

A new approach to special educational needs & disabilities birth to 25

A Guide for Parents and Carers in Bromley to changes to the SEND System
set out in the Children and Families Act 2014



This booklet is also a guide for those working with children, young people with
SEN & Disabilities and their families, including the voluntary sector

The Government is introducing a new approach to the way children and young people with special educational needs and disabilities (SEND) and their families are supported. The London Borough of Bromley has been one of 31 Pathfinders helping to inform the changes the Government wants to make, before they become law in September 2014.

The reforms will create a real change in the way that education, health and social care professionals work with families, children and young people.

To learn more about these changes and what is happening in Bromley and across the country, see the useful contacts section at the end of this leaflet.

Legislation – Key Highlights

All local authorities will develop a 'Local Offer' providing information on the support available to children, young people with SEND and their families from birth to 25

More streamlined assessment process, coordinated across education, health and care, involving children and young people and their families throughout

The new 0-25 Education, Health and Care (EHC) Plan, will replace the current system of Statements and Learning Difficulty Assessments, reflecting the child or young person's aspirations for the future, as well as their current needs

A new duty on health commissioners to deliver the health elements of EHC plans

Option of a personal budget for families and young people with an EHC plan, extending choice and control over their support

New statutory protections for young people aged 16-25 in further education, including right to request a particular institution named in their EHC plan and the right to appeal to the First-tier Tribunal

A single category of SEN Support will replace School Action and School Action + categories of SEN within schools

Academies and Free Schools to have the same SEN duties as maintained schools.

As a Pathfinder, the London Borough of Bromley has been working with The Department for Education (DfE) since September 2013 to trial and developed systems implementing the key areas, one year in advance of the proposed legislation.

Pathfinders have contributed to the draft regulations and Code of Practice, testing across key themes and providing case study exemplars. Pathfinders have reported that the reforms are making a real difference to lives of children, young people and families.

In addition, from April 2013 (September 2013 for Academies) the government made changes to the way that funding is provided to schools. The funding changes do not change the legal responsibilities of schools and local authorities for children with special educational needs (SEN).

What is the 'Local Offer'?

As part of the reforms, all local authorities must develop a 'Local Offer' for young people and families of children with SEND.

The purpose of the Local Offer is to:

- Provide clear, comprehensive and accessible information about the support and opportunities that are available for all children and young people with SEND and their families (not just those who have an EHC plan); and
- Improve the services that are provided and make them more responsive to local needs and wishes.

Schools must publish their SEN Information Report. This includes how special education needs are assessed and identified, arrangements for consulting parents and young people and involving them in their education, arrangements for reviewing progress, for supporting children and young people through education, adaptations to the curriculum, teaching approaches and the expertise and training of staff to support children and young people with SEN. This also includes how specialist expertise will be secured.

Bromley is involving children and young people with SEND, parents and carers, and service providers in the development and review of Bromley's Local Offer.

You can view an early version of the Local Offer and give any feedback on how it could be improved at: <http://bromley.mylifeportal.co.uk/lbb-local-offer.aspx>

What is an Education, Health and Care Plan?

The Education, Health and Care (EHC) plan sets out a new way of working for children and young people with more complex needs that puts you – children, young people and families – at the very centre of the assessment and planning process, to make sure that your views are not only heard but also understood. This is called person-centred planning and is all about increasing your choice and control.

This new process focuses on what is important for children and young people and is outcome led.

Young people and families have helped to design the new Bromley draft EHC plan and so far people are saying that they feel more listened to and more involved in decision-making in ways that make sense to them.

Who is it for?

The EHC plan is for children and young people who have more complex special educational needs and disabilities and where an assessment of education, health and social care needs has been agreed by a multi-agency group of professionals. It could be available from birth to age 25. You can talk to your child's or the young person's educational setting or key worker about eligibility for an assessment. For example, the pre-school or school's special educational needs coordinator (SENCo) will be able to offer advice.

An integrated assessment and EHC plan may be required for children and young people with SEND aged 0 to 25 years if the following apply:

The child or young person:

- has severe and/or complex long term needs that affect everyday life
- requires provision and resources that are not normally available within an education setting
- requires intensive help and support from more than one agency
- despite high levels of support is making limited or no progress

For children and young people of statutory school age, there would also need to be evidence of a graduated response i.e. that appropriate interventions, support and resources, available through the Local Offer and School's SEN funding, have already been put in place.

What's different about an Education, Health and Care assessment?

Statements of SEN will be replaced by a jointly assessed Education, Health and Care (EHC) plan. The EHC plan can cover children and young people from birth to the age of twenty five.

The reason for a joint assessment is to ensure that parents and young people only 'tell their story' once and that the assessment focuses on the desired outcomes that children and young people will achieve, as well as the support needed to do this.

The new Act makes sure that families are at the centre of the assessment and planning process and that the new EHC Plans are co-produced with families or young people themselves.

All new assessments will follow the single assessment process from September 2014.

How might this affect the support my child or young person receives?

The EHC assessment and planning process is designed to focus on agreeing individual outcomes and the support to achieve these will be tailored to each child or young person's range of needs. This could include helping families to make best use of support available – from the services available in the Local Offer, from the local community, or provided by statutory and/or specialist support, provision and services where applicable.

Children under compulsory school age (Pre-School)

Children under compulsory school age are considered to have SEN if they have a learning difficulty or disability which requires special educational provision to be made and, when they reach compulsory school age, are likely to have greater difficulty in learning than their peers, or have a disability which prevents or hinders them from making use of the facilities that are generally provided. Children under compulsory school age are also considered to have a learning difficulty or disability if they would be likely to have a learning difficulty or disability when they are of compulsory school age if no special educational provision were made for them.

The majority of children with SEN are likely to receive special educational provision through the services set out in the Local Offer.

A local authority must conduct an EHC needs assessment for a child under compulsory school age when it considers it may need to make special educational provision in accordance with an EHC plan.

Parents, health services, childcare settings, children's centres or others may identify young children as having or possibly having SEN. For most children four years old and under whose SEN are identified early, their needs are likely to be best met from locally available services, particularly the Pre-School Specialist & Disability Support Service, Sensory Support and health services.

Where health believes that a child under compulsory school age has or probably has SEN they must inform the child's parents and bring the child to the attention of the local authority so that support can be put in place. Specialist Support for children can take a number of forms including health visitors, educational psychologists, speech and language therapists or specialist teachers such as teacher for the deaf or vision impaired. The Early Support pathway can offer family support and help in the coordination of services and keyworking for children with more complex needs and home based programmes such as Portage to help parents support their child's early learning and development at home. An EHC plan should not be the first step in the assessment process and should follow after a period of early intervention.

Parents should be fully involved in making decisions about the nature of the help and support that they would like to receive.

The Local Offer will set out how agencies will work together to provide integrated support for young children with SEN, and how services will be planned and commissioned jointly to meet local needs.

Young People aged 19 to 25

It is important to ensure young people are prepared effectively for adulthood and the decision to provide or continue an EHC plan should take this into account. It is also important to note that the new legislation confirms that education up to the age of 25 is not an entitlement, but a recognition that some young people need longer to learn and then to consolidate that learning. The local authority, together with the young person, his or her parents/carers where appropriate, and relevant professionals should use the annual review process to consider whether special educational provision provided through an EHC Plan should continue beyond the age of 19 to enable young people to progress towards agreed desired outcomes that will prepare them for adulthood and help them meet their aspirations. Further education, once leaving school, is a really important time for young people and must give them a good foundation to continue learning through living and working in the local community, once the college programme has finished.



How does the new statutory process work?

At the start of the assessment, you will have the opportunity to look at all your child's needs, consider what support they may need to progress and what desired outcomes you would like to see for the future. A keyworker will be allocated to help you with this.

At the same time, an EHC coordinator will gather information from the other professionals involved and in partnership with you and the professionals involved, consider the desired outcomes and how best these outcomes can be achieved. Remember that this is all about a partnership between you and the professionals involved to make the right decisions for you as a family.

The whole process lasts 20 weeks. During this period a meeting will be held to discuss the emerging EHC plan and you will have the opportunity to contribute throughout this process. The plan will be clear about resources across education, health and social care and will have agreed timescales to make sure that it is updated and reviewed regularly.

The plan will go with your child or young person as they change provisions, schools and also when they leave school and go on to college, work-related training or employment.

New EHC plans cover an assessment across education, health and care with the plan template being divided into the following sections. This includes capturing the views and aspirations of parents for their child and a strong focus on specifying the outcomes sought that will enable the child and young person to make progress.

The new statutory EHC Plan template includes:

Section A: The views, interests and aspirations of the child and his or her parents or the young person.

Section B: The child or young person's special educational needs.

Section C: The child or young person's health needs which are related to their SEN.

Section D: The child or young person's social care needs which are related to their SEN or to a disability.

Section E: The outcomes sought for the child or the young person. This should include outcomes for adult life. The EHC plan should also identify the arrangements for the setting of shorter term targets by the early years provider, school,

college or other education or training provider.

Section F: The special educational provision required by the child or the young person.

Section G: Any health provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN. Where an Individual Health Care Plan is made for them, that plan should be included.

Section H1: Any social care provision which must be made for a child or young person under 18 resulting from section 2 of the Chronically Sick and Disabled Persons Act 1970.

Section H2: Any other social care provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN. This will include any adult social care provision being provided to meet a young person's eligible needs (through a statutory care and support plan) under the Care Act 2014.

Section I: The name and type of the school, maintained nursery school, post-16 institution or other institution to be attended by the child or young person and the type of that institution (or, where the name of a school or other institution is not specified in the EHC plan, the type of school or other institution to be attended by the child or young person).

Section J: Where there is a Personal Budget, the details of how the personal budget will support particular outcomes, the provision it will be used for including any flexibility in its usage and the arrangements for any direct payments for education, health and social care. The special educational needs and outcomes that are to be met by any direct payment must be specified.

Section K: The advice and information gathered during the EHC needs assessment must be attached (in appendices). There should be a list of this advice and information.

What has been done so far?

Since September 2013, all Pathfinders including Bromley, have offered the option of an EHC Assessment and plan to all new referrals who meet the eligibility criteria. Most parents have taken up this option. A new statutory format for EHC plans has now been issued. All current Bromley Pathfinder EHC Plans will be transferred to the new format over the academic year 2014/15.

Transition from Statements/LDAs to EHC plans

Children and young people who already have a Statement or Learning Disability Assessment (LDA) will need to have them converted into an EHC plan. All local authorities are expected to have a transition plan in place by September 2014 and the process completed by April 2018.

Work has already started on this in Bromley and the final transition plan will be shared with all families with children with a Statement/LDA early in the Autumn term 2014.

The transition plan must set out:

- groups consulted
- how many children and young people are to be transferred each year
- order in which children and young people will be transferred to the new system
- details of the transfer review process
- sources of independent information and advice

Introducing Personal Budgets

A personal budget is the amount of money identified by the Local Authority to deliver all or some of the provision set out in the EHC Plan. This may be referred to as a notional budget. A personal budget is one of the ways of giving more choice and control about the way your child is supported. Sometimes the money being spent on services can be freed up and used in different, more creative ways to meet the outcomes.

It may mean that you can organize your own services and be given the money to do that. This is called a Direct Payment.

The personal budget to be considered for your child will depend on the outcomes of the Education, Health and Care assessment.

The way your personal budget is spent will be agreed with you and set out in the EHC plan. Anything you use it for must meet the child or young person's assessed health, education and social care needs.

Some people may use their personal budget to buy the same service; others may use it on different support or other services. If you have an EHC plan, your key worker or EHC coordinator will discuss this with you so that we can agree what is best.

Personal Budgets in Bromley

Bromley SEN, along with Health colleagues, are working on policy and practice in this area. They are looking at aspects of Education, Health and Care that may be offered by way of a personal budget. Further details to follow.

Any offer of a Personal Budget in Education and Social Care is the responsibility of the relevant education or social care funding authority in which the family lives. Health boundaries differ from council boundaries and therefore Health input is offered by the Health Authority your GP is registered with. This may not be in Bromley.

Preparing for Adulthood (PfA) – Extended System birth up to 25

Bromley's vision is to enable young people with Special Educational Needs and Disabilities (SEND) to live, learn and work within their local community, achieve sustained progression, resulting in better life outcomes.

This will be achieved by supporting parents and young people in planning more effectively for the future, from an earlier age. The reforms enable joint working with parents, young people across education, social care and health to meet the assessed needs of young people in a person centred way. Through the Education, Health and Care Plan, destination-led pathways will be developed, ensuring provision and support leads to sustained outcomes.

The PfA Team has supported the testing and implementation of SEND Reforms to enable young people to maximise their potential.



How will SEN support be delivered in Bromley for children and young people with less complex needs?

It is important to remember that an EHC plan is only necessary for children and young people with more complex and enduring needs.

All schools and colleges have a delegated level of funding which can meet a child's learning needs up to a level of £6,000 p.a. Additional support, or 'top-up funding', can be requested by schools, with parental agreement, after schools have demonstrated that they have used all the resources available to them and a 'top-up' is necessary to fully support the child's needs effectively. See the Local Offer section.

Bromley is using a process called a Pupil Resource Agreement in order to deliver this support in a person-centred way.

What is a Pupil Resource Agreement (PRA)?

This is a non-statutory agreement between the Local Authority, school and parents where the level of support in school for the child requires top up funding above £6,000 p.a.

The PRA enables individual pupils' learning needs to be met quickly, in a targeted way without the need to go through a 20 week process. The PRA is produced in partnership with parents at a meeting with the school, the educational psychologist and any other involved professionals where outcomes and support levels are agreed. They are reviewed annually, just like an EHC plan, and the funding mechanism is the same for both in mainstream schools. This means that a child with an EHC plan with the same level of learning need as a child with a PRA would get the same level of resource.

A PRA is a non-statutory agreement, and parents do not have the same statutory rights that a Statement of Special Educational Needs or an EHC Plan brings i.e. Parents will not be able to express a preference for a school for their child, appeal decisions through the First-tier Tribunal (Special Educational Needs and Disability) or be offered a personal budget.

A Pupil Resource Agreement is part of the Bromley Local Offer, therefore, should you move different arrangements may apply in other Local Authorities.

Levels of resource in Bromley schools are determined by the Bromley Banded Funding Guide which can be viewed at your child's school or on the Bromley Local Offer website <http://bromley.mylifeportal.co.uk/lbb-local-offer.aspx>.

mylifeportal.co.uk/lbb-local-offer.aspx. PRAs are regularly reviewed and an EHC Plan may be recommended should your child's needs change.

The Children & Families Act 2014 requires all families, children and young people to participate as fully as possible in decisions relating to their lives and to be at the centre of the new system, irrespective of the level of need. As parents you will be fully involved in making decisions about the nature of the help and support your child receives. The PRA reflects Bromley's aim to promote early intervention through working together with families, children and young people with less complex needs.

What if I am unhappy with the Outcomes of assessments that lead to a PRA or EHC Plan.

Bromley Local Authority would always wish to resolve any issues that you have through discussion.

However, if there continues to be disagreement your rights do not change and you will still have the right to appeal in line with current statutory arrangements.

The Children & Families Act 2014 provides the opportunity for parents and young people to go to mediation before they can register an appeal with the First-tier Tribunal (Special Educational Needs and Disability). Parents and Young People will also be able to go to mediation about the health and social care elements of an Education, Health and Care Plan. Each Local Authority must have mediation arrangements in place by 1 September 2014.

Support and advice is available throughout the process from the Parent Partnership Service and the Independent Supporters Programme. Parent Partnership Services have received additional funding to provide information, advice and guidance to families and young people.

Independent Support

Independent Support is a 2-year programme to provide additional support to young people and parents during the implementation of the SEND reforms. It is Government funded and The Council for Disabled Children will manage the process and oversee an independent evaluation.

A consortium consisting of Bromley Mencap, Burgess Autistic Trust, Bromley Parent Voice and Experts by Experience was successful in their application to deliver the programme from 1st September 2014.

Useful Resources

National Websites

- www.sendpathfinder.co.uk
Read SEND pathfinder information packs which contain a wealth of updated information about the new reforms.
- www.education.gov.uk/childrenandyoungpeople/send
Read about why the government want to make changes to SEND services.
- www.cdc.org.uk
Council for Disabled Children are the Strategic Delivery Partner for the reforms and produce regular updates on the SEND reforms.

Local Websites

- For more information covered in this guide go to the Bromley Local Offer
<http://bromley.mylifeportal.co.uk/lbb-local-offer.aspx>
- **Bromley Parent Partnership Service**
Parent Partnership is an impartial service funded by the London Borough of Bromley. It offers a personalized, confidential service to help you understand how special educational needs are assessed and managed, so that you can make informed decisions about your child or young person's education.
www.parentpartnership.org.uk or call 01689 881024 or 01689 881023
- **Bromley Parent Voice (BPV)**
BPV is the parent carers forum for Bromley. There is a national network of these forums across England. BPV is a parent carer led organisation which represents the views and experiences of families, to influence the improvement of services for children and young people with SEND (and their families) in Bromley. BPV is working with the local authority and other partners to make the changes work.
www.bromleyparentvoice.org.uk
or call: 020 8776 3170 or 07803 287383.



Contact Information

- **Mary Cava**
SEND Reforms Implementation Lead,
London Borough of Bromley
Email: mary.cava@bromley.gov.uk
- **Julia Cavalli**
Interim Head of SEN & Disability Service,
London Borough of Bromley
Email: julia.cavalli@bromley.gov.uk
- **Debi Christie**
Preparing for Adulthood, 16-25 Commissioning
Manager, London Borough of Bromley
Email: debi.christie@bromley.gov.uk
- **Annabel Dixon**
Lead for Pre-School Specialist Support &
Disability Service, London Borough of Bromley
Email: annabel.dixon@bromley.gov.uk
- **Kay Moore**
Parent Participation Officer,
London Borough of Bromley
Email: kay.moore@phoenixsch.org.uk
- **Helen Norris**
Head of Specialist Support & Disability Services
& Pathfinder Champion Lead,
London Borough of Bromley
Email: helen.norris@phoenixsch.org.uk

