



Department
for Education

0-25 SPECIAL EDUCATIONAL NEEDS AND DISABILITY UNIT

July 2016 Newsletter

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- Parent Carer Forum guide to influencing local commissioning

This newsletter is intended for anyone working in special educational needs and disabilities – statutory and voluntary agencies across education, health and social care; and users of the system, such as children, young people and parents. Anyone is welcome to be on the mailing list, so please feel free to forward this e-mail to anyone you feel may have an interest. Those wishing to subscribe to future editions should contact the Department by mailing us at: SEN.IMPLEMENTATION@education.gsi.gov.uk

With thanks.

0-25 SEND Unit

Learning Difficulty Assessments (LDAs) and high needs funding – update

From 1 September 2016, Learning Difficulty Assessments (LDAs) will cease to have any legal effect. Local authorities must make every effort to ensure that, where Education, Health and Care (EHC) plans are needed for those young people who currently have a LDA, they are in place by 1 September 2016.

High needs funding for young people aged 19-25 has only been available from the Education Funding Agency (EFA) where the young people have had LDAs or EHC plans. As LDAs will no longer exist from 1 September, high needs funding will only be available to 19-25 year olds where they have an EHC plan in place. However, there may be some exceptional circumstances where local authorities, despite their best efforts, are unable to complete the full transfer process for a few individual young people by 1 September 2016. In order to avoid any disruption to high needs support for the young person, EFA-funded institutions can continue to deliver programmes to 19-25 year olds, where needed, in the following specific circumstances:

Where the young person has an LDA and is already attracting high needs funding and

- the local authority is in the process of an EHC assessment and has not yet decided to make an EHC plan, or
- the local authority has decided to make an EHC plan but has not yet finalised the plan.

These cases should be the exception not the rule, and cases where an EHC assessment is still underway by 1 September should be particularly exceptional.

The purpose of this exceptionality is to safeguard high needs provision for young people who need it, in cases of any delay in completing the EHC process. This flexibility applies until 31st December 2016. We expect all local authorities to complete the transfer process, and have final EHC plans in place, by this date. Local authorities should let EFA know by Friday 28 October if they think they will have any difficulty meeting this deadline.

This approach does not affect local authority statutory duties in respect of EHC needs assessments and plans, and must not be used to circumvent the need for an EHC plan where one is needed.

If an EHC plan is not in place for a student aged 19+ by 31 December 2016, the institution will not be able to report the student as eligible for EFA funding in its ILR return for 2016/17. It will be for local authorities and institutions to consider the implications of this on the young person, and for funding arrangements, and agree a contingency plan.

EFA will be updating its published operational guidance to institutions and local authorities before 1 September.

Data update

26 May Statistical First Releases: Statements of SEN and EHC plans

On 26 May, the Department published Statements of SEN and EHC plans: England 2016, (<https://www.gov.uk/government/statistics/statements-of-sen-and-ehc-plans-england-2016>) which showed that:

- There were 256,315 pupils with statements or EHC plans, an increase of 16,130 on last year's total of 240,185.
- Local authorities are producing 59.2% of new plans within 20 weeks, excluding exception cases.
- 18.2% of children and young people who had statements as of 15th January 2015 transferred to an EHC plan by 21st January 2016. Local authorities have until April 2018 to transfer the remaining statements.
- 47% of children and young people with statements or EHC plans were placed in state funded mainstream schools, 40% attended state funded special schools, 4% attended independent special

schools and 9% attended other provisions. Any comparisons with previous years should be treated with caution as the scope of the collection has changed for both age and establishment types leading to the increase in the 'other' section.

- There were 1,400 mediation cases held in 2015, of which 24.9% went on to an appeal to the tribunal during 2015. It is possible that some mediation cases held in 2015 may have gone onto tribunal in 2016 and would not have been captured in this SFR (this is the first year we've reported this data).
- 2,205 personal budgets were taken up for EHC plans issued or reviewed during 2015.
- 147 LAs had or are recruiting designated medical or clinical officers.

Minister Edward Timpson and Department of Health Minister, Jane Ellison, co-authored a blog on Special Needs Jungle referencing the SFRs and giving an overview of the progress made so far in implementing the reforms. A link to the blog is available below:

<http://www.specialneedsjungle.com/edward-timpson-and-jane-ellison-our-reforms-are-boosting-the-life-chances-of-children-with-send/> .

26 June Statistical First Release: School Census

On 28 June, the department published statistics from the January school census, which includes data on pupils aged 5-16 with SEND. You can find a complete set of data [here](#), but headline findings for SEND are as follows:

- The proportion of children with SEN has fallen from **15.4%** to **14.4%**, continuing a trend of declining each year since 2010, when it stood at 21.1%. The decline this year is caused by a fall in the proportion of pupils on SEN support, from **12.6%** to **11.6%**. The proportion of pupils with statements/EHC plans has remained constant at **2.8%**.
- The breakdown of pupils by type of primary need has remained broadly similar to last year, with moderate learning difficulty the most common primary need identified for SEN support pupils, and autistic spectrum disorder the most common need for those on statements/EHC plans.

30 June Statistical First Release: early years

On 30 June, a statistical first release was published on education provision for children under 5 years of age, as at January 2016.

The publication contains data on the rates of two, three and four year olds in receipt of funded early education who are identified with special educational needs. Headlines are as follows:

- The total number of **2-year-olds** in receipt of funded early education has increased in 2016 and the proportion with SEN has increased slightly from 2.6% to 3.0%. This was due to an increase in the percentage of children with SEN with a statement or EHC plan.
- The number of **3- and 4-year-olds** in receipt of funded early education has increased in 2016 however; the percentage with SEN has decreased slightly from 6.1% to 6.0%. This was due to a decrease in the percentage of children with SEN without a statement or EHC plan.

To read the full report, please click on the link below:

<https://www.gov.uk/government/statistics/education-provision-children-under-5-years-of-age-january-2016>

SEND data available on Local Government Inform (LG Inform)

The Department for Education has worked with the LG Inform team to add a range of published SEND data, including SEN2 and the school census, to the LG Inform online analysis tool. The metrics are drawn from existing data in key publications set out in 'SEN: An analysis and summary of data sources', and are intended to support local areas use of data and intelligence to measure progress and success.

A SEND report is in preparation and will be available on LG Inform in the summer. For further information contact the Local Government Association at support@esd.org.uk.

Parent carers and young people share their experiences of the EHC planning process

EHC experience pilot survey results

DfE is undertaking a large scale survey of families with Education, Health and Care plans (EHC plans) this summer. We are asking parents, carers and young people about their experiences of gaining a plan and how the plan is affecting their lives.

The survey is being carried out by IFF Research and Derby University and DfE will be working with partner organisations to help raise awareness so it is completed by as many families as possible. This will ensure that the results reflect the picture nationally, giving the department and local areas comprehensive evidence of how families are experiencing the EHC planning process.

Pilot survey results

The questionnaire has been developed with an independent advisory group including parent carer representatives and was piloted in April and May this year. The pilot survey was small-scale and based on 317 families with plans in 2014, so the findings are only indicative of the first four months following the September 2014 reforms - they are not up to date or nationally representative¹.

When asked about overall satisfaction with the EHC process, most respondents (63%) were satisfied or very satisfied; 13% were dissatisfied or very dissatisfied, with the remainder being unsure or preferring not to answer.

Families were also asked how much they agreed/disagreed with four statements about what difference their EHC plan had already made:

- 67% agreed that their EHC plan led to the child or young person getting the help and support they need
- 62% agreed their plan improved the child or young person's experience of education
- 50% agreed their plan improved the child or young person's health or wellbeing
- 42% agreed their plan enabled the family to live the life they want to lead

Fewer respondents disagreed with these statements: 12%, 13%, 19%, and 22% respectively; the remaining respondents were unsure or preferred not to answer the question.

The full questionnaire, which will be used again in the main survey, asked for families' opinions on: initiating the EHC planning process; assessment; information and advice; person-centred service; personal budgets;

¹ Respondents were drawn from the National Pupil Database and Individual Learner Records. Results relate to perceptions of 317 respondents with plans in place 2014 (225 parents or carers and 92 young people). Within this, at least 254 cases related to statement transfers and at least 65 cases related to new plans. Analysis indicates that non-white / non-British children are underrepresented. The results are unweighted and are only representative of this small sample. Families who received plans in 2015 were not surveyed so that they could be involved in the main survey this summer.

agencies working together; duration of process; complaints procedure; and perceived impact on future outcomes. The full results tables of the pilot survey are provided in an accompanying document which you can download at the link below:

http://www.iffresearch.com/wp-content/uploads/2016/07/Pilot-data-tables_-EHC-Experience-Survey_July2016.pdf

Next steps

Survey invitation letters will be sent to families in the sample of individuals with an EHC plan in place in 2015 and the survey will be completed in July-September 2016. The results will be published in the New Year with updates to follow before then.

Families' experiences of the EHC process are explored in a new DfE research study undertaken by ASK Research

ASK research have produced research aimed at local decision makers and practitioners which sets out what parents, children and young people say is good practice in the EHC planning process. It also details how local authorities can carry out similar research among their service users. Findings are presented on a website that includes stories from individual families and user-friendly checklists to help local areas to assess their performance. For more information, please visit the website at ehcpjourneys.com.

Local area SEND inspections

Ofsted and Care Quality Commission inspectors have undertaken the first ever local area SEND inspections, which will report on strengths and areas for development in the provision of local services for some of the most vulnerable children and young people. The letters will be published over the summer on the Ofsted and CQC websites. The SEND inspection handbook and framework are available at the links below:

<https://www.gov.uk/government/publications/local-area-send-inspection-framework>

<https://www.gov.uk/government/publications/local-area-send-inspection-guidance-for-inspectors>

Announcements

Seven new SEND contracts awarded by DfE

The Department for Education has awarded seven new contracts in 2016-17, as below:

- Support for the schools workforce from the Whole School SEN Consortium, led by the London Leadership Strategy and Nasen
- Support for the further education workforce by The Education Training Foundation
- Sensory impairment support from the National Sensory Impairment Partnership
- Dyslexia support from a consortium led by The British Dyslexia Association
- Improving young people's participation and engagement in delivering the SEND reforms, led by The Council for Disabled Children in partnership with KIDS
- A review of the National Award for SEN Co-ordinators (SENCoS) provided by Achievement for All
- Support for young offenders with SEND provided by Achievement for All.

We have also extended the following contracts and grants:

- Training for schools, Early Years and Further Education staff from the Autistic Education Trust on identifying and supporting pupils with autism
- Funding for delivery support from the Delivering Better Outcomes Together consortium and A Imich Associates, including support for the Preparation for Adulthood (PfA) agenda, direct monitoring, advice, challenge and support to local authorities via a team of specialist professional advisers; management of an SEND Tribunal pilot and regional support services

- Strategic support from the National Children's Bureau, including front line training to education, social care and health professionals on key aspects of the reforms
- National funding to support Parent Carer Forums via Contact a Family
- Specialist support for speech, language and communications provided by I CAN on behalf of The Communication Trust
- Funding for Independent Supporters via The National Children's Bureau
- Funding to support local authorities in implementing the SEND reforms in 2016-17
- Additional funding to nine local authorities acting as regional leads for the implementation of the reforms
- Funding to the Family Fund Trust to provide grants to families on low incomes with disabled and severely ill children.

Transforming Care for children and young people with learning disabilities and / or autism

Every local area is now part of a Transforming Care Partnership, which has developed plans to ensure children, young people and adults with learning disability and / or autism have the support they need locally, and are not admitted to hospital without a clear treatment plan. It is important to ensure that there are strong links between strategic planning for SEND in local areas and the Transforming Care Partnership Board, so if you have not already been working together, please make those links.

As background, the Transforming Care programme, led by NHS England, aims to improve care and support for children, young people and adults with learning disabilities and/or autism and mental health problems or behaviour that challenges. It focuses on five key work strands of activity:

- **Empowering individuals** – giving service users more choice and say in the care and support they receive.
- **Getting the right care in the right place** – with a focus on supporting people in their local communities.
- **Regulation and inspection** – tightening the regulation and inspection of providers to drive up the quality of care.
- **Workforce** – developing the skills and capability of the workforce.
- **Data and information** – making sure the right information is available at the right time, and continuing to track and report progress.

The service model for Transforming Care has strong overlaps with the Children and Family Act 2014 in terms of person-centred planning; ensuring families have access to information, advice and support; identifying the population; and developing personalised models of support that enable children and young people with learning disabilities and / or autism to meet their desired outcomes.

The NHS England workstream for children and young people, working in partnership with Department for Education, (DfE), the Association of Directors of Children's Services (ADCS), the Department of health (DH), parent carers and the voluntary sector, has been working over the last six months to ensure all children and young people either in hospital or at risk of admission have a Care and Treatment Review. All local areas have also been contacted by NHS England seeking information about children and young people in 52 week residential schools. This is part of the programme of work to ensure that planning is in place for those young people leaving school, when risk of admission to hospital may be higher.

For more information about Transforming Care, and the Children and Young Peoples workstream, please visit <https://www.england.nhs.uk/learningdisabilities/care/>.

Professional development survey and prize draw opportunity from The Communication Trust

Are you interested in entering a prize draw to win a £50 Amazon voucher? The Communication Trust is seeking the views of those who work with children and young people about their experiences of professional development opportunities around speech, language and communication and speech, language and communication needs (SLCN).

The Trust has developed a short survey to gather the views of a wide range of professionals including teachers, teaching assistants, school leaders, school nurses, health visitors, youth justice practitioners and early years practitioners. They want to hear from everyone: whether you've never had any CPD or initial training around children's communication, or have accessed a number of development opportunities in this area, your views are vital to their work. **Please follow this link before 22nd July to access the short survey and enter the £50 Amazon voucher prize draw – www.surveymonkey.co.uk/r/slcworkforcedevelopment.** Please also feel free to forward the link onto all of your relevant colleagues to help the Trust to gather as many views as possible.

Transitions into Employment for Disabled Learners

An employer-led group has recommended a number of actions to help young people with SEND to make the transition from education to employment.

The Transitions to Employment Group was chaired by former Lloyds Banking Group senior manager Graeme Whippy MBE, who said:

“Every year, around 120,000 young people with SEND join the labour market from education, with up to four times the risk of unemployment. Stemming this ‘pipeline’ is crucial to cutting the disability employment rate and ensuring that all young people have a fair chance. At the moment, opportunities are being missed.”

The Group reviewed evidence and drew on the knowledge of a wide range of practitioners, experts and employers. They found powerful examples of employers working in partnership with education and training providers, but not enough. They have written to Disability Minister, Justin Tomlinson to recommend some practical steps to make a difference. These include:

- **A call to action for employers** - build into Disability Confident a commitment to key steps such as recruiting supported interns and disabled trainees/apprentices, working with schools, colleges and recruitment agencies.
- **A rapid expansion in Supported Internships** – to be offered by more employers and education providers.
- **Extend the internship approach to more students** – elements of the internship model (such as job coaches) can improve employment progression for students with milder impairments, making traineeships and apprenticeships inclusive and effective for all.
- **An inclusive careers strategy** – the forthcoming Department for Education careers strategy should address concerns about the disconnect between careers and disability advice, with action to improve outcomes for young people with SEND.

The full report is available at <http://businessdisabilityforum.org.uk/about-us/newsletter/members/june-2016/new-report-recommends-action-on-transitions-into-employment-for-disabled-learners/>

Information for residential holiday schemes for disabled children

We would like to remind you that holiday schemes for disabled children offering accommodation for less than 28 days a year must register with Ofsted before opening.

We know that many schemes are run by charitable organisations so ensuring regulation and fees are proportionate is vitally important. In developing a framework to regulate schemes, we have tried to strike a balance between the need for independent oversight and a lighter touch approach to inspection and

regulations. The regulations introduced in 2013 remove inappropriate requirements and burdens on schemes whilst retaining child safeguarding requirements. Inspection requirements and fees have also been made more proportionate.

We know the big difference holiday schemes can make to disabled children and their families so we encourage schemes to register with Ofsted to ensure they can continue to provide support for families this year. Further information is available at the links below:

- [Introduction to residential holiday schemes for disabled children](#)
- [Guidance on registering as a children's social care provider](#)
- [The Residential Holiday Schemes for Disabled Children \(England\) Regulations 2013](#) [Residential Holiday Schemes for Disabled Children: National Minimum Standards](#)

If you have any queries about registering holiday schemes for disabled children, you can contact Ofsted by e mailing enquiries@ofsted.gov.uk or you can call them on 0300 123 1231.

New resources available now

Personal Outcomes Evaluation Tool (POET)

In Control has published its latest national report on the pilot of the [Personal Outcomes Evaluation Tool \(POET\)](#) for children and young people with Education Health and Care Plans (EHCPs). The development of the tool has been funded by the DfE with 70 local areas taking part in the final year of the pilot. The survey took place between September 2015 and January 2016, with responses from 2,989 practitioners working to implement EHCPs, 1,879 parents/carers and 906 children and young people who have experience of EHCPs

New social care resources from the Council for Disabled Children (CDC)

Following work with Independent Reviewing Officers (IROs) and the London Region in 2015-16, the Council for Disabled Children (CDC) has published two briefings looking at:

1. The role of the Independent Reviewing Officer in EHC assessments and plans at: <http://bit.ly/1TtP0tf> and
2. Identifying the social needs of children and young people with SEND as part of EHC assessment and planning at: <http://bit.ly/1qGwKzv>

Local offer briefing – normally available provision

The CDC has published a local offer briefing which sets out the provision the local authority expects to be made available by schools, early years and post-16 providers. It focuses on the requirement on local authorities to set out what special educational provision and special training provision it expects from schools, early years and post-16 providers.

The briefing can be accessed at: <http://councilfordisabledchildren.org.uk/help-resources/resources/local-offer-briefing>.

Council for Disabled Children summer digest

On 30 June, CDC published its summer [Digest](#) for 2016. This summer's issue has a special focus on the participation of disabled children and young people and includes:

- An **update on the support** funded by the Department for Education to implement the SEND reforms in 2016-2017.
- An article from **SIBS** and the **Family Fund Trust** looking at the barriers faced by siblings of disabled children.
- Three new case law updates from **Steve Broach** looking at breaches of human rights, school transport duties and what education means post-18.

- A spotlight on **NHS England's** new project to empower children and young people with autism to make decisions about their lives.
- Member Focus - looking at **The Children's Sleep Charity's** work supporting families of children with autism to get a good night's sleep.

Clinical Commissioning Groups (CCGs) Audit Tool

This tool brings together in one place the key pieces of evidence which Clinical Commissioning Groups (CCGs) will wish to consider when assessing their progress in implementing the SEND reforms.

The tool uses an easily accessible “at a glance” RAG rating system to update the relevant CCG Board on progress in implementation. It also includes a facility for a follow up audit which enables the responsible CCG officer to demonstrate trends in terms of implementation and flag up any areas which are not moving towards full compliance.

CQC and Ofsted will view completed audit tools as evidence demonstrating an active commitment to, and interest in, implementing the reforms. The tool can be accessed here:

<http://councilfordisabledchildren.org.uk/media/1106619/ccg-audit-tool-final.xlsx>

New Disability Matters Online Resources

For many disabled children and young people in education or training, the social and emotional aspects of their lives are too often overshadowed by their more immediate physical care needs. Many young disabled people also report becoming the unwitting victims of others’ low expectations – where behaviour can go unchallenged, choices are withheld and opportunities for social and educational inclusion missed or avoided. To tackle these issues of social, educational and opportunity inequality, the Department of Health challenged the Royal College of Paediatrics and Child Health (RCPCH) and 13 other partners including the Council for Disabled Children to develop an attitudinal and behavioural change initiative that would make a real difference in the areas that mattered most to young people and their families. The result was [Disability Matters](#), a free online workforce development tool for health, education and social care settings that launched in 2015.

Comprising over 50 online learning modules, these resources encourage learners to reflect on their current practice, identify areas for improvement and adopt new behaviours or ways of working that support a whole person approach. You can begin exploring the resources available by following the links below:

<http://www.saferschools.org.uk/why-disability-matters-in-schools-fe-and-he-settings/>

<http://www.saferschools.org.uk/disability-matters/>

Nasen Online CPD Resources

With funding from the DfE, nasen has developed [Focus On SEND](#), a package of free online continuous professional development (CPD) for all mainstream settings, from 0–25, across England. This CPD informs and helps develop best practice in meeting the needs of children and young people with SEND, and is designed around a process which encourages reflection and collaboration. Focus On SEND was launched at [Nasen Live 2016](#) - a Special Educational Needs exhibition that was held in Leeds on 29-30 April. Local authorities are asked to bring this CPD to the attention of their settings and in particular, those in the early years and post-16 sectors.

Focus On SEND is one of many resources available through the SEND gateway. The SEND Gateway was developed by nasen as an online portal offering education professionals free, easy access to high quality information, resources and training for meeting the needs of children with special educational needs and disabilities. It provides an opportunity for the education workforce to develop new skills and understanding; to navigate recent reforms to SEND; and to access resources and training materials. The SEND Gateway will continue to grow over the year ahead, allowing teaching professionals to access the latest information, guidance and innovative ideas. To find out more, visit <http://www.sendgateway.org.uk/>

Launch of the Youth Justice SEND Project bulletin

Supporting the special educational needs of young people in custody, or at risk of custody, is a challenge for all local authorities. The Youth Justice SEND project, delivered by Achievement for All, the Association of Youth Offending Team Managers and Manchester Metropolitan University, can put you in touch with the latest research, connect you to an open community of practice and provide training opportunities at regional workshops. For the latest news and information on training, events and research, sign up for the project's monthly bulletin here:

<http://us6.campaign-archive2.com/?u=86ed797fe5240bb8ea0fa4fa3&id=e9493aae4d&e=a104062c0f>

Brain Injury Support and Resource Website launched

Support and resources are now available from the Brainstars website for those enduring the stress of dealing with the tragedy of a severe brain injury in the family. Run by parents for parents, the website is designed to offer information and support in a positive way. Advice is provided on a broad range of subjects including medical issues, nutrition, therapies, disability and family rights, holiday advice, suggestions and offers, clothing, funding advice and equipment. For more information, please visit www.brainstars.co.uk.

Guidance for Schools on provision for pupils with Down's syndrome

We would like to remind you of some helpful guidance which was issued by the All Party Parliamentary Group for Down's Syndrome in 2012.

The guidance offers information about the specific learning needs of children with Down's Syndrome and sets out principles for good inclusive and effective education practice to improve outcomes for this group of pupils. It can be downloaded at http://www.ucl.ac.uk/educational-psychology/newsletter/resources/APPGDS_guidelines.pdf.

Interactive Guide to support families of children with life-limiting conditions

Together for Short Lives has developed an interactive guide which aims to help families of children and young people in England with life-limiting conditions to join-up their assessments, plans and services across education, health and social care. The guide can be found at www.togetherforshortlives.org.uk/sendfamily.

Parent Carer Forum guide to influencing local commissioning

Contact a Family has developed a toolkit to help Parent Carer Forums to co-produce with health and social care professionals. The toolkit helps Forums understand who the decision-makers are and how to influence local commissioning. You can access the toolkit at:

http://www.cafamily.org.uk/media/940181/health_toolkit_for_parent_carer_forums.pdf

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Department for Education

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