



WE DO NOT HAVE ALL THE ANSWERS YET

Some aspects of the changes are still unclear.

These include:

- How the transition to the new arrangements for those on school based provision will work?
- Who will be key workers? The idea of Keyworkers is to make the lives of disabled children and their families with EHC Plans easier and less stressful. It is suggested keyworkers should co-ordinate care for the disabled child relieving parents of the struggle that they face in managing their disabled child's care, i.e arranging appointments, assessments, meetings, etc.
- What will the role of newly announced Independent Supports be? The Government has announced £30m for the voluntary sector to support families through the first two years in the 20 week EHC process. Each area is expected to get 12 Independent Supporters. We do not know yet how this will work.
- How will personal budgets work and what will they contain? We do not know this yet and it is not clear what will be available to families to exercise choice and control over in a budget or what will be the relationship to health budgets.

WHAT IS BROMLEY PARENT VOICE (BPV) DOING?

We as parents will always want the best for all our children. As Bromley Parent Voice (BPV) we will continue to ensure that we work with the Local Authority and health so that they meet the needs of our SEND children. As the Parent Forum in Bromley, we are working hard through parent participation to ensure that:

- trust and confidence remains strong in the SEND system
- families and young people are genuinely at heart of the new system
- parent carers, children and young people listened to
- services in local offers are accessible and available and not just directory of services
- the right messaging is used by the Local Authority and others about the essential new principles of joint working with families that underpins the new culture change
- Families are informed about the changes.

NEW RIGHTS FOR PARENT CARERS

We will be also working to see how London Borough of Bromley will implement the new carers provisions. Parent carers have finally been recognised as carers in this same Act for the first time. In the words of Lord Nash: "we cannot underestimate the contribution that parent carers of disabled children make. It is right that we recognise the particular challenges that they face in supporting their families. I am very pleased that we are able to bring parent carers of disabled children into the Children and Families Bill".

THE LEGAL BITS

The definition of SEND remains the same, that is:

- (1) A child or young person has special educational needs if he or she has a learning difficulty or disability which calls for special educational provision to be made for him or her.
- (2) A child of compulsory school age or a young person has a learning difficulty or disability if he or she— (a) has a significantly greater difficulty in learning than the majority of others of the same age, or (b) has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.
- (3) A child under compulsory school age has a learning difficulty or disability if he or she is likely to be within subsection (2) when of compulsory school age (or would be likely, if no special educational provision were made).
- (4) A child or young person does not have a learning difficulty or disability solely because the language (or form of language) in which he or she is or will be taught is different from a language (or form of language) which is or has been spoken at home.

There is a whole new requirement for all the new system to be child, young person and family centred, that is set out in **Section 19 of the new Act:**

"In exercising a function under this Part in the case of a child or young person, a local authority in England must have regard to the following matters in particular—

- (a) the views, wishes and feelings of the child and his or her parent, or the young person;
- (b) the importance of the child and his or her parent, or the young person, participating as fully as possible in decisions relating to the exercise of the function concerned;
- (c) the importance of the child and his or her parent, or the young person, being provided with the information and support necessary to enable participation in those decisions;
- (d) the need to support the child and his or her parent, or the young person, in order to facilitate the development of the child or young person and to help him or her achieve the best possible educational and other outcomes".

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Bromley Parent Voice
working in partnership to give parents and carers a voice

Family Guide to the Special Educational Needs and Disability (SEND) Reforms



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INTRODUCTION

The Government has been consulting on changing special educational needs legislation over the last 3-4 years. Bromley Parent Voice (BPV) has been inputting to those consultations taking account of the views of local parent carers, including most recently on the draft of the new SEND Code of Practice. These responses are available on our website.

The Lamb Inquiry into parental confidence in the current system found a culture of low expectations for many children with SEN and disabilities. A later review by Ofsted found that too many children were being labelled as having SEN. Outcomes and aspirations including in schools and employment are very low. Additionally for children with more extensive needs it was recognised that the wider relationship between health, education and social care did not work as well as it should. Many families also spoke of the SEN system being very inaccessible and of having to fight for services.

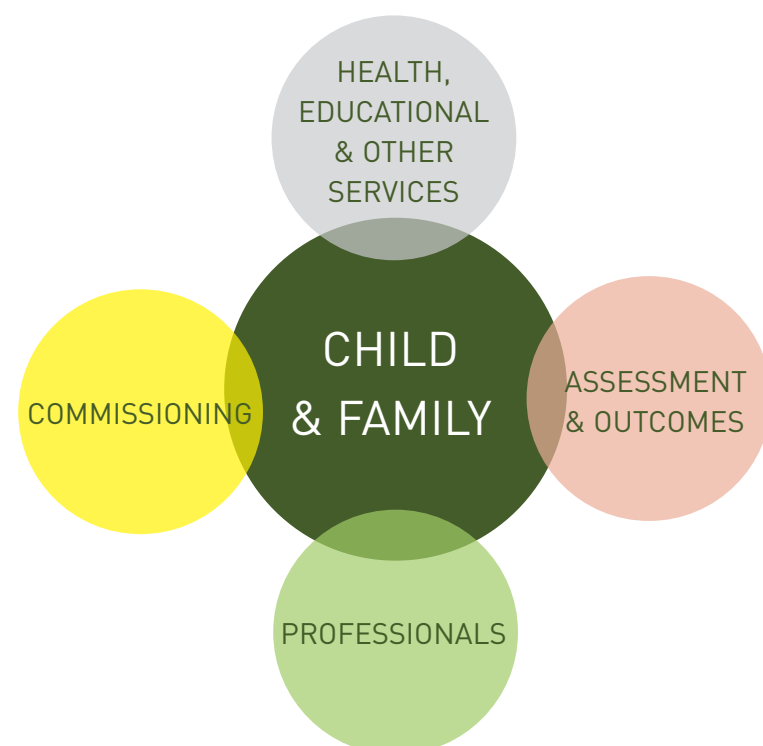
As a result of all the learning from the work by Brian Lamb, Ofsted and listening to parent carers, young people and Parent Carer Forums like Bromley Parent Voice (BPV), the Government proposed new legislation. This is now in the Children and Families Act.

The new legal changes will start to take effect from September 2014 – these will be phased in over a few years. This means that you may not see changes straight away.

There are some important differences and changes between the current SEN system and the new SEND system. This includes more than just changes of name.

A NEW CULTURE

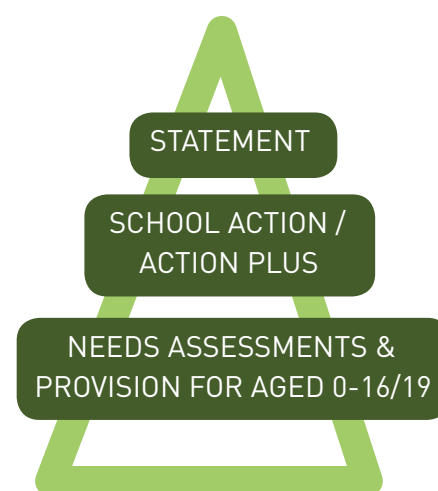
The new law represents a big change of culture in that the whole new system must have families, children and young people from aged 0-25 at its heart:



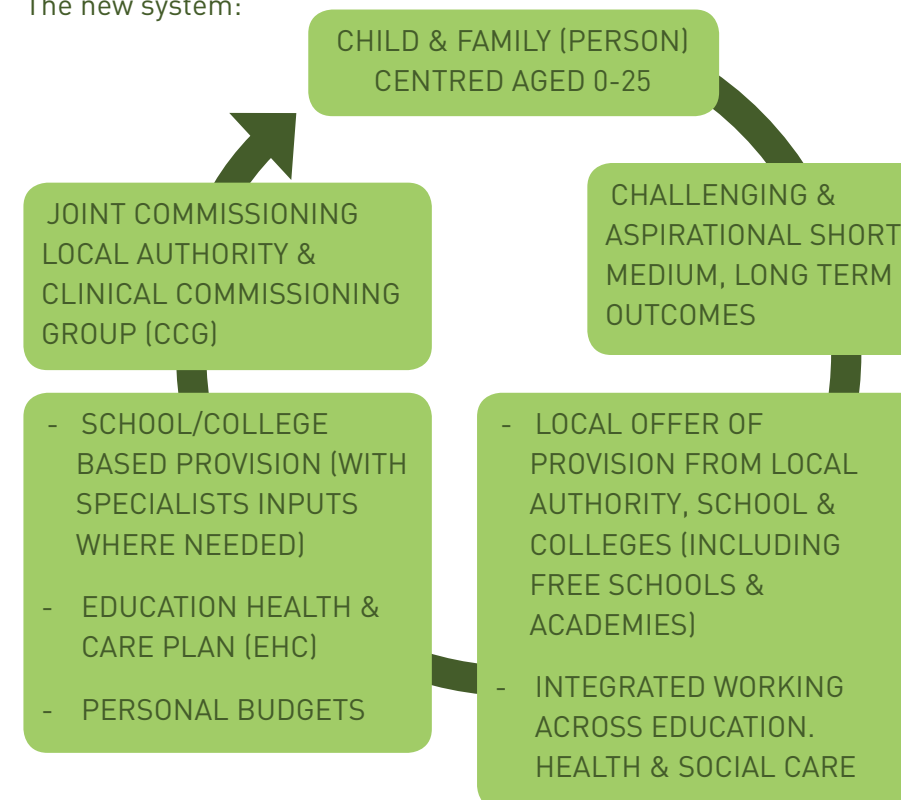
NAME CHANGES

Changes have also been made to well known names. This reflects the new cultural changes and the involvement of health, education and social care to deliver better on aspirations and outcomes.

The current system:



The new system:



Making the changes **child and family centred** aims to give parents and young people greater control over the services that their child uses and receives.

The aim of looking at **outcomes** is to encourage greater aspirations and also to ensure that Local Authority and Health bodies take more account of what families, children and young people actually want when developing and commissioning services.

The Local Authority will have a duty to publish a **Local Offer** showing the support available to SEND children, young people and their families from 0-25. This should be meaningful and not be a directory of services. Each school and College must also write their part of the Local Offer in co-production with parents and young people.

This will include information about the services that are available for children with SEND attending that school or college. The Local Offers will also be important to have greater transparency so that parents no longer have to fight for services.

Although there is no longer School Acton and School Action Plus, the **School based provision** does not see any lessening of support for children with SEND. Schools and colleges can and must support children with SEND and apply a family and children centred approach in drawing up its local offer and ways it works with families, children and young people.

EHC Plans will have the same statutory legal obligation on the Local Authority as a statement of SEN has now. The age range for an EHC Plan will be 0-25 years, though it will be education led. If they leave the education system they will not be eligible for an EHC Plan. Young people aged 16 or over will be able to request an EHC Plan without needing parental consent. Independent advisors will then be commissioned to support the Young Person through the EHC assessment process.

The EHC process has been reduced to 20 weeks from the current timescale of 26 weeks. EHC plans will also replace the current S139 assessments that a young person requires if they want to continue their education in a college. Families maybe able to request a personal budget to buy services for their children instead of receiving services.

Local Authorities and Clinical Commissioning Groups (CCGs) must make arrangements for **jointly commissioning services** for children with SEND in their area. There will be a new duty on Health Commissioners to actually deliver the Health element of the EHC Plan. That is why all aspects of the Plan are very important.

Parents will still be able to express a preference for a school for their child. Parents will still be able to **appeal decisions** though at present it is likely each element will have to be appealed separately. There must also be arrangements for mediation.

WHY SHOULD THIS MATTER TO ME?

As a parent carer it is important you understand the new system to ensure that it works for you and your family and especially your child/children and young people.

You need to become familiar with new language and new ways of thinking, what will it mean for and to you and your child or young person.

TRANSITION FROM THE OLD SYSTEM TO THE NEW SYSTEM

There will be a national transition plan over 3 years with children and young people new to the system and some at certain transition points moving across first. New assessment processes and development of outcomes will need to be applied. Local Authorities are getting new money from central Government to assist with this.