

CSN POLICY BRIEFING

Implementing the 0 to 25 special needs system: Government advice

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Summary

The Department for Education and Department of Health have published [Implementing the 0 to 25 special needs system: advice for local authorities and health partners](#) and other documents. Although non-statutory, the advice is intended to help key stakeholders understand their role in implementing the reforms to the special educational needs system being introduced through the [Children and Families Bill](#).

The advice contains information for strategic leaders including:

- The case for change which provides an overview of the numbers, and outcomes, of children and young people with special educational needs and disabilities including the fact that 1.55 million pupils in England in 2012/13 were identified as having special educational needs (SEN) (18.7%).
- Key questions local strategic leaders have found useful in thinking about implementing the SEN reforms in the pathfinder areas covering data, links to wider reforms such as health, partnership working, and measuring progress.
- An outline timeline for implementation covering the national policy timescale and local planning and delivery timescales.
- The new statutory duties and changes of the SEN reforms (subject to parliamentary approval of the Children and Families Bill).
- Resources and support that can be accessed from a variety of organisations to support the cultural and system change these reforms require including from the Pathfinder areas and the Council for Disabled Children.

The advice will be of interest to local authorities including children services, social care and adult social care, plus health partners including Clinical Commissioning Groups and Health and Wellbeing Boards.

The advice will be reviewed before September 2014, when the new special educational needs legislation is planned to commence.

Briefing in Full

The Government's vision for children and young people with special needs is the same for all children and young people, it is:

"...that they achieve well in their early years, at school and in college; lead happy and fulfilled lives; and have choice and control."

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The reforms to the special needs system introduce a new approach which joins up help across education, health and care from birth to 25. Local areas will be expected to offer help at the earliest opportunity and involve children, young people and their parents or carers fully in decisions about their support and in what they want to achieve. The aim is that this will lead to better outcomes and more efficient ways of working.

The Case for Change

The advice sets out the rationale for change in terms of need and efficiency:

- **Numbers of children and young people:** 1.55 million pupils in England in 2012/13 were identified as having special educational needs (SEN) (18.7%). Boys are two and a half times more likely to have statements of SEN at primary school than girls, and nearly three times more likely to have statements at secondary school. In addition, 71.5% of children in the school population looked after for at least a year, as at 31st March 2012, had special educational needs. Looked after children are three and a half times more likely to have special educational needs, and over ten times more likely to have statements of SEN.
- **Children and young people with SEN do less well than their peers at school and college:** Pupils with SEN are more likely to have higher levels of absence from school. In 2011/12, persistent absence rates for pupils with statements of SEN were 13.4%, compared to 3.8% for pupils with no SEN. Pupils with SEN are more likely to be excluded from school. In 2011/12, rates of fixed rate exclusions were 8.2% of pupils with statements of SEN, compared to 1.4% for pupils with no SEN. At Key Stage 2 in 2011/12, 17% of pupils with statements of SEN achieved the expected level in both English and maths, compared to 91% of pupils with no SEN. At Key Stage 4 in 2011/12, 8.4% of pupils with statements of SEN achieved a level 2 qualification including English and maths, compared to 69.2% of pupils with no SEN.
- **Young people with SEN are more likely to be out of education, training and employment:** Young people with SEN are more than twice as likely not to be in education, employment or training (NEET). Analysis in 2009 showed that 30% of young people who had statements at Year 11, and 27% of those who were identified as SEN without statements, were NEET at age 18. This compared to 13% for those with no special provision at Year 11. Disabled young people are also more likely to be NEET at 18 than others.
- **Employment outcomes for people with SEN and disabilities are poor:** In 2012, 46% of disabled people were in employment, compared to 76% of non-disabled people. If 76% of disabled people were employed, this would represent over 2 million more people in employment. In addition, employment rates for those with learning difficulties are much worse, with some evidence suggesting this to be as low as 7%.
- **Supporting independence improves outcomes and deploys resources more effectively:** The National Audit Office estimated that the cost to the public purse of supporting a person with a moderate learning disability through adult life (16–64) is £2–3 million. Equipping a young person with the skills to live in semi-independent rather than fully supported housing could, in addition to quality-of-life improvements, reduce these lifetime support costs by around £1 million. Supporting one person with a learning disability into employment could, in addition to improving their independence and self-esteem, reduce lifetime costs to the public purse by around £170,000. Adult care costs for those with learning difficulties and/or disabilities are second only to the costs of supporting the elderly (£5.19bn compared to £8.79bn, 2012-13).

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Questions for Local Strategic Leaders

The advice sets out the following questions drawn from the pathfinder experiences. They are intended to help local strategic leaders in implementing the new approach in their area:

- What can I be doing personally to support this reform agenda and change cultures?
- Who is responsible for each of the major steps of implementation; and who has overall accountability for ensuring we are ready for implementation in September 2014?
- What does my local area's data tell me about outcomes for children and young people with SEN?
- How does SEN reform link to other reforms we're leading locally (e.g. health, education, adult social care, youth services, youth offending, housing, early intervention)? What new relationships do I need to develop (e.g. with post-16 education and training providers)?
- What are the value for money arguments for reform? If we get this right, can we secure better outcomes for children and young people by deploying resources more efficiently?
- How can we ensure a genuinely person centred approach from birth to age 25, which fully involves children, young people, parents and carers?
- How can I ensure providers across a range of services are supported to implement the reforms, particularly those who the local authority has had little involvement with in this area, such as further education providers?
- How will I know my local area is performing well to help children and young people with SEN achieve in education and employment (outcomes)?

Timeline for Implementation

The advice provides a timeline for implementation which covers the national policy timescales, and local strategic planning and delivery timescale. It is illustrated in the diagram below.

System Changes to Deliver the New Approach

The SEN reforms are being introduced alongside a number of other system changes including:

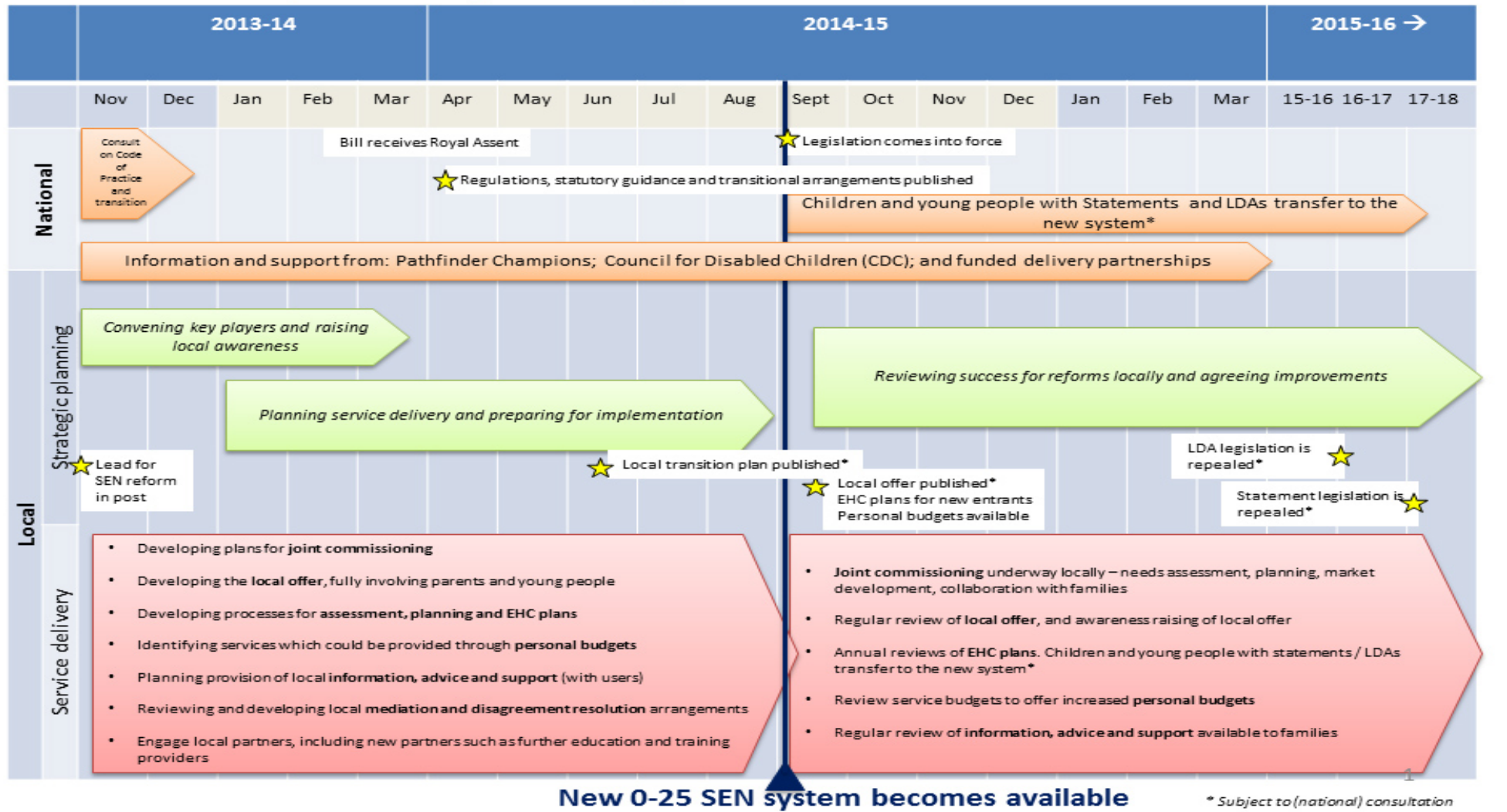
New statutory responsibilities and powers for local authorities

Subject to Parliamentary approval, from September 2014 the Children and Families Bill will place new statutory responsibilities on, and give new powers to, local authorities. Local authorities will have to:

- Work with health and social care colleagues jointly to commission services to deliver integrated support for children and young people with SEN aged 0-25.
- Consult children, young people and their parents, and cooperate with a range of local providers across education, including post-16 education providers such as further education colleges and training providers, health, social care and the voluntary sector to deliver the new system.
- Work with local partners, parents and young people to co-produce and publish a local offer of SEN services and provision to assist young people in finding employment, obtaining accommodation and participating in society.

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Timeline for implementing a new approach



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- Provide a coordinated education, health and care assessment for children and young people aged 0-25, and new Education, Health and Care (EHC) plans that will replace the two existing systems of SEN statements in schools and Learning Difficulty Assessments in further education and training.
- Offer those with EHC plans the option of a personal budget.
- Consider the transition from children's to adult services and whether to use a new power to provide children's services to young people over 18 to smooth their transition.

The legislation puts parents, children and young people at the heart of the new system. The Government wants to move away from the perceived feeling that families have to fight for services. While parents and young people will have the right to appeal to the First-tier tribunal over disagreements with the local authority, resolution through mediation must be explored initially.

Code of practice

The Department for Education and the Department of Health have consulted on a new 0-25 SEN Code of Practice, which will act as statutory guidance for the duties introduced by the Bill. A final Code of Practice will be published in spring 2014. The consultation closed on 9 December. See [Related Briefings](#).

NHS Mandate and the role of health partners

The Mandate to the NHS Commissioning Board sets out the objectives for the NHS. The [Mandate](#) says that "One area where there is a particular need for improvement, working in partnership across different services, is in supporting children and young people with special educational needs or disabilities. NHS England's objective is to ensure that they have access to the services identified in their agreed care plan, and that parents of children who could benefit have the option of a personal budget based on a single (coordinated) assessment across health, social care and education."

The Children and Families Bill includes the health commissioning duty: "where there is provision which has been agreed in the health element of the EHC plan, health commissioners must have arrangements in place to secure that provision. All provision reasonably required by a child or young person's special needs must be included in the EHC plan."

The draft Code of Practice describes the role of health bodies, clinicians and providers, including:

- Health bodies must co-operate with the local authority in commissioning integrated, personalised services and designing the local offer, including ensuring relevant contracts with providers reflect the needs of the local population.
- Clinicians and providers will:
 - support the identification of children and young people with SEN, particularly at key points such as in the early years through the progress check at age 2, the integrated health check and through the healthy child programme;
 - respond to requests for advice for an EHC plan within required time limits;
 - make available health care provision specified in the EHC plan as per their commissioned role;
 - contribute to regular reviews of children and young people with EHC plans where requested/relevant.
- The local offer must include information about health care provision for children and young people with SEN.

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- The draft Code of Practice also places an expectation on Clinical Commissioning Groups (CCGs) that a Designated Health Officer (DHO) should be identified, whose role is to ensure that the CCG is meeting its statutory responsibilities for SEN.

High Needs Funding Reform

In 2013, the Government introduced changes to school and post-16 funding, including the system for funding pupils and students with high needs. As part of this, funding for pre- and post-16 will be integrated into a single 0-25 funding system.

This may help local authorities, as commissioners of services for the most vulnerable pupils and students, use funding more effectively to provide the right support by joining up education, health and social care, in the right place and at the right time. It may also help local authorities in publishing a local offer, developing personal budgets and helping families express a preference for provision that best meets their or their children's needs.

Resources and Support Materials

This section of the advice sets out the range of free resources and support that are currently available to local areas. Resources are from the pathfinder areas which are already implementing the new system, and from the range of voluntary and community sector organisations funded by the Department for Education to support implementation of the reforms.

The offer of resource and support materials will continue to develop in the coming months, in response to local need. For example, support is being developed for the implementation of personal health budgets for children and young people, and a communications strategy will ensure the health system is fully aware of the implications of the reforms.

Pathfinders

There are information packs on:

- 0-25 coordinated assessment process and EHC plan (the Department for Education has also published two examples of Education, Health and Care Plans which can be found [Hartlepool](#) and [Southampton](#))
- Personal budgets
- Local offer
- Joint commissioning
- Engagement and participation of children, young people, parents and carers
- Preparing for adulthood

Each local area is able to access support on implementing the reforms from a pathfinder in their region. These "pathfinder champions" have been selected from the existing group of pathfinders, on the basis that they have already made strong progress in implementing the reforms and have the experience and capacity to advise and support non-pathfinder areas. The champions are providing a mixture of information, advice and support, through online support, regional seminars and events, and 1-1 support. Champions have already been in touch with each local authority. For more information contact your local authority SEN team in the first instance to find out how the pathfinder champion offer is being taken up in your area.

Further information on pathfinders is available at: www.sendpathfinder.co.uk.

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The advice also provides some examples from non-pathfinder areas.

The Voluntary and Community Sector

Council for Disabled Children (CDC)

The [Council for Disabled Children](#) (CDC), as the Department for Education's strategic reform partner for SEN, has developed resources on SEN and disability policy. CDC is bringing together the work of voluntary organisations who offer information and/or support to local areas, including work by:

- Early Support
- Preparing for Adulthood
- National Network of Parent Carer Forums
- Contact a Family
- National Parent Partnership Network

Preparing for Adulthood (PfA)

[Preparing for Adulthood](#) (PfA) is a partnership between the National Development Team for Inclusion (NDTI) and CDC, specifically focusing on the SEN reforms as they apply to the 14-25 age group.

Personal Budgets

With the support of the Department for Education and pathfinder local authorities, In Control and SQW have published an implementation framework for personal budgets for children and young people. The implementation framework draws on the draft Code of Practice and regulations, as well as the respective expertise and experience of those involved.

Further information is available [here](#). See [Related Briefings](#).

There are a number of organisations funded by the Department for Education who are working on aspects of personalisation. Contact details are available on the [Council for Disabled Children](#) (CDC) website. For example, KIDS has produced "Making it Personal" advice on commissioning: www.kids.org.uk/publications

Involving children, young people and parents

There is a strong emphasis in the new draft legislation and the draft Code on engaging children, young people and parents. The Council for Disabled Children supports a national group of disabled young people called [EPIC](#), who are advising the Department for Education on the reforms.

Local Parent Carer Forums exist in each area and, along with young people groups in the local area, should be engaged fully in developing local plans. Further information is available at:

- [Contact a Family](#) for children with disabled children
- [National Network of Parent Carer Forums](#)

Education Settings

The Department for Education has funded [Nasen](#) to develop the "SEN Gateway", enabling all schools and education settings to access high quality information, resources and training in relation to the reforms. The Gateway will be launched in spring 2014. Nasen will also be running regional implementation events in June / July 2014, providing a pack of information to 0-25 education providers on best practice approaches to implementing aspects of the reforms.

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In addition, the SEN support process in the Code of Practice draws on learning from the Achievement for All pilots. The charity [Achievement for All](#) has developed this into a more extensive whole school approach to engaging parents more effectively to improve progress and outcomes for pupils with SEN and other disadvantaged groups. They also provide support to local authorities on the development and delivery of the local offer, in partnership with settings, teachers and families.

They offer some materials free of charge, including self-audit tools and online training. 1900 schools have already signed up for a more extensive paid-for programme of support from trained coaches on how to build structured conversations with parents into a fully-evidenced programme to improve outcomes.

To help the further education sector to develop their capacity, the government are funding:

- bursaries to support high calibre graduates to train to be specialist teachers of students with SEN in further education
- grants for the existing FE workforce to undertake specialist continuing professional development (the Diploma in Teaching Disabled Learners)

Further information on these opportunities can be found on the [Association of Centres for Excellence in Teacher Training \(ACETT\)](#) website.

DfE Readiness Survey

The annex provides a summary of responses to the October 2013 local authority readiness survey. More detailed data can be found [here](#).

Comment

The advice provides a useful overview of the support that is available to local areas in implementing the new SEN system. However, the support available nationally seems limited and local areas will need to work and learn from each other. It will be vital for areas to learn from their “pathfinder champions” whilst bearing in mind that from September 2014 the reforms will apply to all children and young people with special educational needs and disabilities. Most local areas may find the resources and support materials section more useful in gaining an oversight of local delivery timescales, options, and challenges.

One issue that the advice does not address fully is some of the challenges in implementing the new system including partnership and integrated working, how to resolve conflict in the system, and the role of the “key worker”. This last point is particularly pertinent in light of the Government’s recent [announcement](#) to allocate £30 million to fund 1,800 “independent supporters” recruited from the voluntary and community sector to help parents navigate the new special educational needs process. The Council for Disabled Children will trial the training, recruitment and funding allocation, and will also invite applications.

However, it is not clear how this role will relate to the key worker function which families who are currently involved in trialling the new process in the Pathfinder areas have found crucial, especially in receiving a more joined-up service, and who, in many ways, are already providing families with support to “navigate the new process.”

Finally, it will also be important for local areas to bear in mind that the current Pathfinders, and other areas, are working with a smaller number of families; when the programme is rolled out in

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September 2014, the same challenges that these areas are currently facing may still exist, applying to a larger number of families.

External downloads

DfE: [Implementing the 0 to 25 special needs system: advice for local authorities and health partners](#) (December 2013)

DfE: [Impact Evaluation of the SEND Pathfinder Programme](#), (October 2013)

DfE: [Evaluation of the SEND pathfinder programme: Process and implementation: Research Report](#) (June 2013)

UK Parliament [Children and Families Bill](#)

Related briefings

[Impact Evaluation of the SEND pathfinder programme](#) (December 2013)

[Support and Aspiration: Introducing Personal Budgets](#) (November 2013)

[Draft SEN Code of Practice: processes and children in specific circumstances](#) (November 2013)

[Draft SEN Code of Practice: local authority and institution roles and functions](#) (October 2013)

[SEND Pathfinder Evaluation – Process and implementation](#) (July 2013)

[SEN Code of Practice: Indicative Draft](#), (April 2013)

[SEND Pathfinder Programme – March 2013 Report](#) (March 2013)

[Children and Families Bill](#) (March 2013)

[SEND Pathfinder Projects: Early Experience](#), (September 2012)

[Support and aspiration: a new approach to SEN and disability – progress and next steps](#) (May 2012)

[SEN and disability Green Paper: Support and Aspiration](#) (March 2011)

For further information, please visit www.lgiu.org.uk or email john.fowler@lgiu.org.uk