

SEN and Disability Reform: readiness - DfE research

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Summary

The Department for Education commissioned [SQW](#) in September 2011 to lead a consortium of organisations to undertake the evaluation of the Special Educational Needs (SEN) and Disability Pathfinder Programme.

This briefing provides an overview of [The SEN and Disability Pathfinder Programme Evaluation: Readiness for reform and effectiveness of Pathfinder Champions Research report](#), detailing the findings from an assessment by SQW of local areas' (both pathfinder and non-pathfinder) readiness to meet the forthcoming Special Educational Needs and Disability reforms (as of October/December 2013). This included a review of the initial effectiveness of the pathfinder champions as of October-December 2013.

As part of the research, SQW undertook:

- Three targeted online surveys – disseminated to all Heads of SEN, Leads for Children's Social Care and Lead Children's Health Commissioners
- Two open-response online surveys – aimed at providers and parent carers
- Three focus groups undertaken with young people with additional needs.

The report presents the findings, and provides a comparison, to illustrate the progress made since the previous readiness assessment in February 2013.

Arguably the most important finding from the research is that half of non-pathfinder areas who responded to the surveys had only implemented between none and three of the nine main elements of the reforms, whilst the majority of pathfinder areas had implemented, or developed, seven out of the nine elements. The report also found that progress on implementing the reforms was more advanced in SEN than in social care, and in health. Most work had been done on the development of education, health and care plans and less on key issues of eligibility criteria, joint commissioning arrangements between local authorities and clinical commissioning groups, personal budgets, and workforce development.

This briefing will be of interest to all those involved, and with an interest, in the Special Educational Needs and Disabilities reforms as set out in the [Children and Families Act 2014](#) including Service Leads in SEN, health, and social care, officers, and elected members.

Briefing in Full

From September 2014, local authorities will be required to introduce a new system of assessing and meeting the needs of children and young people with SEN and disabilities. The reforms form a

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key part of the [Children and Families Act 2014](#) and have been trialled through a pathfinder programme over past two years.

The reforms include local development of:

- An improved assessment process and Education, Health and Care (EHC) plan for use with children and young people from birth to 25 years of age
- A local offer
- Appropriate mediation and services for parents and young people who want to register SEN appeals at a Tribunal
- The offer of a personal budget across all applicable services.

In general, pathfinder areas were more advanced in their developments compared to non-pathfinder areas, and had made progress across the majority of the element of the reforms between February and October 2013. This is not surprising given the support and time pathfinders have been given to trial the new processes.

Most pathfinder areas reported that they had either developed or were in the process of developing most of the requirements of the reforms. Although non-pathfinder areas had continued to make progress, a large number still have yet to begin working on a number of elements. This raises a risk of non-pathfinders not being able to complete all the relevant requirements by September 2014.

Progress was more advanced within SEN than in social care and, in particular, health. This most likely reflects the primarily SEN based nature of the reforms, and an initial lack of capacity to engage, or lack of clarity on how to contribute, on the part of health and social care practitioners. There may also have been some anxiety around the extent to which the reforms would result in more efficient and effective processes.

Amongst both pathfinders and non-pathfinders, by October-December 2013, most progress had been made in:

- Education, Health and Care (EHC) co-ordinated assessments and planning pathways
- EHC plan templates
- The local offer
- The governance of the co-ordinated assessments and EHC plans.

The following remained least developed:

- Eligibility criteria for EHC plans
- Joint commissioning arrangements between local authorities and Clinical Commissioning Groups (CCGs)
- Joint resourcing arrangements
- Personal budgets, particularly in relation to SEN health
- Workforce development

Assessment of readiness to meet the SEN reforms

Awareness of the SEN reforms was relatively high amongst service leads, particularly Heads of SEN, followed by Leads for Children's Social Care and Lead Children's Health Commissioners. Providers also highlighted a good level of awareness. However, this was not the case amongst

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parent carers and children and young people whose understanding was limited to one or two elements, in particular key working and the local offer.

When looking at the development of the nine key elements of the reforms – the EHC co-ordinated assessment and planning pathway, EHC templates, the local offer, governance of the co-ordinated assessment and EHC plans, eligibility criteria for the EHC plan; joint commissioning; joint resourcing, personal budgets, and workforce development – 80% of pathfinder areas had developed or were developing 7-9 of the elements. In contrast, the majority (51%) of non-pathfinder areas had developed or were developing only 0-3 elements. This suggests that there is a potential risk that a large number of non-pathfinder areas will not meet the requirements of the reforms within the legislative timeframe.

It was also apparent that areas that had developed, or were developing, their EHC pathway and their EHC template, were more likely to have begun the development of other elements such as joint resourcing, governance arrangements and workforce development.

The development of the pathway and template therefore often formed the basis for other developments. In addition, the development of strategic multi-agency arrangements, including governance arrangements, joint resourcing and workforce development seemed to be related. This suggests that the development of one of these elements often triggers the associated development of the other developments.

The table below lists the interdependencies highlighted in the evaluation.

EHC pathway and plan	Areas that had developed or were developing their EHC pathway and their EHC plan template were more likely to have developed or be developing many of the seven remaining elements considered - implying that the development of the pathway and template often formed the basis for other developments.
Governance arrangements and Joint Resourcing	Areas that had developed or were developing governance arrangements for the coordinated assessment and EHC plans, were more likely to have begun developing or to have developed their joint resourcing arrangements and workforce development - suggesting a link between the development of strategic multi-agency arrangements.
Local Offer and Governance Arrangements	Areas that had developed or were developing their local offer were more likely to have begun developing or to have developed governance arrangements, eligibility criteria, joint resourcing and workforce development – implying much of the strategic groundwork and arrangements may need to be in place to develop a comprehensive local offer.
Personal Budgets and Joint Resourcing	Areas that were offering personal budgets were more likely to have begun to develop or to have developed joint resourcing arrangements, governance structures and eligibility criteria for the EHC plans –suggesting that the development of personal budgets may in some instances have acted as a catalyst for the development of other strategic multi-agency arrangements/

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Where a pathway was already in place or being developed, it was more likely to be a universal co-ordinated pathway across the 0-25 age range, rather than a series of pathways for specific age groups or different pathways to accommodate different education transition stages.

In relation to personal budgets, progress is still needed in implementing personal budgets and ensuring their coverage across all three service areas. It is also important that the needs and interest of children and young people are factored into the process. The focus groups with young people revealed a number of concerns with personal budgets including the potential for financial mismanagement and confusion in understanding what services and activities they would cover.

Provider engagement in the reform process seemed to have been effective up to October-December 2013. However, more work needed to be done to effectively engage parent carers, and children and young people. The young people consulted suggested that the use of online media and audio-visual would be welcomed as useful methods of engagement.

Of more concern was the mixed opinions amongst providers and parent carers expressed in regards to the likelihood that local areas would be able to meet the timetable for reforms. What is clear is that local areas will require further support including in developing personal budgets, EHC plans, and workforce development. The effective use of the transition funds will also be important across all three service areas, including health which has drawn the least on these funds.

Progress made by local areas since the previous readiness assessment

Awareness of the SEN reforms increased between February and October 2013 but with varying levels of development reported across the different elements of the reforms and between pathfinder and non-pathfinder areas.

Amongst the pathfinder areas, strong progress had been made in relation to:

- The consideration of the governance of the EHC assessment and planning pathway
- Development of the local offer
- Development of mediation information and services
- Facilitation of workforce development
- Development of personal budgets.

However, further progress was still needed in relation to the development of joint commissioning arrangements between local authorities and CCGs.

Amongst non-pathfinder areas progress had been more mixed. However, most areas had the intention of commencing the development of the reforms within the next six months. This is perhaps not surprising given that the majority of non-pathfinder areas were likely to have started their reform-related activities more recently. Nevertheless, given the September 2014 deadline, the pace of development in these areas will need to increase markedly.

Initial review of the effectiveness of pathfinder champions

Awareness of champion support was relatively high amongst all three service leads, as was access to support, suggesting a good level of outreach. There had been more limited engagement of health in champion activities, with only half of health leads believing they had received enough support.

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The most accessed types of support included general communications, regional conferences and thematic workshops. Fewer respondents had accessed one-to-one support, self-evaluation tools, and case studies. This may change going forward as champions begin to tailor the roll-out of these activities.

Parent carers had had more limited involvement in champion activity up to October-December 2013, but where they had been involved, the feedback was positive.

Local areas, particularly pathfinder areas, sought a range of alternative support, including from [In Control](#), [Preparing for Adulthood](#), and the [Early Support Trust](#), in order to broaden the depth and breadth of expertise. Whilst this is a positive finding, it will be important that champion support is effectively aligned with support from alternative providers to avoid any duplication.

Recommendations

The report suggests that pathfinder champions:

- Monitor progress over the next few months – this could be informed by the DfE termly readiness assessment and from the views of pathfinder champions
- Continue to produce materials which draw on the experience of the pathfinders, to assist and speed up non-pathfinder development –including further thematic case studies from the evaluation and good practice drawn from the pathfinder champions and pathfinder support team
- Provide a limited amount of tailored support, but only to those areas which think they require it (asking them to opt in) and building on the feedback gathered through the monitoring information

Comment

The [BBC](#) has reported that changes to special educational needs and disabilities are being implemented too quickly. It reports that both the [National Autistic Society](#) and [Mencap](#) have voiced concerns about the timeframes particularly in light of the finer details which are yet to be published. Both charities are concerned that practitioners working with children, young people and their families will potentially have a few months' notice of their new duties before they are expected to implement them. This is of particular concern as, taken together, the research findings provide a mixed picture of readiness, with a number of non-pathfinders still some way behind in meeting the reforms. Many of this group intended to start work on key elements within the next six months. Given that at the time of the survey they had in effect 10-11 months until September 2014, this would mean that they needed to have acted soon after the survey.

From one angle, many areas seemed comfortable with the timescales. However, from the experience of the pathfinders, there was some concern that developments usually take longer. It may be that non-pathfinders may be able to move more quickly by building on the experience of the pathfinders but the risk remains that they may not fully assess the work required and run out of time.

In response, the Government has issued a [letter](#) to local authorities and made available £70 m (the SEND Reform Grant) in the 2014-15 financial year to fund implementation. However, matters are not helped by the absence SEN Code of Practice and calls for national bodies, such as [IPSEA](#), calling for a delay in implementation.

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External downloads

UK Parliament: [Children and Families Act 2014](#)

Related briefings

[Children and Families Act 2014 \(No.2\)](#) (April 2014)

[Special Educational Needs: preparing for the future – LGO report](#) (April 2014)

[Children and Families Act \(provisional\)](#) (February 2014)

[Implementing the 0-25 special educational needs system: Government advice](#) (January 2014)

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

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

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

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

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

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