



Department  
for Education

## **0-25 SPECIAL EDUCATIONAL NEEDS AND DISABILITY UNIT**

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**October 2015 Newsletter**

Welcome to the October 2015 edition of the 0-25 SEND Newsletter. In this month's Newsletter we are focusing on:

### **Engaging your community with the Local Offer**

- Responding to feedback – including practice examples
- What do children and young people with SEND say about engaging with the Local Offer?
- Does your Local Offer meet the Preparation for Adulthood requirements?
- The Short Breaks Partnership and the Local Offer
- Working with your local parent carer forum

### **EHC plans**

- Extension to Transfer Review deadlines
- EHC plans and outcomes
- EHC plan FAQs

### **New resource for schools on what the reforms mean for them**

### **Simplifying Access to Work applications for supported internships and traineeships**

### **Consultation on the SEND Inspection Framework**

### **NHS England letter to CCGs**

### **SEND Appeals to tribunals**

### **Training offers available now**

- Making Ourselves Heard - training on children and young people's participation
- IPSEA legal training

## Engaging your community with the Local Offer

### Responding to feedback, including practice examples

Now is the time – if they haven't already - for local authorities to seek and publish comments on their Local Offers from local children, young people and parents. This is something which must be done at least annually, with comments published alongside the Local Offer.

Importantly, comments should be sought not just on the Local Offer itself (e.g. is it searchable, is all the information accurate) but also on the content, including the quality of the provision. Local authorities then need to take the comments into account when reviewing the sufficiency of provision in its area, as required by [section 27 CFA](#).

A number of authorities have already made a positive start in publishing and responding to feedback on their local offers.

Wigan has published a report on its website entitled, 'Feedback on the Local Offer July 2015'. This authority has opted to provide a single report showing trends and insight, along with examples of how they will develop the Local Offer in light of feedback received. The report also explains how parent carers will continue to be involved and highlights their focus on supporting young people to participate.

- <http://www.wigan.gov.uk/Resident/Education/Special-Educational-Needs-and-Disability/Pathfinder.aspx>

The Isle of Wight has taken a 'you said' 'we did' approach, based on individual comments received.

- <https://www.iwight.com/Council/OtherServices/Local-Offer/How-to-use-the-IW-Local-Offer>

### What do children and young people with SEND say about engaging with the Local Offer?

The Final Impact Report of the SEND pathfinder programme (reference DfE RR471) was published on the [gov.uk website](#) in July 2015. While it was very positive about families' experiences of EHC assessment and planning, the report also noted that only a minority in both the pathfinder and comparison groups had heard about, and looked at, the Local Offer.

Of course, significant progress has made since the evaluation field work was completed and the quality, coverage and awareness of Local Offers has greatly improved. At the one year point however, ensuring increased uptake of the Local Offer remains a priority and local authorities are reminded of the need to work closely with children and young people when reviewing their Local Offers; and to think about ways of making them more accessible and promoting them more effectively.

To help with this, the Department's young people's advisory group, EPIC, has produced a new resource for local authorities about the ways in which they would like to work with local authorities on the Local Offer. It is available from the Council for Disabled Children's resource hub and can be viewed and shared via this link: <http://bit.ly/1LPYife>

The resource is based on the young people's own experiences of what has worked well and not so well over the past 12 months. It includes 'top tips' for improving accessibility; seeking and responding to feedback from young people; and ensuring that Local Offers give young people all the information they need.

You can find out more about the work of EPIC by keeping in touch with monthly blogs about the reforms, written by the young people themselves. The first blog was written by Conrad and is available here: <http://councilfordisabledchildren.org.uk/epic/news/july-december-2015/epic-blogs-1-conrad-will>

I'm sure you will agree this is a great contribution to kick start the EPIC blog series and we look forward to many more in the coming months.

#### Does your Local Offer meet the Preparation for Adulthood requirements?

The 'Special Educational Needs (Local Offer) Regulations' state that a Local Offer must set out what provision is available to assist young people prepare for adulthood and independent living, including preparing for and finding employment, finding somewhere to live, participating in the community, and being healthy.

A toolkit has been developed to help local areas use the Local Offer to improve preparing for adulthood outcomes for young people with SEN or disabilities. The resource is available at: <http://www.preparingforadulthood.org.uk/resources/all-resources/developing-the-preparation-for-adulthood-section-of-the-local-offer> Further help in developing this aspect of the Local Offer is available from Preparing for Adulthood team as part of the Delivering Better Outcomes Together delivery programme ([info@preparingforadulthood.org.uk](mailto:info@preparingforadulthood.org.uk)).

#### The Short Breaks Partnership and the Local Offer

The Short Breaks Partnership is a consortium funded by the Department for Education to provide support and guidance around short breaks to commissioners, providers, parent carer forums and young people. A quarterly bulletin is issued which is initially available as part of the Council for Disabled Children [CDC Digest](#) and commissioners and parent carers can seek advice about short breaks through the Contact a Family helpline (0808 808 3555). This quarter's bulletin focuses on short breaks and the local offer. For more information about the consortia or to view the first bulletin, click [here](#) or subscribe to the CDC Digest [here](#).

## Working with your local parent carer forum

The Children and Families Act 2014 and SEND Code of Practice recognises parent carer forums as a key mechanism for enabling parent carers to participate strategically with their local partners – including on the Local Offer. Parent carer forums have been established in almost every area, and the Department has invested over £11 million over the last 7 years in establishing and strengthening them. In 2014/15 parent carer forums in England had a reach of over 67,000 parent carers. You can read the annual report that details some of the outcomes and outputs [here](#).

In many areas, authorities have supported their forums by providing additional funding or support in kind. However, as some authorities review their funding arrangements, some common questions have been asked about grant funding to forums – including, can the grant be split between two groups if local authorities put out a tender to support or develop participation? The parent carer participation grant cannot be split between groups. There is one grant per area and applicants need to be pan-disability and committed to working across services. Usually, we would expect applicants either to be the existing forum or to demonstrate how they are building on the investment that has already been made in the area.

We know that occasionally forums experience challenges, and if you feel this is the case in your local area then please contact the forum's regional advisor. A list of contact details can be found [here](#). Ensuring that parent carers and young people remain at the heart of implementation is essential and parent carer forums are a key way of doing this.

## EHC plans

### Extension to Transfer Review deadlines

We announced last month that a local authority starting a Transfer Review of a statement of SEN would have an extra four weeks to complete the process. This was one of our measures to support an effective transfer process, as outlined in this [letter](#). The [legislation](#) needed for this change came into force on 1 September.

We have also published a new edition of the related [Departmental Advice](#), and our strategic partner the Council for Disabled Children has published this [briefing](#).

The process for Transfer Reviews for statements commenced on or after 1 September will be:

- a minimum of two weeks' notice of the date of the start of the Transfer Review.
- a maximum of 18 weeks from the notified start date.

### EHC plans and outcomes

Well-written outcomes are at the heart of a child or young person's EHC plan. To be effective, they should be specific, measurable, achievable, realistic, and time-bound. They should enable the child or young person to progress in their learning and, as they get older, to move towards the longer term aspirations of employment, higher education, independent living and community participation.

The Delivering Better Outcomes Together consortium (i) has produced a new resource to support the development of good quality outcomes in Education Health and Care Plans (EHC plans). It is available for download at: <http://www.sendpathfinder.co.uk/delivering-better-outcomes-together>.

The resource includes the following sections:

1. Key things to consider when developing outcomes.
2. What are aspirations, needs, outcomes and provision in relation to an EHC plan.
3. Illustrative examples of aspirations, needs, outcomes and provision for two children and two young people.
4. Other resources to use and refer to.

## EHC plan FAQs

We have received a number of queries over recent weeks about post-16 EHC plans and EHC plans for looked after children. Some of the most frequently asked questions are answered below:

**Q. If a student has an EHC plan and has just started attending the college named on his or her plan, what happens if that student decides they want to go somewhere else after all? Can young people change their mind once an institution is named in a plan?**

A young person can change their mind, even after a college or other provider is named in an EHC plan. Ideally, good careers advice, and good person-centred planning of the transition to a new college will mean that young people make good choices, they are well prepared for the transition to college, and the college is well prepared to support them. But if a young person changes their mind, they can request the local authority to change the provider named in an EHC plan, and the local authority must consider that request. The young person doesn't have an automatic right to a place at another institution of their choice, but the local authority must consider the young person's preference in the same way they did when the EHC plan was originally drawn up, and make a decision whether to name an alternative provider (with the alternative provider also being given the 15 day consultation period to respond to the local authority's request to name them).

**Q. Can LAs consult more than one college at a time given that the young person will have named one?**

Yes, local authorities have an obligation to consult the college requested by the young person, however they can also consult other colleges at the same time if they so wish. When consulting a college they should share the draft EHC plan and should allow 15 days for the college to respond.

**Q. Does the college have to respond in 15 days?**

Yes. Given the timescales for the process as a whole, we would expect colleges to respond within this timescale unless there are extenuating circumstances.

**Q. If a young person undertakes an FE course at a university, does that mean they cannot have an EHC plan?**

No. If a young person attends an FE-level course at a university, their placement would be funded by the Education Funding Agency (EFA) in the same way as if they were attending a further education college, as long as the placement meets the EFA's eligibility criteria. That is to say that the placement is for a course at Level 3 or below which meets the usual requirements for 16-19 study programmes.

The Children and Families Act 2014 does not allow Higher Education Institutions (HEIs) to be named in EHC plans. Different funding arrangements apply for students on Higher Education courses. However, although they cannot be named in EHC plans, local authorities may still commission placements for further education provision within HEIs, in the same way as they would for placements at further education colleges. Instead of naming the HEI, the EHC plan would describe the type of provision the young person would be expected to attend.

Disabled students studying Higher Education courses can apply for Disabled Students' Allowances (DSAs). DSAs are available to help with the additional costs that a disabled student is obliged to incur in order to access their studies, because of their disability. Information on DSAs that are available for students applying for the English package of support is available at <https://www.gov.uk/disabled-students-allowances-dsas>. In addition to this, Higher Education providers have a legal duty to make reasonable adjustments for all disabled students. Any prospective student with a disability wishing to undertake a course of study at a Higher Education provider can contact the institution to find out what support is available.

**Q. How does the new Code impact on statements/EHC plans for looked after children (LAC)?**

The position is that the LA in which a child is normally resident, for example an LAC with a statement living with foster parents, is responsible for administration and management of the statement / EHC plan. The LA in whose care the child is remains financially responsible.

Generally, for looked after children placed out-of-authority, where it becomes necessary to conduct an assessment of their special educational needs, the local authority in which they are 'ordinarily resident' will be the authority responsible for undertaking the assessment. If this assessment results in an EHC plan, then that authority will maintain it. For existing statements, where a transition review is required, that authority would need to manage it. Paragraph 10.8 of the Code supports this.

## **New resource for schools on what the reforms mean for them**

On 24 September, a new resource for schools was published by the Council for Disabled Children (CDC). The resource was produced in partnership with the Department for Education, SEN Leaders and nasen and summarises in four pages what the SEND reforms mean for them. It includes sections on:

- the principles which lie behind the reforms;
- statutory duties for schools;
- changes in assessment and planning;
- who has responsibility for what; and
- what support is available for schools.

The resource is available for download on CDC's website at:

<http://www.councilfordisabledchildren.org.uk/resources/what-do-the-sen-and-disability-reforms-mean-for-schools>

## **Simplifying Access to Work applications for supported internships and traineeships**

In the summer the Government revised the application process for those on supported internships and traineeships wishing to apply for Access to Work. Preparing for Adulthood have now updated their guidance on how to apply for an Access to Work grant which can cover additional support a young person may need while on their placement.

[preparingforadulthood.org.uk/what-we-do/supported-internships/access-to-work-fund](http://preparingforadulthood.org.uk/what-we-do/supported-internships/access-to-work-fund)

## **Consultation on the SEND Inspection Framework**

On Monday 12 October, Ofsted and the Care Quality Commission launched a public consultation on proposals for inspecting local areas' effectiveness in identifying and meeting the needs of children and young people who are disabled and have special educational needs. The consultation is available online at: <https://www.gov.uk/government/consultations/local-area-send-consultation>. It closes on 4 January 2016 at 11:30pm.

A young people's consultation is also available at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/467242/QUESTIONS\\_Local\\_Areas\\_young\\_people\\_FINAL\\_2015\\_10\\_12.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/467242/QUESTIONS_Local_Areas_young_people_FINAL_2015_10_12.pdf)

Independent inspection, combined with local and national accountability measures, will show how the SEN and disability system is performing; which parts are working well and less well; and whether outcomes are improving for children and young people. You can find out more about SEN and disability accountability by following this link:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/416347/Accountability\\_Publication.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/416347/Accountability_Publication.pdf)

## **NHS England letter to CCGs**

On 10 August, Jane Cummings, Chief Nursing Officer at NHS England, wrote to Clinical Commissioning Groups (CCGs) about the need to improve the experience of children and young people with SEND and their families; and to remind them of their legal obligations following the introduction of the Children and Families Act 2014.

The letter provides links to helpful resources for health professionals – including a guide to the statutory Code of Practice at

<https://www.gov.uk/government/publications/send-guide-for-health->



[professionals](#) and the NHS England / Council for Disabled Children guide to the Children and Families Act, 'Making It Happen' at [www.councilfordisabledchildren.org.uk/makingithappen](http://www.councilfordisabledchildren.org.uk/makingithappen).

The letter ends by asking CCGs to work with local teams responsible for implementation of SEND reforms to ensure the information is well understood and that local plans are clear.

You can read the letter in full at: <http://www.england.nhs.uk/wp-content/uploads/2015/08/letter-child-families-act-jc.pdf>.

## **SEND Appeals to tribunals**

The latest quarterly tribunals data was published by the Ministry of Justice on Thursday 10 September at <https://www.gov.uk/government/statistics/tribunals-and-gender-recognition-certificate-statistics-quarterly-april-to-june-2015>

The release contains data up to the end of June 2015 and shows that:

- The number of appeals registered in the latest quarter (April-June 2015) was 890, 31% lower than the same period 12 months earlier (there were 1,282 appeals registered between April and June 2014).
- Following an upward trend over the last 2 years, the last four quarters have shown a flattening off followed by a downward trend.

The next data release on SEN appeals will be in December 2015.

## **Training offers available now**

### [Making Ourselves Heard training on children and young people's participation](#)

Following the success of last year's event, Making Ourselves Heard is hosting another training day on effective practice in children and young people's participation. The event takes place on 5th November at the National Children's Bureau, London, EC1V 7QE. Tickets are £250 and the event will focus on using practical tools, overcoming challenges and hearing expert advice. Delegates will be supported to plan, deliver and evaluate their participation work and the price includes follow up webinars with MOH and young experts to support you with making your action plans a reality. For further information and enquiries please contact Luke Nunn by emailing [lnunn@ncb.org.uk](mailto:lnunn@ncb.org.uk)

<http://www.sendpathfinder.co.uk/engagement-and-participation-information-pack>

### IPSEA legal training

The Information, Advice and Support Services Network (IASSN) has commissioned IPSEA to develop a one day, face to face training course for

local authority staff. Training days are run from 9.30 – 4.30 pm and offer an opportunity to discuss policy and practice in a closed and confidential environment with other local authority colleagues. Topics covered include:

- The SEN legal framework after 1st September 2014 - including statutory duties on LAs
- EHC needs assessments and EHC plans – including admissions for children and young people with EHC plans
- Transport
- Exclusion

The cost for the day is £2,000 and events can be delivered to up to 25 people. If you have any questions or would like to book an event, please contact Lucy Way at IASSN on 0207 843 6051 or email [lway@ncb.org.uk](mailto:lway@ncb.org.uk).

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**Department for Education**

**October 2015**

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<sup>i</sup> The Delivering Better Outcomes Together consortium includes [Mott MacDonald](#), the [Council for Disabled Children](#) and the [National Development Team for Inclusion](#).