

Discussion Paper

LOCAL AUTHORITY & SCHOOL PROVISION TO MEET SPECIAL EDUCATIONAL NEEDS AND DISABILITIES FOR SCHOOL- AGE PUPILS

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Version: 7i
Date: 26/6/2013

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1. INTRODUCTION AND AIMS OF DOCUMENT

Work is underway developing Oldham's SEND Strategy for 0-25s to address the requirements of the draft Children & Families Bill 2013. The Strategy will mark a significant step change in approach in keeping with the radical overhaul of the statutory framework for SEN and Disability that is underway nationally. The local authority (LA) has the lead for the strategy but recognises that it can only be effective in partnership with others. This ethos of partnership between the LA, schools and learning settings, maintained and non-maintained, parents, children and young people and partners in health, social care and the voluntary sector is one of the core principles that the Strategy is built upon.

These changes make this an important moment to review, develop and revise the agreements between schools, academies and the local authority. The agreements must cover both the provision which schools are expected to make from their delegated budget and what the local authority expects to provide from its centrally held High Needs Block budget. It is important that the respective responsibilities for provision are clearly articulated, so that parents have a clear picture of what provision they can expect their child's early years setting, school, academy or college to make and what they may need to ask the local authority to provide.

It should be noted that although the Strategy will cover the full age range between 0-25 yrs, this briefing note is an interim measure and is only intended to address the relationship between schools, academies and the local authority as there is a particular urgency in addressing uncertainty in this area. Schools are asked to provide any feedback or commentary on the content of this document to this email address:

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This feedback will be used to shape and influence the first draft of Oldham's SEND Strategy.

2. BACKGROUND AND CURRENT CONTEXT

2a. Developments in Oldham

In partnership with Rochdale, Oldham was successful in bidding to become one of 20 'SEND Pathfinder' projects to explore, develop and pilot the approaches being proposed by the Green Paper '*Support and aspiration: A new approach to special educational needs and disability*' which has culminated in the launch of the Children & Families Bill 2013. The work on the Pathfinder will be reflected in Oldham's 0-25's SEND Strategy, which will be published in September 2013 following a full consultation with relevant partners; it will set out in more detail the strategy across this age range and is the first step in developing an All Age Strategy for SEND.

Oldham Council has recently embarked on the process of integrating Adults and Children's Services, which includes the development of an All Age Disability Service bringing together social care and education support services for those with SEND. The process will align and more closely integrate disability services within Health wherever possible, through joint commissioning, shared processes and greater integration of services where there is a business case for this.

2b. Current Statutory Duties

Current statutory requirements on local authorities remain in place and are contained in a broad range of legislation. Setting out the full extent of this goes beyond the scope of this document, but the key duties of local authorities towards pupils with SEN are as follows:

- Identify pupils who might need a statement of SEN and therefore who need a statutory assessment.
- Assess pupils with SEN when necessary.
- Make and maintain statements when necessary.
- Arrange the special educational provision set out in a statement.
- Secure sufficient and appropriate SEN provision for 0 – 25 year olds.
- Keep provision under review; emerging legislation brings a new requirement to do this in partnership with other agencies (in particular with CCGs) based on joint commissioning arrangements.
- Ensure targeted support is provided for young people with SEN up to the age of 25 to support their engagement in education, employment and training (E.E.T.)
- Fulfil the role of strategic commissioner of provision for young people with SEN from 19 – 25 in addition to their statutory responsibilities for younger children and young people with SEN

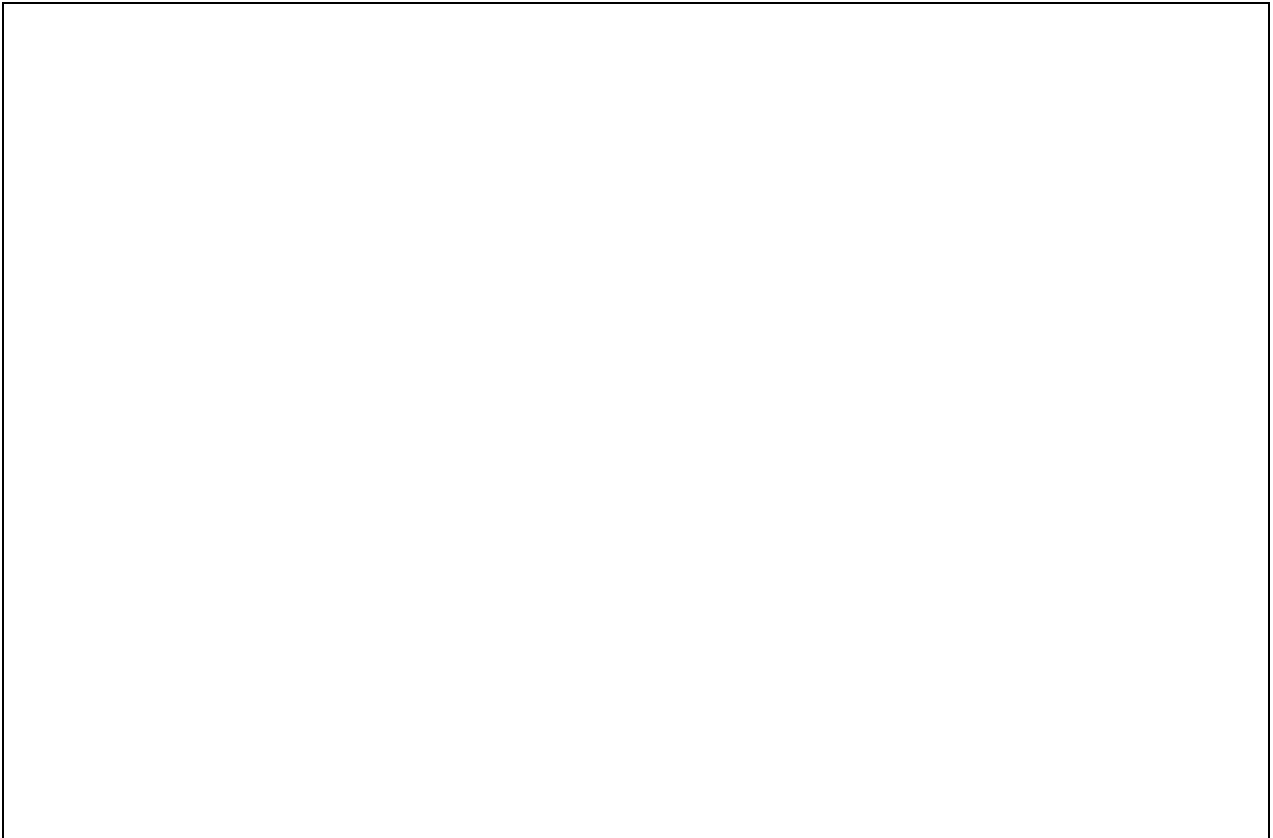
In addition '*The Breaks for Carers of Disabled Children Regulations 2010*' established the local authority's duty to provide a range of short breaks services for disabled children, young people and their families. Provision in this area is set out in *Oldham's Short Breaks Statement* available on Oldham Council's website, which describes the local offer of short breaks that are provided, the eligibility criteria and how they are arranged to meet the needs of families.

2c. Changes to Funding

Education funding changes introduced in April 2013 introduced a 'place-plus' approach, in which mainstream schools and Academies receive £4,000 ('Element 1: Core education funding') to provide a standard offer of teaching and learning for all pupils, including those with high needs. Schools also receive a budget for SEN ('Element 2: Additional support funding'), from which they will contribute the first £6,000 of the additional support costs of high needs pupils.

High needs pupils and students are defined as those requiring additional and different provision costing more than this total delegated funding of £10,000 per year. Requirements above this £10k level can be accessed through the statutory assessment process as set out by respective local authorities and paid in the form of a top-up from the High Needs Block (Element 3: Top-up funding).

The DfE approach is best encapsulated by the figure below:



2d. Changes to Legislation

The Children and Families Bill along with the indicative draft SEN Code of Practice was submitted to Parliament in February 2013 and is progressing through the legislative process; it is acknowledged as a work in progress and is far from complete. Therefore the position set out in this paper is still subject to change but provides the best overview available at the time of writing.

Some of the key aspects of the Bill with regard to SEN, as set out in the indicative draft SEN Code of Practice, are as follows:

i) A Family Centred System

At the core of the Children and Families Bill is the expectation that local authorities and educational settings place parents and young people at the heart of the processes and decisions that will affect the lives of children and young people with SEN.

Local authorities must ensure that parents and young people are involved when they are:

- planning and reviewing the local offer;
- reviewing special educational and social care provision;
- drawing up individual EHC plans, and in reviews and reassessments.

Schools and colleges also need to ensure that they fully engage parents and young people with SEN when drawing up policies that affect them.

ii) Single Assessment and Education, Health and Care (E.H.C.) Plans

The existing arrangements for statutory assessment and the review and maintenance of statements of SEN are being replaced with statutory single assessment processes and integrated education, health and care and plans (EHC Plans). Adherence to statutory timescales within the assessment process and the right of appeal to the 1st Tier Tribunal are being retained so *there is no reduction in statutory protections*.

iii) Personal Budgets

A personal budget is an amount of money identified by the local authority to deliver all or some of the provisions set out in an EHC plan. Parents and young people can request a personal budget once the authority has confirmed an EHC plan is necessary, or when the authority is undertaking a statutory review of an existing EHC plan. Local authorities must consider this request, and offer information to parents to help them to decide whether they wish to make such a request. By having a say in the way this budget is used, a parent or young person can control elements of their support.

iv) Education, Health and Social Care – Integrated Services & Joint Commissioning

Children and young people with SEN need integrated, family focused support from a range of agencies. The Children and Families Bill places duties on local authorities and Clinical Commissioning Groups (CCG) to support this through joint commissioning and consideration of developing integrated health, social care and education services where they think this would promote the wellbeing of children or young people with SEN or improve the quality of provision.

v) SEND Local Offer

Local authorities must publish, in one place, information about provision they expect to be available in their area for children and young people from 0-25 who have SEN. This support will be called the 'Local Offer'. It is expected that the Local Offer will provide a single source of easy to understand information for each Local Authority area, making it clear for families the services that are available from education, health, social care including the voluntary and community sector. This must include both local provision and provision outside the local area.

As part of the Local Offer, local authorities will set out what all schools are expected to provide from their delegated funds (and Academies through their equivalent funding). These expectations are set out below in Section 4.

vi) Preparing for Adulthood

By 2015 disabled young people and young people with SEN must have:

- Early and well-integrated support for, and advice on, their future as part of the proposed 0- 25 single assessment process and 'Education, Health and Care Plan', spanning education, health, social care, and support into employment;
- Access to better quality vocational and work-related learning options to enable young people to progress in their learning post-16;
- Good opportunities and support in order to get and keep a job; and
- A well-coordinated transition from children's to adult health services.

3. OLDHAM COUNCIL'S SEND RESPONSIBILITIES

3a. Oldham's SEND Processes

Oldham Council is committed to developing more 'person-centred' approaches to all aspects of the SEN process, which means that planning should start with the individual not with services, take account of their wishes and aspirations and the support they need to be included and involved in their community.

Initial testing and phased implementation starting in the Summer Term 2013 is developing Oldham's "0-25's *SEND Pathway*" (made up of the integrated assessment process and where applicable the resulting EHC Plan) with 40 families, with a further cohort of 60 to follow in September 2013. Wherever possible there is an expectation that all new cases from 1st September 2013 will be offered the option of following the pathway rather than the existing Statement of SEN or LDA process. It is the intention that these initial cases will test a wide range of circumstances within a good spread of schools across the Borough and have been selected on this basis.

Whilst this process is underway the *existing statutory protections of the 1996 Education Act continue to apply* until September 2014 when the new system will be fully implemented for all new cases.

3b. Oldham's School Places

Oldham is committed to the development of a continuum of provision using the diversity of education providers in the borough. The majority of children and young people with special education needs and disabilities are educated in mainstream settings. For those children who require significantly more than inclusive provision this is currently provided through four additionally resourced provision (ARP) sites attached to mainstream primary or secondary schools or in one of three special schools. Where necessary, due to the complexity of an individual case, placements may be funded in non-maintained specialist or independent provision, some of which are out of borough.

There is considerable pressure on special schools places and a growing demand given the demographics of the borough and the prevalence of ASD and SLCN. There is a continual review of numbers of appropriate places to match the need and to increase the diversity of provision. The ambition for the borough is that it has sufficient outstanding special provision and reduces the number of out of borough placements.

In response to this need Oldham Council has recently applied for Targeted Basic Need Funding from the DfE for the development of a new 140 place school and is awaiting the outcome of this application. The current special schools in the borough have also commissioned a research project through the Kingfisher Teaching School supported by the LA. The aim of this research is to find innovative solutions to meet the needs of a growing population of children and young people with SEND with an increasing range of complex needs.

3c. Oldham's SEND Support Services

Oldham Council's SEND support offer to maintained settings includes both statutory and non-statutory provision. The non-statutory element includes both provision that is free at the point of delivery (funded through centrally-retained D.S.G. funds as agreed by the Schools Forum) and provision that is delivered through ACNS Traded Services. The statutory and non-statutory provision is as follows:

3ci. Statutory Support

The following provisions are funded through centrally retained D.S.G. to meet the local authority's statutory duties:

- Reaching decisions as to whether to proceed to statutory assessment of individual cases (*decisions are made either by the SEN Provision Moderating Panel or through 'Triage' if the evidence is clear*)
- Following approval at the above stage, undertaking Statutory Assessments for children and young people with SEN including psychological assessment by an appropriately qualified Educational Psychologist.
- Identifying and allocating additional resources from the High Needs Block of the Dedicated Schools Grant (D.S.G.) for children and young people with statements.
- Commissions work in relation to children who have a Statement of SEN for example requiring attendance at Annual Reviews.
- Providing access to a range of short breaks services for disabled children, young people and their families.
- Commission / support / tender for a range of Additional Resourced Provision,
- Responds to SEN and Disability Discrimination Tribunals
- Support to schools from the Hearing, Visual & Physical Impairment Teams for children who have a statement or who are at School Action+.
- Support to other vulnerable groups such as Looked After Children, young people within the Youth Offending system and /or Pupil Referral Unit and children at risk of exclusion from school, where there is a statutory responsibility arising from Corporate Parenting duties or through a Statement of SEN

3cii. Non-Statutory Support

Under new school funding arrangements local authorities are expected to work on the basis that services and funding within the notional Schools Block should be delegated to schools in the first instance. Certain services can be provided centrally if the Schools Forum – on behalf of maintained schools in a phase – agrees on the basis of economies of scale or pooled risk. The provisions listed below have been agreed by Oldham's Schools Forum on this basis:

- Support to schools following a critical incident / traumatic event.
- Support services in engaging with a number of initiatives e.g. SEND Pathfinder, Achievement for All, Autism Education Trust, etc.
- Commissioning of specialist support including teams with ACNS and specialist support projects (e.g. Pupil Intervention Project).
- Facilitation of decision making and statutory processes through appropriate strategic / decision making groups. e.g. SEND Provision Moderating Panel, SEN Group, LAC Officers group, B & A Strategic Panel, Kingsland PARE, etc.

3ciii. Traded Services

The following services are available for purchase as 'traded services' from Oldham's Additional & Complex Needs Service (ACNS) and are set out in the ACNS Prospectus 2013-14. These services are the Educational and Child Psychology Service, Quality and Effectiveness Support Team and the Counselling Service. They offer:

- Capacity building in schools and academies to support them in developing provision for pupils with SEND, including support for new SENCos.
- Work with children, young people, the staff who work with them and their parents/carers offering Consultation, Advice, Assessment and Intervention across the age range 0 to 25.
- A comprehensive training offer for all areas of SEND with courses held centrally and bespoke for schools and academies.
- Training / coaching / mentoring offer to early years settings, school and academy staff.

4. EXPECTATIONS REGARDING SEND PROVISIONS IN SCHOOL

Meeting additional and special educational needs and disabilities (AEN / SEND) remains a whole school responsibility and a key message from the Indicative Code is that '*all teachers are teachers of children with special educational needs*'. Schools will continue to deliver high quality teaching and additional support and interventions based on identified need through the appropriate delegation of resources and additional funding, including targeted use of the Pupil Premium.

The list below includes a number of key elements of best practice that form the basis of good SEN provision which might be recorded through Provision Management Processes (e.g. Provision Map) and will be underpinned by the school's SEN Policies, Accessibility Plan and Development Plan. These provisions will need to be clearly set out in each school's 'Local Offer'.

4a. Involvement of parents, carers and children and young people

The Indicative Draft Code places emphasis on person-centred approaches, including:

- Systems that take into account pupil's views.

- Equal partnership working with parents to ensure good communication, sharing of strategies and consistency of approaches.
- Schools and colleges need to ensure that they fully engage parents and young people with SEN when drawing up policies that affect them.
- Pupil forums should always ensure that there is representation from pupils with SEN.

4b. Learning / curriculum support

- Access to a broad and balanced curriculum, including the appropriate level of the statutory curriculum (foundation stage, national curriculum and any national strategies) appropriate for the age, and stage of development of each pupil.
- A curriculum that is structured to allow access, ensure success, enable progress to be made, foster self-confidence and independence, and encourage good learning habits.
- A curriculum design that matches assessed need and takes into account pupil's strengths, needs, aspirations and ambitions.

4c. Teaching approaches

- Quality First Teaching (now framed in the Indicative Draft Code as 'good quality teaching') and good inclusive classroom practice with timely planning for change and transition.
- Differentiation of the curriculum and any homework by the adjustment of learning objectives and task outcomes, classroom organisation, teaching styles, language, materials used, the amount of work and outcomes expected and small group interventions normally provided by the school.

4d. Physical and emotional well being

- A pastoral structure, including named adults as appropriate, to enable concerns and difficulties to be addressed in a non-threatening way by provision of support appropriate to each pupil's individual needs.
- An environment and curriculum that meets school's duty of care to ensure the safety, health and well-being of all pupils including reasonable adjustments to the learning and physical environment of the school.

4e. Access and inclusion

- Equal access to all extra-curricular activities.
- Effective use of ICT and auxiliary equipment and aids.
- Good adult models of language, learning and social behaviour.
- Access to peers who are good models of language, learning and social behaviour.
- A supportive and positive school and classroom environment in which rules and routines are consistently and explicitly applied, firm boundaries are provided and age appropriate, motivating and differentiated rewards and sanctions are consistently used, as described in the school's behaviour policy.

- Adult awareness in school of the impact individual needs might have on a pupil's holistic presentation in school and therefore an empathy with any barriers faced by children and young people with SEND.

4f. Assessment and review

- On-going formative assessments, and well-timed, summative assessments, that inform provision and provide a guide to holistic attainment and progress.
- Schools and colleges should also take steps to ensure that parents and young people are actively supported in contributing to assessment, planning and review processes.
- Provision of specific targeted, individualised approaches and programmes, which draw upon advice from the Special Educational Needs Coordinator, the authority's specialist advisers and health professionals.
- Regular audits of the skills of staff to meet the needs of children and young people with SEND resulting in appropriate training for all staff to update their knowledge and skills in meeting the various categories of AEN / SEND needs within school.
- Regular reviews of the quality and effectiveness of SEND provision to ensure its' effectiveness in meeting our high expectations as to the educational achievement of children and young people with SEND.

4g. School's SEND Local Offer

Schools are expected to publish details of their arrangements for identifying, assessing and making provision for children and young people. This does not *only* include special educational provision but all aspects of provision for children with additional needs including pastoral care and extra-curricular activities and needs to be provided in a clear and easy to understand format. Further guidance will be available from the Local Authority to support schools in addressing this requirement.