framework is in place to respond to the needs highlighted within the Joint Strategic Needs Assessment (JSNA). Service users have identified the management of the transition from Children's Services to Adult Services as an opportunity to improve service delivery. In order to deliver these improvements, there is a need to consider the capacity of the workforce across the partnership. There is also an imperative to ensure the expectations of the SEND Code of Practice are implemented and some of the issues faced by services are highlighted below. These relate to timescales for Statements of SEN to be converted to Education and Health Care Plans with capacity issues for paediatricians, educational psychologists and SEND caseworkers.

## 2. BACKGROUND

- The Joint Strategic Needs Assessment was refreshed in 2014.
- The Children and Families Act and SEND Code of Practice (CoP) were implemented in September 2014 with new duties for the Health Commissioners and providers and Local Authorities.
- Education, Health and Care Plans (EHCP) have replaced Statements of SEN. There has been a 17% increase in requests for assessments over the same period last year.
- Increased demand has led to delays in assessment reports from Educational Psychologists and Community Paediatricians with subsequent delays in the issuing of EHCPs.
- There is little evidence of jointly commissioned services between NHS England, the CCGs and the Local Authority.
- Parents and young people identified transition from school to college and adult provision as an opportunity to improve the coherence and complementarities of provision.

## 3. OTHER CONSIDERATIONS

### 3.1 Joint Commissioning requirements for SEND linked to Local Offer

3.1.1 The Children and Families Act 2014 sets out expectations that will impact greatly upon children and young people: they will help to ensure the statutory process is more seamless and family focused. In practice this will mean always ensuring the voice of the child / young person is central to the planning that supports their education, care and health.

3.1.2 The Local Authority is responsible for publishing the Local Offer; this provides a comprehensive guide of all services covering health, local authority and the third



sector for children and young people with SEND. It will include important information for parents on personal budgets and a statement on joint commissioning arrangements locally.

### **3.2 Joint commissioning arrangements/ strategy:**

3.2.1 The Code of Practice indicates that the local offer “should set out how agencies will work together to provide integrated support for young people with SEN, and how services will be planned and commissioned jointly to meet local needs”.

This will include:

- Ongoing reviews of provision
- Needs data
- Provision mapping exercises
- JSNA
- Local joint commissioning procedures for ensuring that disagreements between Local Authorities and CCG's (and NHS England for specialist services) are resolved as quickly as possible.

3.2.2 Statements have been replaced by new Education, Health and Care Plans. These changes provide the opportunity for greater collaboration and bring about new joint Commissioning opportunities. The aim is:

- To provide greater levels of support for transition periods for all children and young people, particularly Post 16 and 0-5 Early Years
- To ensure effective joint commissioning for SEND across Education, Social Care and Health
- To support the development and implementation of the Local Offer
- To develop joint commissioning for Personal Budgets: advice for people eligible for social care or health support about what support is available to help them personally, for example in managing their personal budget or recruiting a personal assistant

### **3.3 The current position**

3.3.1 All existing Statements of SEN have to be converted to Education Health and Care Plans (EHCP) between September 2014 and April 2018. The Local Authority (LA) has 2300 Statements of which 550 have been converted so far. This has been far more time consuming than originally predicted and additional casual staff have been employed to increase capacity. Edward Timpson wrote to DCSs and lead Members on 13 July 2015 extending the timeframe to transfer existing statements to EHCP s from 16 to 20 weeks. This part of the plan is currently RAG rated AMBER.

3.3.2 The LA was required to co-produce (with parents and young people) a web based Local Offer describing the services available to families within the district and beyond. This is in place and an annual report will be produced in August 2015. RAG rating GREEN



- 3.3.3 66% of Looked After Children (LAC) have a special educational need and 30% of these have a Statement. The next EHCP includes aspects of the LAC Care Plan and in time both will amalgamate. However, this process is not yet mature due to the different timeframes for reviews, different formats for plans and evolving advice from DfE  
RAG rating AMBER.
- 3.3.4 Stakeholder engagement is good. The SEND Strategic Partnership is co-chaired by Health, the LA and Parent Forum with representatives from Schools, Health, families, Adult Services, Children Services and the PVI sector.  
RAG rating GREEN
- 3.3.5 The CCGs have appointed Designated Medical Officers to receive and deliver information on children and young people with SEND. A single LA/Health secure information conduit has been established through Shipley Health Centre. There has been a 17% increase in requests for assessment over the corresponding period last year. Currently, there are delays in receiving advice from Educational Psychologists and from Community Paediatricians which are impeding the production of new plans. Action has been taken to address this but lack of capacity is the fundamental cause. There is a need for the LA and CCG's to consider adding to the required resources to ensure there is no further delay.  
RAG rating RED
- 3.3.6 All processes are in place for the assessment of children and young people for Education, Health and Care Plans (0-25). There are established pathways for children aged 0-7, school aged young people and college students. Key teams are co-located at Future House and a single point of referral for requesting assessments is in place.  
RAG rating GREEN
- 3.3.7 The Local Authority and the CCGs have a duty to collaborate to jointly commission services based on needs identified within the JSNA. There is no functioning Joint Commissioning Framework currently in place. This should be developed and considered by the HWBB.  
RAG rating RED
- 3.3.8 The SEND CoP introduced a revised duty to identify the SEND of young people in custody and ensure these needs are met (from April 2015). A pathway has been developed between the Youth Offending team and the SEN assessment team to facilitate this. RAG rating GREEN
- 3.3.9 Impartial information, advice and support in place through the Local Offer, Barnardos Independent Parental Supporters, and independent Disagreement Resolution Services and Mediation Services. RAG rating GREEN
- 3.3.10 Personal budgets for those meeting published criteria are available in Health. Children's Social Care is currently consulting on a Personal Budget framework.  
RAG rating GREEN. Education has offered two personal budgets and will begin



consultations in the new academic year on opportunities for further Personal Budgets. RAG rating AMBER.

3.3.11 The SEND Joint Resource Panel is in place to agree all new draft plans.

3.3.12 Preparation for Adulthood is a local priority. Close working is in place across adult and children's services. There is co-location of the Adult's Transitions Team at Future House. Partners have agreed that we need a concerted focus on this area and improved forward planning of services and this is being led by the Director of Adult Services and a progress report should be considered by the HWBB. RAG rating AMBER

3.3.13 The Psychological Service has been commissioned to undertake a first year review of all aspects of the implementation in September 2015

### **3.4 Transition, preparation for adulthood and integrated services**

3.4.1 It has been agreed that plans should be made for the co-location of the Adults Transitions Team with the SEND Teams. Adults Social Care has already aligned teams to create one Transitions Team. This team will lead on all transitions for social care and draw in the expertise of the Sensory Needs Team as and when required.

3.4.2 In the short term children's services are limited for space in Future House. The staff are undertaking New Ways of Working (NWOW) and have provided space for 5 adult team members. As the SEND Teams move into the Margaret Macmillan House plan will be put into place for the full Transition Team to be co-located. There are 12ftes in the Adult Transition Team. Other key teams co-located at Future House are:

- SEN Learning Support Services
- Education Psychology
- SEN Early Intervention Team
- SEN Assessment and Strategic Management
- Children with Complex Health or Disabilities Team
- Children's Continuing Care Nurses
- Early Childhood Services
- Specialist Personal Advisors

### **3.5 Reducing demand, changing expectations and behaviour**

3.5.1 The introduction of personalised budgets will allow families to purchase and choose their own support packages for children with disabilities. As the market develops this is likely to drive down costs as the reliance on in-house traditional residential services will reduce.

3.5.2 Children's Services will consult on the Personalised Budget framework during July 2015. Adults are revising their assessment and resource allocation framework. Joint



sessions and meetings to share developments have already taken place. Children and adults will both use the same infrastructure for managing Direct Payments. The services will need to agree a shared definition of Support Planning (in relation to assessment and care management functions and a joint 'Support Planning Framework' across Children & Adults Services.

#### **4. FINANCIAL & RESOURCE APPRAISAL**

There is financial pressure from the delivery of the SEND changes, offset currently by a Central Government Grant.

#### **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

There are risks to the conversion of SEN statements to Education, Health and Care Plans without additional resource from the LA and the CCG's

#### **6. LEGAL APPRAISAL**

No Legal issues

#### **7. OTHER IMPLICATIONS**

##### **7.1 EQUALITY & DIVERSITY**

The Children Act 2014 makes positive changes to the offer, involvement and support to children with disabilities and special needs. It streamlines processes and publicizes resource availability.

##### **7.2 SUSTAINABILITY IMPLICATIONS**

None

##### **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

None

##### **7.4 COMMUNITY SAFETY IMPLICATIONS**

None

##### **7.5 HUMAN RIGHTS ACT**

Personalised budgets give the opportunity to children with disabilities to obtain their own tailored support to live independently.

##### **7.6 TRADE UNION**

The trade unions have been consulted on the workforce changes.

##### **7.7 WARD IMPLICATIONS**



None

## **7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS**

None

## **8. NOT FOR PUBLICATION DOCUMENTS**

None

## **9. OPTIONS**

- 9.1 EHCP – reports completed by Community Paediatricians and Educational Psychology capacity issue.  
The LA and CCG's to consider adding to the required resources to ensure there is no further delay in the production of EHCPs.
- 9.2 The Local Authority and the CCGs have a duty to collaborate to jointly commission services based on needs identified within the JSNA. There is no functioning Joint Commissioning Framework currently in place. This should be developed and considered by the HWBB.

## **10. RECOMMENDATIONS**

- 10.1 The Health and Wellbeing Board supports the recommendations in 9.1 and 9.2 and determines who is required to provide leadership and associated resources in these areas.

## **11. APPENDICES**

None

## **12. BACKGROUND DOCUMENTS**

None

