



# A guide to **SEND 14**

What does the Children and  
Families Act 2014 mean for you?

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10. Mediation
11. Paediatric therapies
12. Joint commissioning



## 1. Introduction

This guide is an introductory booklet for all stakeholders with an interest in the changes to the special educational needs and disability (SEND) support system under the Children and Families Act 2014. It is intended to provide a brief introduction to some of the main changes and how Surrey plans to implement them. It is not intended to provide the detailed information that will be found within Surrey's SEND local offer or through training. However, links are provided throughout to more detailed documentation.

## 2. What are the main changes under the new legislation?

Families have been telling us locally, and across the country, that they sometimes find it hard to get the support they need because they do not find services very 'joined up' in the way they work. This means that they often have to tell their story repeatedly and manage relationships with a range of different practitioners. The Government has introduced legislation (the Children and Families Act, 2014) that requires us to work in a new, more co-ordinated way from September 2014.

Surrey became part of the SE7 Pathfinder (SE7 are seven local authorities working together) to trial the new legislation ahead of September and has been working in partnership with all services and representative families and young people to co-design the new system.

The main changes under the new legislation are that young people with SEND (whose needs are at a high level and meet criteria) will be supported by a new single education, health and care plan 0-25 (instead of the current 'statements of special educational needs (SEN)'). Families will be more actively engaged in reviewing and accessing the services available to them through the local offer.

To guide our work on this, we agreed a vision statement with the families and partners who have been part of it:

'We believe that the best outcomes for young people and children with high support needs, special educational needs or disabilities are secured by working together in an honest and effective partnership that includes families, the voluntary and community sector, education, social care and health. We want young people, children and their families to have a good experience of the support system, including at key transition points. We want them to be confident in the system, knowing that they will be listened to and that it will provide what is needed in a timely



fashion. Children, young people and families will play a key role in decision-making. Services will be co-ordinated around the needs of the young person and accessed through a single integrated assessment pathway and plan. We believe that the best partnership is one that considers impact, cost, fairness, value for money and realistic parameters around choice. We aim to enable every child and young person to contribute and achieve more than they thought possible.'

We know that it will take time to achieve this vision and we hope you will be patient and work with us while we try to implement a new way of working. If we get it right, we hope that children, young people and families will have a much better experience of the system. Some of the families who helped us by participating in the education, health and care plan (EHCP) trials told us that they believed it could really improve the way we all work together.

**“ It was really rather lovely to feel heard on an equal footing! Sometimes it used to feel as if being a parent was itself a disability. Now I feel that I am part of the team and as though there is someone on my side. Before I felt like the enemy. ”**

**Parent who participated in the education, health and care plan trial**

### **What will be the main changes under the new legislation?**

- Education, health and care plans (EHCP) to replace statements of SEN /learning disability assessments (LDAs).
- A single category 'SEN support' to replace Action and Action Plus categories.
- The areas of SEN needs that may be identified are: communication and interaction, cognition and learning, social, emotional and mental health difficulties, sensory and/or physical needs.
- Greater focus on outcomes as the basis for a support plan.
- 0-25 system.
- The new plans should look forward to key transition points and support a more successful transition to adulthood.
- There is a requirement on the local authority to publish a local offer of SEND services.
- The new code of practice includes young offenders with SEN.
- Personal budgets (see relevant section).



## What stays the same?

- Definition of SEN.
- Majority of children and young people have their needs met through their mainstream education settings or providers.
- Duties under the Equality Act 2010.
- Admissions.
- Right to request school (with some small alterations) and reasons to refuse place.
- Statutory requirements for special educational needs co-ordinator (SENCO).

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## 3. Surrey's SEND local offer

### What is the local offer?

The purpose of the local offer is to enable parents and young people to see more clearly what services are available in their area and how to access them. More importantly, it will provide a way for families and young people to engage more easily with services that can benefit them. The offer will include provision from birth to 25 across education, health and social care and should be developed in conjunction with children and young people, parents and carers, and local services, including schools, colleges, health and social care agencies.



The local offer is being put together by Surrey County Council in partnership with young people and their families, and agencies and organisations that support them. This is known as co-production.

The local offer will be published on a dedicated website from September 2014, but it may take some time to build it up to its full potential. In the meantime, information, updates and an opportunity to give us your views can be found at:  
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## 4. Personal budgets

An education, health and care plan (EHCP) personal budget is an amount of money to support the achievement of all, or some, of the outcomes set out in the EHCP.

A personal budget enables support offered to a child/young person to be personalised to meet individual learning needs. It could add to existing learning support, funding some specialist input, funding work experience or work-based learning opportunities and/or add to the technology available to a pupil/student supporting their preferred learning style. One clear exclusion is that a personal budget cannot be used to buy a school place.

Parent carers of children and young people who have an EHCP assessment underway, or where a current statement of SEN is at the point of annual review, can request a personal budget. Additionally, young people aged 16 and over are able to request a personal budget in their own right. There is no obligation to have a personal budget, and requesting to have one is optional. The level of personal budget will vary and be dependent on the support and provision outlined in the EHCP, with the budget requested and provided in various ways.

All requests for a personal budget will be considered and decisions made in line with the locally agreed personal budgets policy available through the local offer.

### **Personal budgets in Surrey**

Once formal consultation has taken place, Surrey's personal budgets policy, plus more detailed information will be available through the local offer. However, in Surrey and elsewhere in the majority of cases, SEN personal budgets will be implemented and utilised by children and young people within the mainstream education sector, as specialist and personalised arrangements and provision are available elsewhere (resourced units and special schools/colleges). If families wish to employ support for the delivery of services on education premises, they must get formal agreement from the headteacher or principal. In the absence of this agreement it cannot go ahead in that form.



## 5. Changes to funding

### Schools

In preparation for the changes in SEN legislation, a more consistent approach to SEN funding is now in place. This funding is made up of three elements, as follows:

1. Mainstream schools receive funding for all their pupils of around £4,000 per child per year.
2. Mainstream schools also receive a SEN budget each year to enable them to provide additional learning support for any pupil that needs it, up to a level of around £6,000 per year (School Funding Reform: Arrangements for 2013/14). This means that in total schools can spend up to £10,000 per year on supporting a child with SEN without needing to ask for an EHCP. The school's SEN information should explain the type of support it is able to provide.
3. If a child requires more than £10,000 support per year, the local authority can provide 'top up' funding if the child has an EHCP. The amount of top-up funding is determined through reference to the local authority's banding matrix, which describes the arrangements required to meet a child's SEN. It indicates the appropriate level of top up funding for each child's needs across bands 1 to 4. This banding approach is also used for agreeing the funding of special schools and specialist centres.

### Post-16 further education (FE)

The Children and Families Act 2014 proposes a more integrated approach to provision for children and young people with SEND across the 0-25 age range. As part of this change, funding of education and training for young people aged 16-25 in further education (FE college, 6th form college, independent specialist college) changed in 2013 to bring in a more consistent approach to funding.

Young people aged 16-25 moving from statutory schooling into non-statutory further education will be following individual programmes that centre around the young person's own aspirations, interests, strengths, capabilities and needs. It is recognised that support at college will be unique for each young person and needs will not only vary according to individual circumstances, but will change over time as they get older and approach adult life. Further education is therefore funded on an individual needs basis to ensure successful individual outcomes.



Colleges receive an allocation based on a national funding formula for their core provision. They also have additional funding for students with additional needs, including those with SEND in their main allocation single line budget. Colleges are expected to provide appropriate, high quality SEN support using all available resources.

If a college identifies that a young person aged 19-25 with an EHCP or aged 16-19 without an EHCP receiving education at their institution is in need of additional support, they must first explore the local offer and have been through an early help assessment (EHA).

If, having exhausted these options, the college can evidence that the young person's additional support exceeds £11,000 then high needs student (HNS) funding will be granted. Surrey County Council agrees the level of HNS funding based on evidence provided by the college of the young person's individual support needs and the efficient use of resources, described in the individual placement agreement. The funding is split into three elements: element 1 (approx £5,000), element 2 (£6,000), which is paid directly by the Education Funding Agency, and element 3 'top up' funding that is agreed on an individual need basis.

It is expected that mainstream colleges will be able to provide the resources to support young people with SEND. However, a young person has the right to request that a provider is named in their EHCP. Surrey County Council will **only** consider a placement at an independent specialist college in the following circumstances:

- the provision is suitable for the young person's age, ability, aptitude or SEN and is an efficient use of resources; and/or
- it is determined that the local college is unsuitable for the young person's age, ability, aptitude or SEN, or that to place the young person there would be incompatible with the efficient use of resources or the efficient education of others.



## 6. Supporting children and young people with SEND in Surrey

The new code of practice explains that most children with SEN will achieve their outcomes through the arrangements that can be available to them without the need for an education, health and care plan (EHCP). Schools and colleges are provided with resources in their delegated budget which they can use to support children and young people with additional and special needs. More information about how they might provide this support is described in their SEN information.

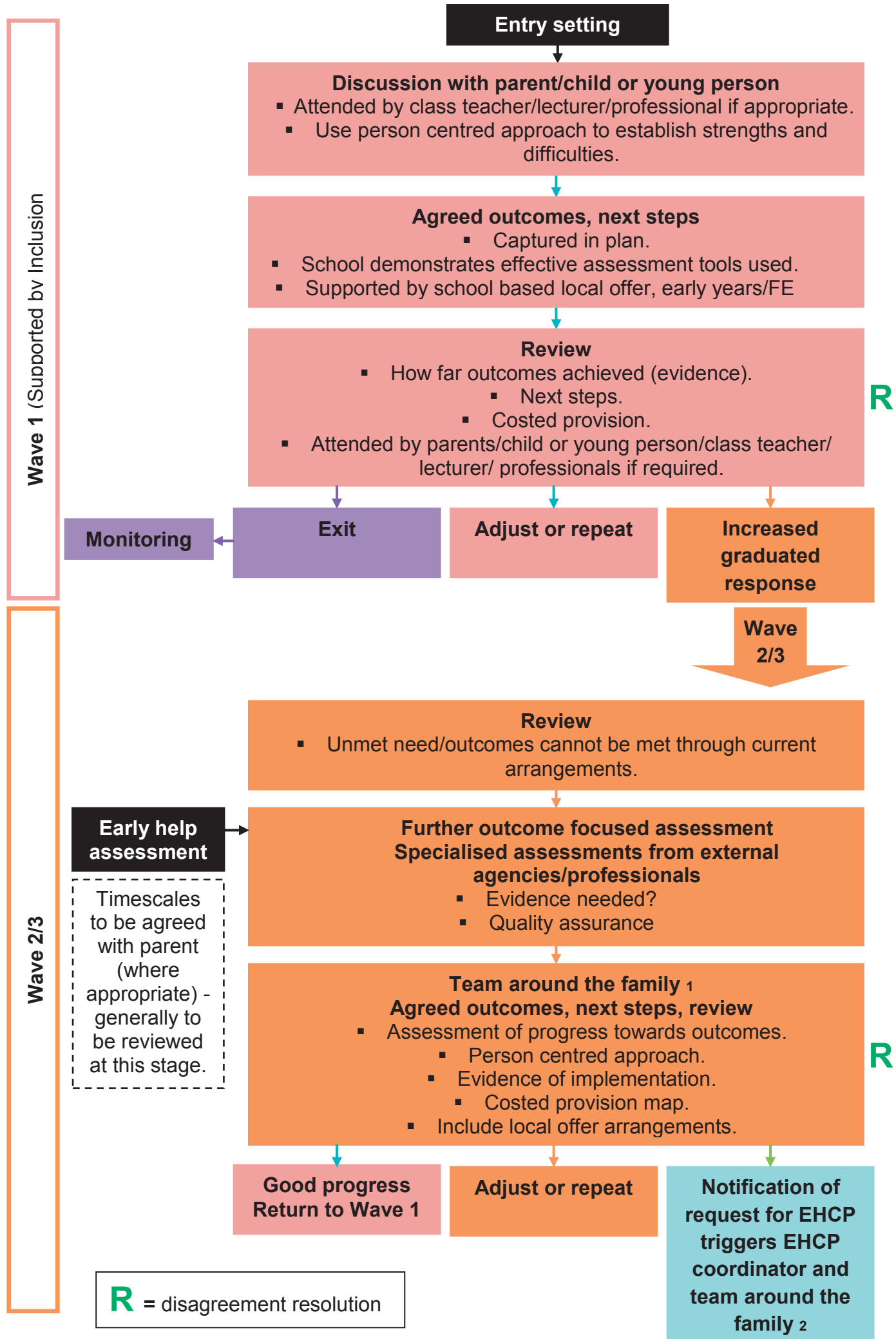
- Children and young people should access the provision they need in a timely fashion, that is, as close to the point of need as possible.
- Provision should be linked to progress towards agreed outcomes.
- An outcome is the benefit or difference made to an individual as a result of an intervention.
- When agreeing outcomes, it is important to consider both what is important to the child or young person and what is important for them as judged by others.
- Decisions should be made based on clear and transparent criteria.

If a child or young person is identified as having SEN, the support should take the form of a cycle of assessing, planning, doing and reviewing. There may need to be more frequent reviews and more specialist expertise in successive cycles to match interventions to the SEN of the child or young person. If the child or young person is still making inadequate progress given their age, starting point and particular circumstances, it may be appropriate to consider whether an EHCP is needed.

This approach is known as a graduated response and is captured in a pathway plan, which helps the education setting record the child or young person's progress and, if necessary, forms the basis for an EHCP request. The process is represented in the diagram on the next page.

More detail on the support arrangements that can be accessed without the need for an EHCP and when an EHCP might be necessary in order to deliver the provision arrangements necessary to support a child or young person to achieve their outcomes is set out in the document 'The Right Provision at the Right Time' which is available at [www.surreycc.gov.uk/sendchanges](http://www.surreycc.gov.uk/sendchanges).





## 7. Working with Surrey's new EHCP process

If the child or young person continues to make inadequate progress, the route forward is through the early help assessment (EHA) in order to ensure a multi-agency perspective is taken from the beginning. This may mean drawing on an existing EHA or initiating a new one.

Education settings enquire if there is an existing EHA or any other existing health or social care assessments. If there is already a child and family assessment in place, then this information will be used to support the team around the family (TAF) meeting. Otherwise information from the EHA will be used.

A TAF meeting is then organised by the EHCP coordinator. The family is central to this meeting and it is important that the representatives of all other key agencies working with the child are in attendance, as indicated by the EHA.

The main purpose of this meeting is to understand, from a multi-agency perspective, what the unmet needs are, how they impact on each other and what is the most appropriate route forward. This meeting will review how resources have been allocated and used so far and how well outcomes have been met. The EHCP coordinator, informed by the TAF, will advise the designated local authority professional who decides whether to conduct statutory assessment.

At the heart of this process is the family's relationship with the EHCP coordinator who supports them through the process and co-produces the plan with them. The discussion with the family also includes initial consideration of a personal budget.

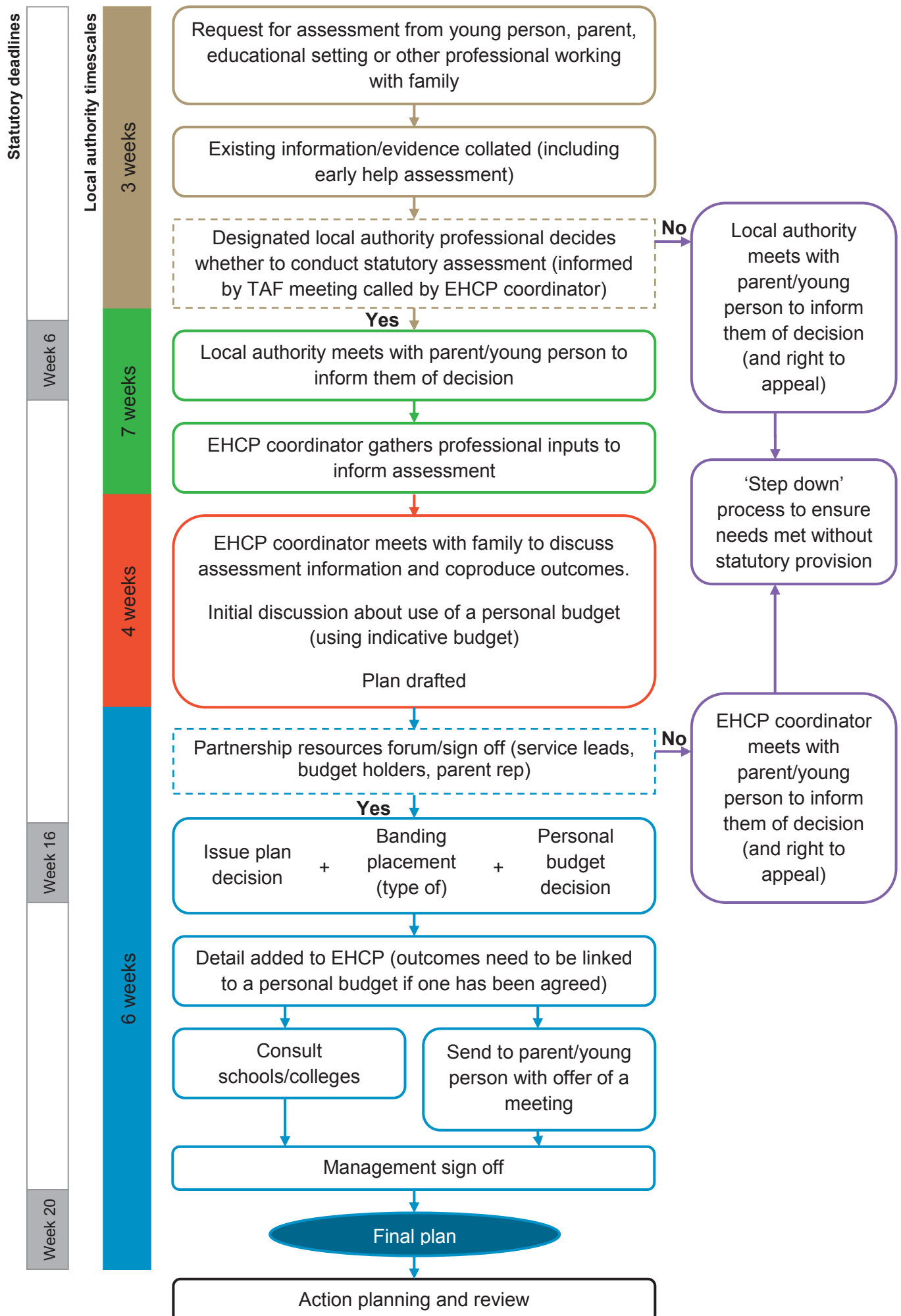
The 'golden thread' of a person-centred planning approach is that the EHCP coordinator, who develops a relationship with the family through the statutory planning process and is familiar with their circumstances and aspirations, is also the plan writer in order to secure a set of agreed, person-centred outcomes as described by the new legislation.

The draft plan and the resources to support it will need to be agreed by a partnership resources forum that includes a parent representative and is enabled to make budget decisions for all the agencies represented in the plan. Decisions about education resource banding, personal budgets and type of placement will be signed off here.

A statutory period (15 calendar days) for final consultation and senior management sign-off will be followed by short-term or next steps action planning and review that will involve the setting identified in the plan.



## Education, health and care plan (EHCP) process



## 8. Working with the new education, health and care plan (EHCP)

### What does Surrey's EHCP template look like?

The Surrey EHCP template attempts to give a fuller picture of the child or young person's strengths as well as their difficulties. It enables the family and the child or young person to have much more of an input into the plan. It starts with a one page profile and information about the family and then includes assessment information and the plan itself. The plan is constructed around person-centred outcomes agreed with the family and child or young person. A summary of the content of the plan is included on the next page but the full document can be viewed at

[www.surreycc.gov.uk/sendchanges](http://www.surreycc.gov.uk/sendchanges). This summary is intended to give a brief overview of this document and not to give a full description of the supporting activity that will go into its production.

The pathway plan, which is used to record the child or young person's progress through earlier cycles of assess/plan/do/review, has been designed to complement the new EHCP template and to streamline the required documentation.





## Outline of education, health and care plan (EHCP)

### One page profile

Photo, what is important to the child or young person (CYP) and how to support them.

### My Surrey education, health and care plan

CYP and family's further details, a summary of their story, their aspirations and how they have participated in the plan.

### My special educational needs

A summary of the CYP's main special educational needs and more detailed information about: cognition and learning, communication and interaction, social, mental and emotional health, sensory and physical.

### My health needs

A description of the CYP's health needs that result in SEN and other health needs that are non – educational.

### My social care needs

A description of the CYP's social care needs that result in SEN, parental needs to support the CYP as identified in the social care assessment and the CYP's non-educational social care needs.

### My outcomes

The CYP's outcomes described under the following four themes:

1. Learning and development/learning skills and moving into employment needs.
2. Home and independence needs.
3. Health and wellbeing needs.
4. Friends, relationships and community needs.

Targets are linked to need, actions to support targets are then given including by whom, by when, and the provision.

Includes arrangements for reviewing outcomes and setting and monitoring 'my action plan'.

### Education placement

Contact details of education placement and the level of support/banding information.

### My personal budget

The child or young person's personal budget support plan (if relevant).

### Sign off page

Lists who the plan can be shared with and the signatures of those who have agreed the plan.

### Appendices

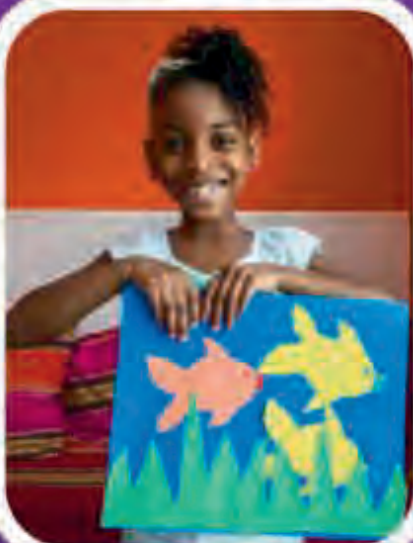
All supporting documents attached.

### Additional supporting document

#### My action plan

Next steps and short term targets listed and then a description of how they will be supported, by when and what success will look like.

## Surrey Education, Health and Care Plan for: Beth



### What people like about me and what I like about myself

- She is clever and cool
- She is funny
- Beth is very pretty and always kind
- She is happy and thoughtful
- She is trendy and sporty
- She is fun to be with

- I am good at playing piano



### What is important to me

- Drawing with water pastels and doing pictures.
- Chatting to my friends in Golden Time.
- Playing with Siobhan, Heather, Abbey and Sophie.
  - Playing with my Bratz dolls.
- Watching TV - my favourite is Merlin.
- Making things like Playdough cakes and things out of salt dough.
- Having friends for a sleepover and making dens.
  - Going on a trampoline.
- Watching DVDs (with popcorn!).
  - Going to bed with my favourite soft toys.
  - Having pizza for school dinners.



### How best to support me

Beth is quiet at school but underneath has lots of energy and a very lively personality which people who know her well get to see. She needs to release this energy by doing energetic things such as singing and dancing, otherwise she can, in her own words get 'giddy'.

Beth is very good natured and often puts other people's wishes before her own. She sometimes needs encouragement to put forward what she wants or is happy with.

Beth can get anxious about certain issues or situations and this could appear to others that she is being difficult. If she appears difficult, talk to her about what the issue is and she usually needs lots of reassurance.

Date:

## 9. What happens if a child or young person already has a statement of special educational needs (SEN) or a learning difficulty assessment (LDA)?

As the legal test for whether a child or young person requires an education, health and care plan (EHCP) remains the same, it is expected that all who have a statement and would continue to have one under the current system will be transferred to an EHCP.

All statements must be transferred to EHCPs between 1 September 2014 and 1 April 2018.

The transfer process will involve an education, health and care needs assessment and a person-centred transfer review (which will replace the annual review).

The local authority will publish a timetable for the transfers, but the principle will be for the child or young person to transfer from statement to EHCP in advance of them moving to the next phase of education.

If the young person has an LDA, the transfer process will follow the same process as a new request for an EHCP. These must be completed by September 2016.

## 10. Mediation

The EHCP process is supported by opportunities for informal advice and disagreement resolution as well as more formal mediation. Formal mediation aims to resolve a disagreement and is a way of helping everyone to reach an agreement.

This is a statutory service commissioned by local authorities which is designed to help settle disagreements between parents or young people and local authorities over education, health and care needs assessments and plans and which parents and young people can use before deciding whether to appeal to the first-tier tribunal about decisions on assessment or the special educational element of a plan. Mediation can cover any one or all three elements of an education, health and care plan and must be offered to the parent or young person when the final plan is issued, but they are not able to appeal to the tribunal about the health and social care aspects of the plan.



## 11. Paediatric therapies

A joint paediatric therapy forum was set up in February 2014 in response to the Children and Families Act 2014 and the new SEN code of practice. Membership of the forum includes health commissioners and providers, education (including post-16), social care, families and schools. The purpose of the forum is to agree a joint commissioning strategy and action plan between the local authority and health for paediatric therapies (speech and language, occupational therapy and physiotherapy). Equity, clarity and transparency, consistency, integration, outcome focus, up skilling of the workforce and quality assurance have been identified as the key principles which should underpin the strategy. At the same time as this work is being undertaken a separate joint review of Surrey's occupational therapy service will also be completed by the College of Occupational Therapy. Recommendations from the review will be made in the autumn term.

Surrey County Council and health services are also working with special schools and specialist centres to review how current therapy resource is allocated to individual settings to ensure equity and consistency. This review includes undertaking a skills audit of the school workforce, which will form the basis of a workforce development plan.

A workshop took place in July to agree the assessment template for therapists to use when carrying out their outcome focused assessments that feed into the planning process for children and young people with SEND. Exemplar templates will be agreed and training and resources organised for all therapy teams.

For further information please contact [zarah.lowe@surreycc.gov.uk](mailto:zarah.lowe@surreycc.gov.uk) or [anne.breaks1@nhs.net](mailto:anne.breaks1@nhs.net)





## 12. Joint commissioning

Joint commissioning is a strategic approach to planning and delivering services in a holistic, joined-up way. It is a means for the different partners commissioning education, health and care provision, to deliver positive outcomes for children and young people with SEND. It offers partners a way to work together to deliver more personalised and integrated support resulting in better outcomes for the system, as well as the individual. A joint commissioning approach can also provide local area partners with an opportunity to redesign services across education, health and care in order to operate more effectively, both improving the experiences of children, young people and their families and making best use of local resources.

The SEND code of practice introduces new statutory duties on education, health and social care to establish joint commissioning arrangements. These new arrangements include:

- Joint commissioning must cover the services for 0-25 year old children and young people with SEN or disabilities, both with and without EHCPs.
- Ensuring there is a designated medical officer to support clinical commissioning groups (CCGs) in meeting statutory responsibilities for children and young people with SEND.
- CCGs must put arrangements in place to secure the agreed health element in the EHCP and local joint commissioning arrangements must consider procedures for ensuring that disagreements between local authorities and CCGs are resolved as quickly as possible.

Surrey County Council and the Surrey CCG consortia are currently working through the detail of these requirements to ensure new arrangements are in place for September 2014.

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## Glossary

### **Early help assessment (EHA)**

Where a child and family would benefit from co-ordinated support from more than one agency there should be an inter-agency assessment. These early help assessments should identify what help the child and family require to prevent needs escalating to a point where intervention would be needed through a statutory assessment under the Children's Act 1989. **(Working Together to Safeguard Children, March 2013 - A guide to inter-agency working to safeguard and promote the welfare of children)**

**Provider:** Organisation providing education, apprenticeships etc

**Special educational needs (SEN):** A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for them. A child of compulsory school age, or a young person, has a learning difficulty or disability if they find learning significantly more difficult than the majority of others at the same age, or if they have a disability which prevents or hinders them from making use of educational facilities generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.

**Special education needs and disability (SEND):** While the new code of practice is for children and young people with SEND, some sections apply only to SEN (see above definition) while others sections apply to SEND.

**Team around the family (TAF):** This refers to the team around the child/young person and family, which is made up of practitioners from a wide range of agencies brought together to provide support and help to improve outcomes.







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A personal budget enables support offered to a child/young person to be personalised to meet individual learning needs. It could add to existing learning support, funding some specialist input, funding work experience or work-based learning opportunities and/or add to the technology available to a pupil/student supporting their preferred learning style. One clear exclusion is that a personal budget cannot be used to buy a school place.

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All requests for a personal budget will be considered and decisions made in line with the locally agreed personal budgets policy available through the local offer.

### **Personal budgets in Surrey**

Once formal consultation has taken place, Surrey's personal budgets policy, plus more detailed information will be available through the local offer. However, in Surrey and elsewhere in the majority of cases, SEN personal budgets will be implemented and utilised by children and young people within the mainstream education sector, as specialist and personalised arrangements and provision are available elsewhere (resourced units and special schools/colleges). If families wish to employ support for the delivery of services on education premises, they must get formal agreement from the headteacher or principal. In the absence of this agreement it cannot go ahead in that form.



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In preparation for the changes in SEN legislation, a more consistent approach to SEN funding is now in place. This funding is made up of three elements, as follows:

1. Mainstream schools receive funding for all their pupils of around £4,000 per child per year.
2. Mainstream schools also receive a SEN budget each year to enable them to provide additional learning support for any pupil that needs it, up to a level of around £6,000 per year (School Funding Reform: Arrangements for 2013/14). This means that in total schools can spend up to £10,000 per year on supporting a child with SEN without needing to ask for an EHCP. The school's SEN information should explain the type of support it is able to provide.
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The Children and Families Act 2014 proposes a more integrated approach to provision for children and young people with SEND across the 0-25 age range. As part of this change, funding of education and training for young people aged 16-25 in further education (FE college, 6th form college, independent specialist college) changed in 2013 to bring in a more consistent approach to funding.

Young people aged 16-25 moving from statutory schooling into non-statutory further education will be following individual programmes that centre around the young person's own aspirations, interests, strengths, capabilities and needs. It is recognised that support at college will be unique for each young person and needs will not only vary according to individual circumstances, but will change over time as they get older and approach adult life. Further education is therefore funded on an individual needs basis to ensure successful individual outcomes.





Colleges receive an allocation based on a national funding formula for their core provision. They also have additional funding for students with additional needs, including those with SEND in their main allocation single line budget. Colleges are expected to provide appropriate, high quality SEN support using all available resources.

If a college identifies that a young person aged 19-25 with an EHCP or aged 16-19 without an EHCP receiving education at their institution is in need of additional support, they must first explore the local offer and have been through an early help assessment (EHA).

If, having exhausted these options, the college can evidence that the young person's additional support exceeds £11,000 then high needs student (HNS) funding will be granted. Surrey County Council agrees the level of HNS funding based on evidence provided by the college of the young person's individual support needs and the efficient use of resources, described in the individual placement agreement. The funding is split into three elements: element 1 (approx £5,000), element 2 (£6,000), which is paid directly by the Education Funding Agency, and element 3 'top up' funding that is agreed on an individual need basis.

It is expected that mainstream colleges will be able to provide the resources to support young people with SEND. However, a young person has the right to request that a provider is named in their EHCP. Surrey County Council will **only** consider a placement at an independent specialist college in the following circumstances:

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## 6. Supporting children and young people with SEND in Surrey

The new code of practice explains that most children with SEN will achieve their outcomes through the arrangements that can be available to them without the need for an education, health and care plan (EHCP). Schools and colleges are provided with resources in their delegated budget which they can use to support children and young people with additional and special needs. More information about how they might provide this support is described in their SEN information.

- Children and young people should access the provision they need in a timely fashion, that is, as close to the point of need as possible.
- Provision should be linked to progress towards agreed outcomes.
- An outcome is the benefit or difference made to an individual as a result of an intervention.
- When agreeing outcomes, it is important to consider both what is important to the child or young person and what is important for them as judged by others.
- Decisions should be made based on clear and transparent criteria.

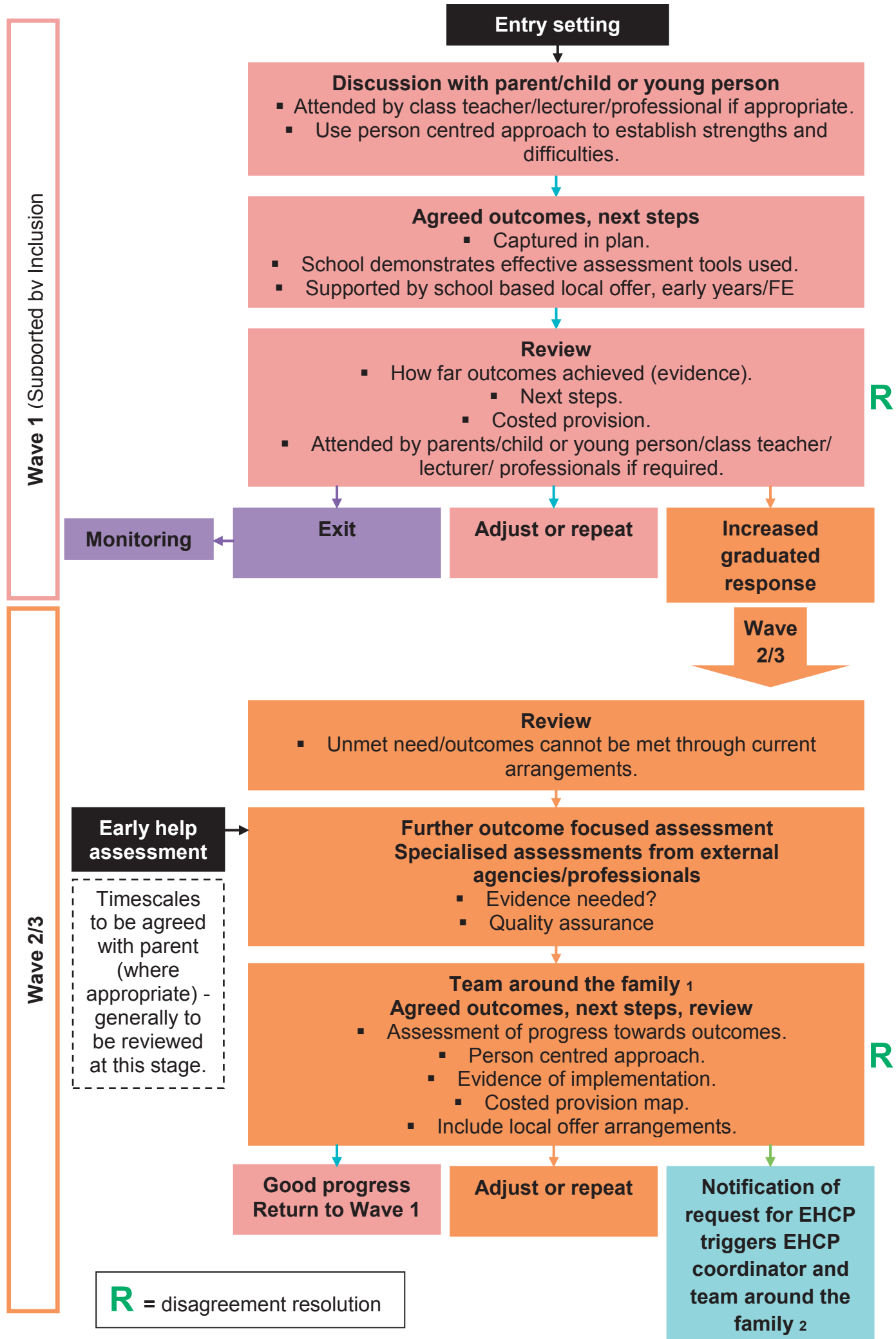
If a child or young person is identified as having SEN, the support should take the form of a cycle of assessing, planning, doing and reviewing. There may need to be more frequent reviews and more specialist expertise in successive cycles to match interventions to the SEN of the child or young person. If the child or young person is still making inadequate progress given their age, starting point and particular circumstances, it may be appropriate to consider whether an EHCP is needed.

This approach is known as a graduated response and is captured in a pathway plan, which helps the education setting record the child or young person's progress and, if necessary, forms the basis for an EHCP request. The process is represented in the diagram on the next page.

More detail on the support arrangements that can be accessed without the need for an EHCP and when an EHCP might be necessary in order to deliver the provision arrangements necessary to support a child or young person to achieve their outcomes is set out in the document 'The Right Provision at the Right Time' which is available at [www.surreycc.gov.uk/sendchanges](http://www.surreycc.gov.uk/sendchanges).







## 7. Working with Surrey's new EHCP process

If the child or young person continues to make inadequate progress, the route forward is through the early help assessment (EHA) in order to ensure a multi-agency perspective is taken from the beginning. This may mean drawing on an existing EHA or initiating a new one.

Education settings enquire if there is an existing EHA or any other existing health or social care assessments. If there is already a child and family assessment in place, then this information will be used to support the team around the family (TAF) meeting. Otherwise information from the EHA will be used.

A TAF meeting is then organised by the EHCP coordinator. The family is central to this meeting and it is important that the representatives of all other key agencies working with the child are in attendance, as indicated by the EHA.

The main purpose of this meeting is to understand, from a multi-agency perspective, what the unmet needs are, how they impact on each other and what is the most appropriate route forward. This meeting will review how resources have been allocated and used so far and how well outcomes have been met. The EHCP coordinator, informed by the TAF, will advise the designated local authority professional who decides whether to conduct statutory assessment.

At the heart of this process is the family's relationship with the EHCP coordinator who supports them through the process and co-produces the plan with them. The discussion with the family also includes initial consideration of a personal budget.

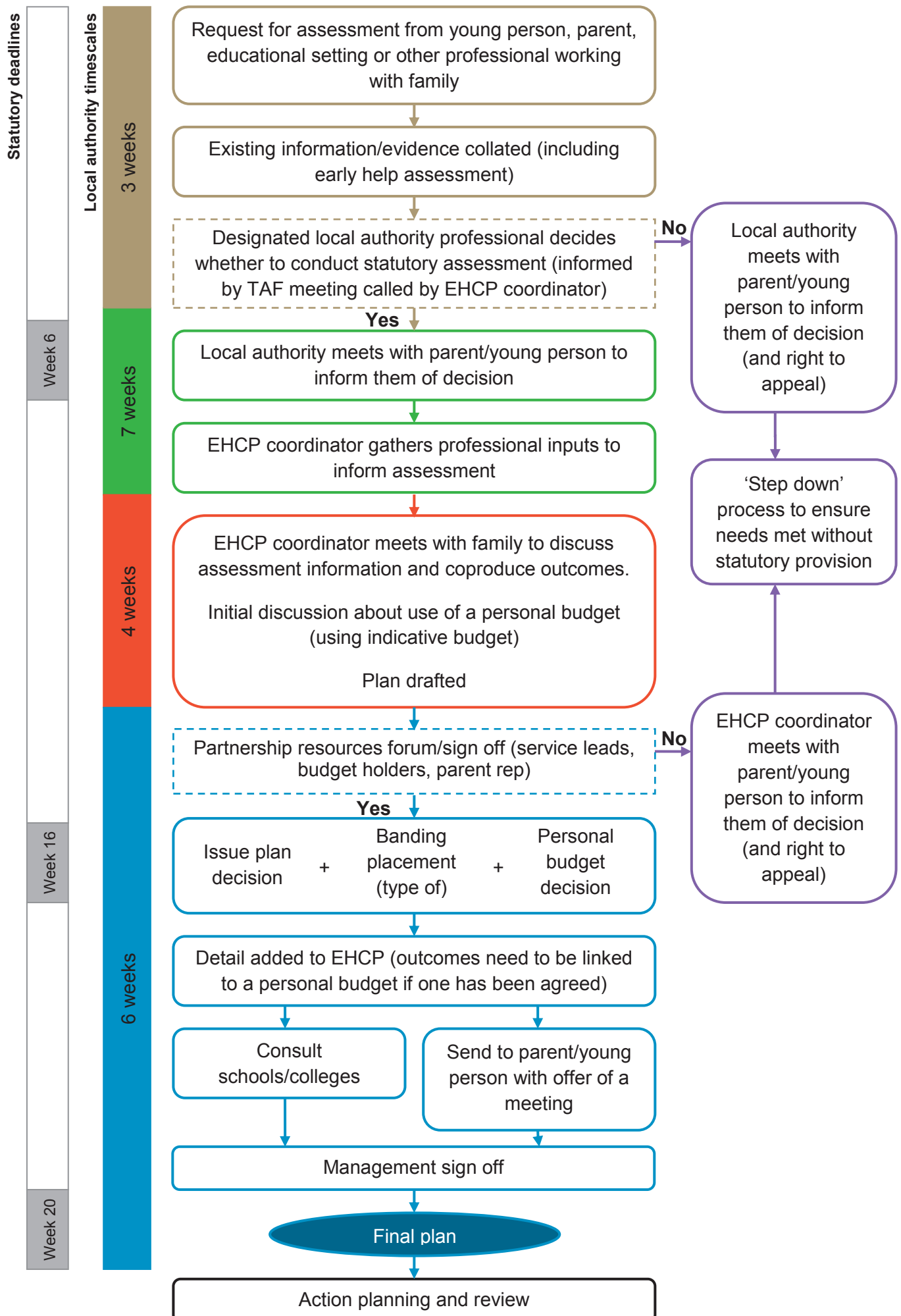
The 'golden thread' of a person-centred planning approach is that the EHCP coordinator, who develops a relationship with the family through the statutory planning process and is familiar with their circumstances and aspirations, is also the plan writer in order to secure a set of agreed, person-centred outcomes as described by the new legislation.

The draft plan and the resources to support it will need to be agreed by a partnership resources forum that includes a parent representative and is enabled to make budget decisions for all the agencies represented in the plan. Decisions about education resource banding, personal budgets and type of placement will be signed off here.

A statutory period (15 calendar days) for final consultation and senior management sign-off will be followed by short-term or next steps action planning and review that will involve the setting identified in the plan.



## Education, health and care plan (EHCP) process



## 8. Working with the new education, health and care plan (EHCP)

### What does Surrey's EHCP template look like?

The Surrey EHCP template attempts to give a fuller picture of the child or young person's strengths as well as their difficulties. It enables the family and the child or young person to have much more of an input into the plan. It starts with a one page profile and information about the family and then includes assessment information and the plan itself. The plan is constructed around person-centred outcomes agreed with the family and child or young person. A summary of the content of the plan is included on the next page but the full document can be viewed at

[www.surreycc.gov.uk/sendchanges](http://www.surreycc.gov.uk/sendchanges). This summary is intended to give a brief overview of this document and not to give a full description of the supporting activity that will go into its production.

The pathway plan, which is used to record the child or young person's progress through earlier cycles of assess/plan/do/review, has been designed to complement the new EHCP template and to streamline the required documentation.



## Outline of education, health and care plan (EHCP)

### One page profile

Photo, what is important to the child or young person (CYP) and how to support them.

### My Surrey education, health and care plan

CYP and family's further details, a summary of their story, their aspirations and how they have participated in the plan.

### My special educational needs

A summary of the CYP's main special educational needs and more detailed information about: cognition and learning, communication and interaction, social, mental and emotional health, sensory and physical.

### My health needs

A description of the CYP's health needs that result in SEN and other health needs that are non – educational.

### My social care needs

A description of the CYP's social care needs that result in SEN, parental needs to support the CYP as identified in the social care assessment and the CYP's non-educational social care needs.

### My outcomes

The CYP's outcomes described under the following four themes:

1. Learning and development/learning skills and moving into employment needs.
2. Home and independence needs.
3. Health and wellbeing needs.
4. Friends, relationships and community needs.

Targets are linked to need, actions to support targets are then given including by whom, by when, and the provision.

Includes arrangements for reviewing outcomes and setting and monitoring 'my action plan'.

### Education placement

Contact details of education placement and the level of support/banding information.

### My personal budget

The child or young person's personal budget support plan (if relevant).

### Sign off page

Lists who the plan can be shared with and the signatures of those who have agreed the plan.

### Appendices

All supporting documents attached.

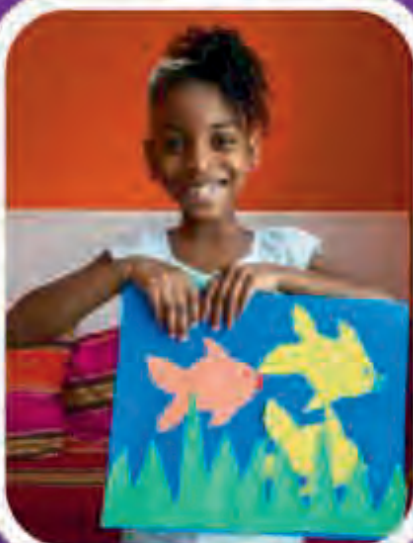
### Additional supporting document

#### My action plan

Next steps and short term targets listed and then a description of how they will be supported, by when and what success will look like.



## Surrey Education, Health and Care Plan for: Beth



### What people like about me and what I like about myself

- She is clever and cool
- She is funny
- Beth is very pretty and always kind
- She is happy and thoughtful
- She is trendy and sporty
- She is fun to be with

- I am good at playing piano



### What is important to me

- Drawing with water pastels and doing pictures.
- Chatting to my friends in Golden Time.
- Playing with Siobhan, Heather, Abbey and Sophie.
  - Playing with my Bratz dolls.
- Watching TV - my favourite is Merlin.
- Making things like Playdough cakes and things out of salt dough.
- Having friends for a sleepover and making dens.
  - Going on a trampoline.
- Watching DVDs (with popcorn!).
  - Going to bed with my favourite soft toys.
  - Having pizza for school dinners.



### How best to support me

Beth is quiet at school but underneath has lots of energy and a very lively personality which people who know her well get to see. She needs to release this energy by doing energetic things such as singing and dancing, otherwise she can, in her own words get 'giddy'.

Beth is very good natured and often puts other people's wishes before her own. She sometimes needs encouragement to put forward what she wants or is happy with.

Beth can get anxious about certain issues or situations and this could appear to others that she is being difficult. If she appears difficult, talk to her about what the issue is and she usually needs lots of reassurance.

Date:

## 9. What happens if a child or young person already has a statement of special educational needs (SEN) or a learning difficulty assessment (LDA)?

As the legal test for whether a child or young person requires an education, health and care plan (EHCP) remains the same, it is expected that all who have a statement and would continue to have one under the current system will be transferred to an EHCP.

All statements must be transferred to EHCPs between 1 September 2014 and 1 April 2018.

The transfer process will involve an education, health and care needs assessment and a person-centred transfer review (which will replace the annual review).

The local authority will publish a timetable for the transfers, but the principle will be for the child or young person to transfer from statement to EHCP in advance of them moving to the next phase of education.

If the young person has an LDA, the transfer process will follow the same process as a new request for an EHCP. These must be completed by September 2016.

## 10. Mediation

The EHCP process is supported by opportunities for informal advice and disagreement resolution as well as more formal mediation. Formal mediation aims to resolve a disagreement and is a way of helping everyone to reach an agreement.

This is a statutory service commissioned by local authorities which is designed to help settle disagreements between parents or young people and local authorities over education, health and care needs assessments and plans and which parents and young people can use before deciding whether to appeal to the first-tier tribunal about decisions on assessment or the special educational element of a plan. Mediation can cover any one or all three elements of an education, health and care plan and must be offered to the parent or young person when the final plan is issued, but they are not able to appeal to the tribunal about the health and social care aspects of the plan.





## 11. Paediatric therapies

A joint paediatric therapy forum was set up in February 2014 in response to the Children and Families Act 2014 and the new SEN code of practice. Membership of the forum includes health commissioners and providers, education (including post-16), social care, families and schools. The purpose of the forum is to agree a joint commissioning strategy and action plan between the local authority and health for paediatric therapies (speech and language, occupational therapy and physiotherapy). Equity, clarity and transparency, consistency, integration, outcome focus, up skilling of the workforce and quality assurance have been identified as the key principles which should underpin the strategy. At the same time as this work is being undertaken a separate joint review of Surrey's occupational therapy service will also be completed by the College of Occupational Therapy. Recommendations from the review will be made in the autumn term.

Surrey County Council and health services are also working with special schools and specialist centres to review how current therapy resource is allocated to individual settings to ensure equity and consistency. This review includes undertaking a skills audit of the school workforce, which will form the basis of a workforce development plan.

A workshop took place in July to agree the assessment template for therapists to use when carrying out their outcome focused assessments that feed into the planning process for children and young people with SEND. Exemplar templates will be agreed and training and resources organised for all therapy teams.

For further information please contact [zarah.lowe@surreycc.gov.uk](mailto:zarah.lowe@surreycc.gov.uk) or [anne.breaks1@nhs.net](mailto:anne.breaks1@nhs.net)







## 12. Joint commissioning

Joint commissioning is a strategic approach to planning and delivering services in a holistic, joined-up way. It is a means for the different partners commissioning education, health and care provision, to deliver positive outcomes for children and young people with SEND. It offers partners a way to work together to deliver more personalised and integrated support resulting in better outcomes for the system, as well as the individual. A joint commissioning approach can also provide local area partners with an opportunity to redesign services across education, health and care in order to operate more effectively, both improving the experiences of children, young people and their families and making best use of local resources.

The SEND code of practice introduces new statutory duties on education, health and social care to establish joint commissioning arrangements. These new arrangements include:

- Joint commissioning must cover the services for 0-25 year old children and young people with SEN or disabilities, both with and without EHCPs.
- Ensuring there is a designated medical officer to support clinical commissioning groups (CCGs) in meeting statutory responsibilities for children and young people with SEND.
- CCGs must put arrangements in place to secure the agreed health element in the EHCP and local joint commissioning arrangements must consider procedures for ensuring that disagreements between local authorities and CCGs are resolved as quickly as possible.

Surrey County Council and the Surrey CCG consortia are currently working through the detail of these requirements to ensure new arrangements are in place for September 2014.

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## Glossary

### **Early help assessment (EHA)**

Where a child and family would benefit from co-ordinated support from more than one agency there should be an inter-agency assessment. These early help assessments should identify what help the child and family require to prevent needs escalating to a point where intervention would be needed through a statutory assessment under the Children's Act 1989. **(Working Together to Safeguard Children, March 2013 - A guide to inter-agency working to safeguard and promote the welfare of children)**

**Provider:** Organisation providing education, apprenticeships etc

**Special educational needs (SEN):** A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for them. A child of compulsory school age, or a young person, has a learning difficulty or disability if they find learning significantly more difficult than the majority of others at the same age, or if they have a disability which prevents or hinders them from making use of educational facilities generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.

**Special education needs and disability (SEND):** While the new code of practice is for children and young people with SEND, some sections apply only to SEN (see above definition) while others sections apply to SEND.

**Team around the family (TAF):** This refers to the team around the child/young person and family, which is made up of practitioners from a wide range of agencies brought together to provide support and help to improve outcomes.









# A guide to **SEND 14**

What does the Children and  
Families Act 2014 mean for you?



## Contents

1. Introduction
2. What are the main changes under the new legislation?
3. Surrey's SEND local offer
4. Personal budgets
5. Changes to funding
6. Supporting children and young people with special educational needs and disability (SEND) in Surrey
7. Working with the new education, health and care plan (EHCP)
8. Working with Surrey's new EHCP process
9. What happens if a child or young person already has a statement of special educational needs (SEN) or a learning difficulty assessment (LDA)?
10. Mediation
11. Paediatric therapies
12. Joint commissioning





## 1. Introduction

This guide is an introductory booklet for all stakeholders with an interest in the changes to the special educational needs and disability (SEND) support system under the Children and Families Act 2014. It is intended to provide a brief introduction to some of the main changes and how Surrey plans to implement them. It is not intended to provide the detailed information that will be found within Surrey's SEND local offer or through training. However, links are provided throughout to more detailed documentation.

## 2. What are the main changes under the new legislation?

Families have been telling us locally, and across the country, that they sometimes find it hard to get the support they need because they do not find services very 'joined up' in the way they work. This means that they often have to tell their story repeatedly and manage relationships with a range of different practitioners. The Government has introduced legislation (the Children and Families Act, 2014) that requires us to work in a new, more co-ordinated way from September 2014.

Surrey became part of the SE7 Pathfinder (SE7 are seven local authorities working together) to trial the new legislation ahead of September and has been working in partnership with all services and representative families and young people to co-design the new system.

The main changes under the new legislation are that young people with SEND (whose needs are at a high level and meet criteria) will be supported by a new single education, health and care plan 0-25 (instead of the current 'statements of special educational needs (SEN)'). Families will be more actively engaged in reviewing and accessing the services available to them through the local offer.

To guide our work on this, we agreed a vision statement with the families and partners who have been part of it:

'We believe that the best outcomes for young people and children with high support needs, special educational needs or disabilities are secured by working together in an honest and effective partnership that includes families, the voluntary and community sector, education, social care and health. We want young people, children and their families to have a good experience of the support system, including at key transition points. We want them to be confident in the system, knowing that they will be listened to and that it will provide what is needed in a timely





fashion. Children, young people and families will play a key role in decision-making. Services will be co-ordinated around the needs of the young person and accessed through a single integrated assessment pathway and plan. We believe that the best partnership is one that considers impact, cost, fairness, value for money and realistic parameters around choice. We aim to enable every child and young person to contribute and achieve more than they thought possible.'

We know that it will take time to achieve this vision and we hope you will be patient and work with us while we try to implement a new way of working. If we get it right, we hope that children, young people and families will have a much better experience of the system. Some of the families who helped us by participating in the education, health and care plan (EHCP) trials told us that they believed it could really improve the way we all work together.

**“ It was really rather lovely to feel heard on an equal footing! Sometimes it used to feel as if being a parent was itself a disability. Now I feel that I am part of the team and as though there is someone on my side. Before I felt like the enemy. ”**

**Parent who participated in the education, health and care plan trial**

### **What will be the main changes under the new legislation?**

- Education, health and care plans (EHCP) to replace statements of SEN /learning disability assessments (LDAs).
- A single category 'SEN support' to replace Action and Action Plus categories.
- The areas of SEN needs that may be identified are: communication and interaction, cognition and learning, social, emotional and mental health difficulties, sensory and/or physical needs.
- Greater focus on outcomes as the basis for a support plan.
- 0-25 system.
- The new plans should look forward to key transition points and support a more successful transition to adulthood.
- There is a requirement on the local authority to publish a local offer of SEND services.
- The new code of practice includes young offenders with SEN.
- Personal budgets (see relevant section).



## What stays the same?

- Definition of SEN.
- Majority of children and young people have their needs met through their mainstream education settings or providers.
- Duties under the Equality Act 2010.
- Admissions.
- Right to request school (with some small alterations) and reasons to refuse place.
- Statutory requirements for special educational needs co-ordinator (SENCO).

You can view the full code of practice on the Department for Education website:  
[www.gov.uk/government/publications/send-code-of-practice-0-to-25](http://www.gov.uk/government/publications/send-code-of-practice-0-to-25)

## 3. Surrey's SEND local offer

### What is the local offer?

The purpose of the local offer is to enable parents and young people to see more clearly what services are available in their area and how to access them. More importantly, it will provide a way for families and young people to engage more easily with services that can benefit them. The offer will include provision from birth to 25 across education, health and social care and should be developed in conjunction with children and young people, parents and carers, and local services, including schools, colleges, health and social care agencies.



The local offer is being put together by Surrey County Council in partnership with young people and their families, and agencies and organisations that support them. This is known as co-production.

The local offer will be published on a dedicated website from September 2014, but it may take some time to build it up to its full potential. In the meantime, information, updates and an opportunity to give us your views can be found at:  
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- it is determined that the local college is unsuitable for the young person's age, ability, aptitude or SEN, or that to place the young person there would be incompatible with the efficient use of resources or the efficient education of others.



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The new code of practice explains that most children with SEN will achieve their outcomes through the arrangements that can be available to them without the need for an education, health and care plan (EHCP). Schools and colleges are provided with resources in their delegated budget which they can use to support children and young people with additional and special needs. More information about how they might provide this support is described in their SEN information.

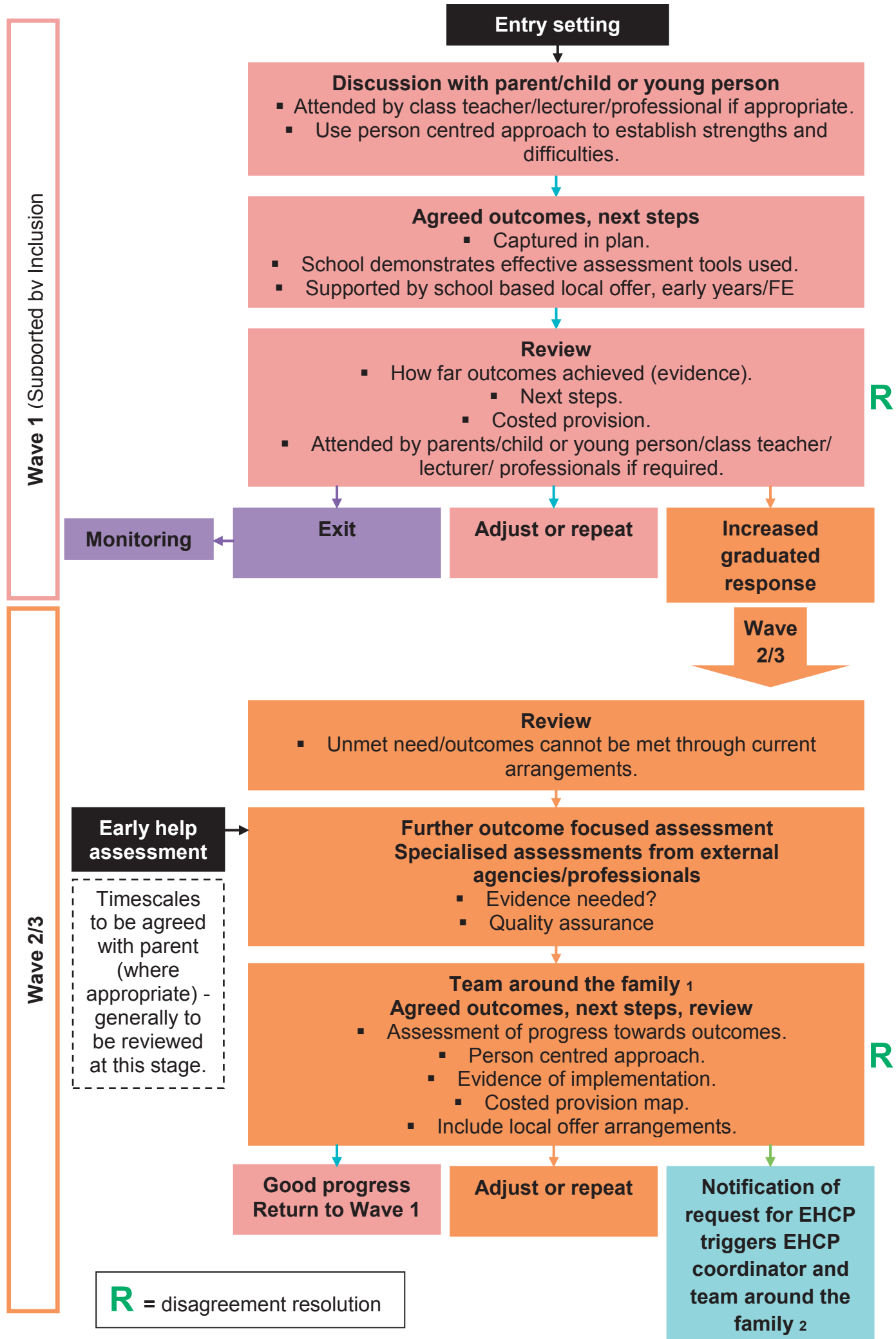
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## 7. Working with Surrey's new EHCP process

If the child or young person continues to make inadequate progress, the route forward is through the early help assessment (EHA) in order to ensure a multi-agency perspective is taken from the beginning. This may mean drawing on an existing EHA or initiating a new one.

Education settings enquire if there is an existing EHA or any other existing health or social care assessments. If there is already a child and family assessment in place, then this information will be used to support the team around the family (TAF) meeting. Otherwise information from the EHA will be used.

A TAF meeting is then organised by the EHCP coordinator. The family is central to this meeting and it is important that the representatives of all other key agencies working with the child are in attendance, as indicated by the EHA.

The main purpose of this meeting is to understand, from a multi-agency perspective, what the unmet needs are, how they impact on each other and what is the most appropriate route forward. This meeting will review how resources have been allocated and used so far and how well outcomes have been met. The EHCP coordinator, informed by the TAF, will advise the designated local authority professional who decides whether to conduct statutory assessment.

At the heart of this process is the family's relationship with the EHCP coordinator who supports them through the process and co-produces the plan with them. The discussion with the family also includes initial consideration of a personal budget.

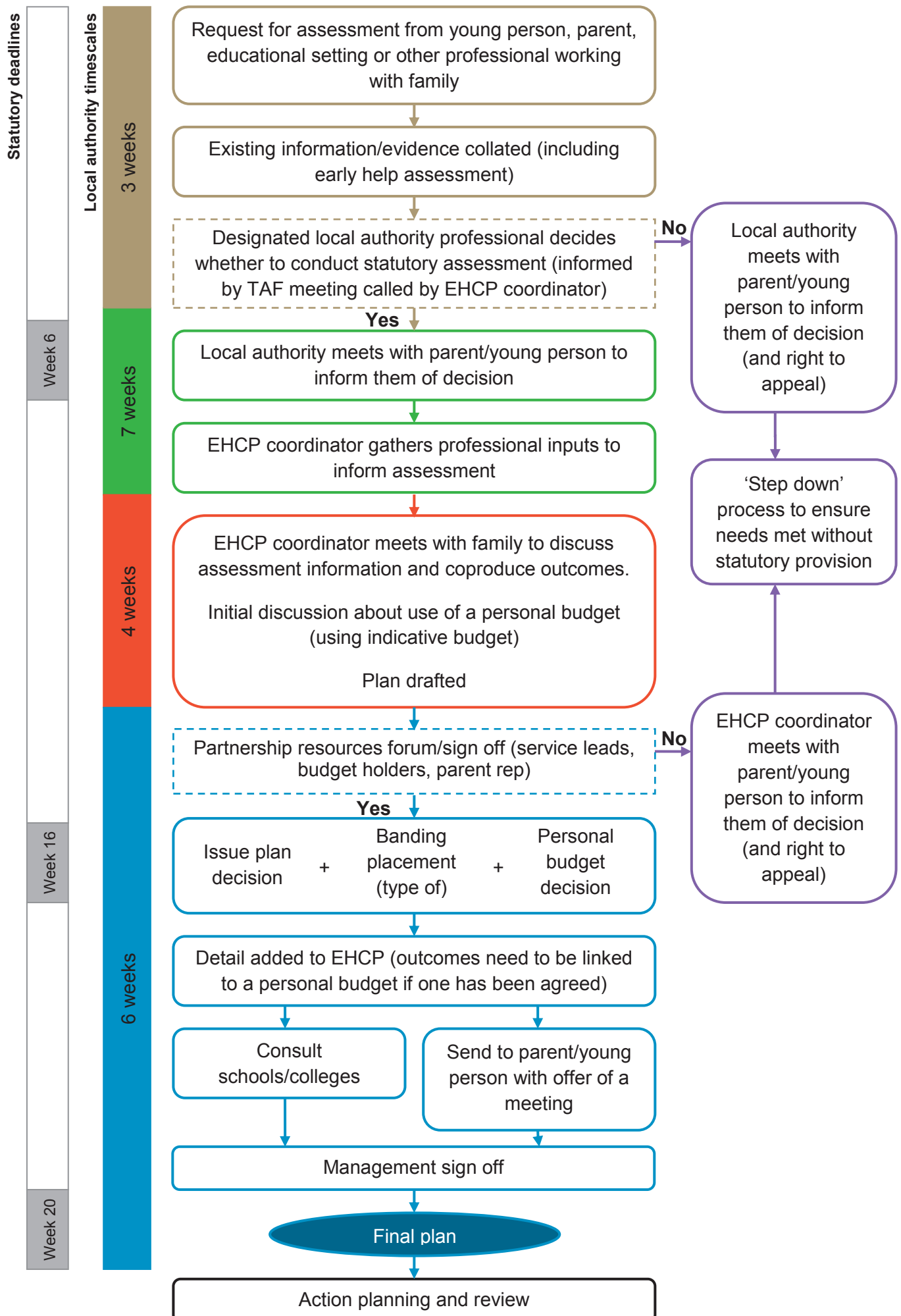
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The draft plan and the resources to support it will need to be agreed by a partnership resources forum that includes a parent representative and is enabled to make budget decisions for all the agencies represented in the plan. Decisions about education resource banding, personal budgets and type of placement will be signed off here.

A statutory period (15 calendar days) for final consultation and senior management sign-off will be followed by short-term or next steps action planning and review that will involve the setting identified in the plan.



## Education, health and care plan (EHCP) process



## 8. Working with the new education, health and care plan (EHCP)

### What does Surrey's EHCP template look like?

The Surrey EHCP template attempts to give a fuller picture of the child or young person's strengths as well as their difficulties. It enables the family and the child or young person to have much more of an input into the plan. It starts with a one page profile and information about the family and then includes assessment information and the plan itself. The plan is constructed around person-centred outcomes agreed with the family and child or young person. A summary of the content of the plan is included on the next page but the full document can be viewed at

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## Outline of education, health and care plan (EHCP)

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CYP and family's further details, a summary of their story, their aspirations and how they have participated in the plan.

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A description of the CYP's health needs that result in SEN and other health needs that are non – educational.

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The CYP's outcomes described under the following four themes:

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Targets are linked to need, actions to support targets are then given including by whom, by when, and the provision.

Includes arrangements for reviewing outcomes and setting and monitoring 'my action plan'.

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Contact details of education placement and the level of support/banding information.

### My personal budget

The child or young person's personal budget support plan (if relevant).

### Sign off page

Lists who the plan can be shared with and the signatures of those who have agreed the plan.

### Appendices

All supporting documents attached.

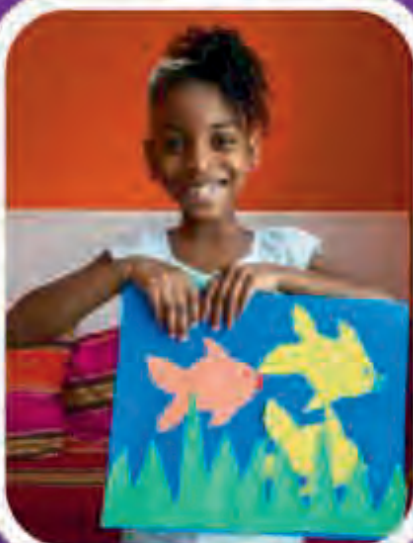
### Additional supporting document

#### My action plan

Next steps and short term targets listed and then a description of how they will be supported, by when and what success will look like.



## Surrey Education, Health and Care Plan for: Beth



### What people like about me and what I like about myself

- She is clever and cool
- She is funny
- Beth is very pretty and always kind
- She is happy and thoughtful
- She is trendy and sporty
- She is fun to be with

- I am good at playing piano



### What is important to me

- Drawing with water pastels and doing pictures.
- Chatting to my friends in Golden Time.
- Playing with Siobhan, Heather, Abbey and Sophie.
  - Playing with my Bratz dolls.
- Watching TV - my favourite is Merlin.
- Making things like Playdough cakes and things out of salt dough.
- Having friends for a sleepover and making dens.
  - Going on a trampoline.
- Watching DVDs (with popcorn!).
  - Going to bed with my favourite soft toys.
  - Having pizza for school dinners.



### How best to support me

Beth is quiet at school but underneath has lots of energy and a very lively personality which people who know her well get to see. She needs to release this energy by doing energetic things such as singing and dancing, otherwise she can, in her own words get 'giddy'.

Beth is very good natured and often puts other people's wishes before her own. She sometimes needs encouragement to put forward what she wants or is happy with.

Beth can get anxious about certain issues or situations and this could appear to others that she is being difficult. If she appears difficult, talk to her about what the issue is and she usually needs lots of reassurance.

Date:

## 9. What happens if a child or young person already has a statement of special educational needs (SEN) or a learning difficulty assessment (LDA)?

As the legal test for whether a child or young person requires an education, health and care plan (EHCP) remains the same, it is expected that all who have a statement and would continue to have one under the current system will be transferred to an EHCP.

All statements must be transferred to EHCPs between 1 September 2014 and 1 April 2018.

The transfer process will involve an education, health and care needs assessment and a person-centred transfer review (which will replace the annual review).

The local authority will publish a timetable for the transfers, but the principle will be for the child or young person to transfer from statement to EHCP in advance of them moving to the next phase of education.

If the young person has an LDA, the transfer process will follow the same process as a new request for an EHCP. These must be completed by September 2016.

## 10. Mediation

The EHCP process is supported by opportunities for informal advice and disagreement resolution as well as more formal mediation. Formal mediation aims to resolve a disagreement and is a way of helping everyone to reach an agreement.

This is a statutory service commissioned by local authorities which is designed to help settle disagreements between parents or young people and local authorities over education, health and care needs assessments and plans and which parents and young people can use before deciding whether to appeal to the first-tier tribunal about decisions on assessment or the special educational element of a plan. Mediation can cover any one or all three elements of an education, health and care plan and must be offered to the parent or young person when the final plan is issued, but they are not able to appeal to the tribunal about the health and social care aspects of the plan.



## 11. Paediatric therapies

A joint paediatric therapy forum was set up in February 2014 in response to the Children and Families Act 2014 and the new SEN code of practice. Membership of the forum includes health commissioners and providers, education (including post-16), social care, families and schools. The purpose of the forum is to agree a joint commissioning strategy and action plan between the local authority and health for paediatric therapies (speech and language, occupational therapy and physiotherapy). Equity, clarity and transparency, consistency, integration, outcome focus, up skilling of the workforce and quality assurance have been identified as the key principles which should underpin the strategy. At the same time as this work is being undertaken a separate joint review of Surrey's occupational therapy service will also be completed by the College of Occupational Therapy. Recommendations from the review will be made in the autumn term.

Surrey County Council and health services are also working with special schools and specialist centres to review how current therapy resource is allocated to individual settings to ensure equity and consistency. This review includes undertaking a skills audit of the school workforce, which will form the basis of a workforce development plan.

A workshop took place in July to agree the assessment template for therapists to use when carrying out their outcome focused assessments that feed into the planning process for children and young people with SEND. Exemplar templates will be agreed and training and resources organised for all therapy teams.

For further information please contact [zarah.lowe@surreycc.gov.uk](mailto:zarah.lowe@surreycc.gov.uk) or [anne.breaks1@nhs.net](mailto:anne.breaks1@nhs.net)







## 12. Joint commissioning

Joint commissioning is a strategic approach to planning and delivering services in a holistic, joined-up way. It is a means for the different partners commissioning education, health and care provision, to deliver positive outcomes for children and young people with SEND. It offers partners a way to work together to deliver more personalised and integrated support resulting in better outcomes for the system, as well as the individual. A joint commissioning approach can also provide local area partners with an opportunity to redesign services across education, health and care in order to operate more effectively, both improving the experiences of children, young people and their families and making best use of local resources.

The SEND code of practice introduces new statutory duties on education, health and social care to establish joint commissioning arrangements. These new arrangements include:

- Joint commissioning must cover the services for 0-25 year old children and young people with SEN or disabilities, both with and without EHCPs.
- Ensuring there is a designated medical officer to support clinical commissioning groups (CCGs) in meeting statutory responsibilities for children and young people with SEND.
- CCGs must put arrangements in place to secure the agreed health element in the EHCP and local joint commissioning arrangements must consider procedures for ensuring that disagreements between local authorities and CCGs are resolved as quickly as possible.

Surrey County Council and the Surrey CCG consortia are currently working through the detail of these requirements to ensure new arrangements are in place for September 2014.

For further information please contact [zarah.lowe@surreycc.gov.uk](mailto:zarah.lowe@surreycc.gov.uk) or [anne.breaks1@nhs.net](mailto:anne.breaks1@nhs.net)



## Glossary

### **Early help assessment (EHA)**

Where a child and family would benefit from co-ordinated support from more than one agency there should be an inter-agency assessment. These early help assessments should identify what help the child and family require to prevent needs escalating to a point where intervention would be needed through a statutory assessment under the Children's Act 1989. **(Working Together to Safeguard Children, March 2013 - A guide to inter-agency working to safeguard and promote the welfare of children)**

**Provider:** Organisation providing education, apprenticeships etc

**Special educational needs (SEN):** A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for them. A child of compulsory school age, or a young person, has a learning difficulty or disability if they find learning significantly more difficult than the majority of others at the same age, or if they have a disability which prevents or hinders them from making use of educational facilities generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.

**Special education needs and disability (SEND):** While the new code of practice is for children and young people with SEND, some sections apply only to SEN (see above definition) while others sections apply to SEND.

**Team around the family (TAF):** This refers to the team around the child/young person and family, which is made up of practitioners from a wide range of agencies brought together to provide support and help to improve outcomes.









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1. Introduction
2. What are the main changes under the new legislation?
3. Surrey's SEND local offer
4. Personal budgets
5. Changes to funding
6. Supporting children and young people with special educational needs and disability (SEND) in Surrey
7. Working with the new education, health and care plan (EHCP)
8. Working with Surrey's new EHCP process
9. What happens if a child or young person already has a statement of special educational needs (SEN) or a learning difficulty assessment (LDA)?
10. Mediation
11. Paediatric therapies
12. Joint commissioning





## 1. Introduction

This guide is an introductory booklet for all stakeholders with an interest in the changes to the special educational needs and disability (SEND) support system under the Children and Families Act 2014. It is intended to provide a brief introduction to some of the main changes and how Surrey plans to implement them. It is not intended to provide the detailed information that will be found within Surrey's SEND local offer or through training. However, links are provided throughout to more detailed documentation.

## 2. What are the main changes under the new legislation?

Families have been telling us locally, and across the country, that they sometimes find it hard to get the support they need because they do not find services very 'joined up' in the way they work. This means that they often have to tell their story repeatedly and manage relationships with a range of different practitioners. The Government has introduced legislation (the Children and Families Act, 2014) that requires us to work in a new, more co-ordinated way from September 2014.

Surrey became part of the SE7 Pathfinder (SE7 are seven local authorities working together) to trial the new legislation ahead of September and has been working in partnership with all services and representative families and young people to co-design the new system.

The main changes under the new legislation are that young people with SEND (whose needs are at a high level and meet criteria) will be supported by a new single education, health and care plan 0-25 (instead of the current 'statements of special educational needs (SEN)'). Families will be more actively engaged in reviewing and accessing the services available to them through the local offer.

To guide our work on this, we agreed a vision statement with the families and partners who have been part of it:

'We believe that the best outcomes for young people and children with high support needs, special educational needs or disabilities are secured by working together in an honest and effective partnership that includes families, the voluntary and community sector, education, social care and health. We want young people, children and their families to have a good experience of the support system, including at key transition points. We want them to be confident in the system, knowing that they will be listened to and that it will provide what is needed in a timely



fashion. Children, young people and families will play a key role in decision-making. Services will be co-ordinated around the needs of the young person and accessed through a single integrated assessment pathway and plan. We believe that the best partnership is one that considers impact, cost, fairness, value for money and realistic parameters around choice. We aim to enable every child and young person to contribute and achieve more than they thought possible.'

We know that it will take time to achieve this vision and we hope you will be patient and work with us while we try to implement a new way of working. If we get it right, we hope that children, young people and families will have a much better experience of the system. Some of the families who helped us by participating in the education, health and care plan (EHCP) trials told us that they believed it could really improve the way we all work together.

**“ It was really rather lovely to feel heard on an equal footing! Sometimes it used to feel as if being a parent was itself a disability. Now I feel that I am part of the team and as though there is someone on my side. Before I felt like the enemy. ”**

**Parent who participated in the education, health and care plan trial**

### **What will be the main changes under the new legislation?**

- Education, health and care plans (EHCP) to replace statements of SEN /learning disability assessments (LDAs).
- A single category 'SEN support' to replace Action and Action Plus categories.
- The areas of SEN needs that may be identified are: communication and interaction, cognition and learning, social, emotional and mental health difficulties, sensory and/or physical needs.
- Greater focus on outcomes as the basis for a support plan.
- 0-25 system.
- The new plans should look forward to key transition points and support a more successful transition to adulthood.
- There is a requirement on the local authority to publish a local offer of SEND services.
- The new code of practice includes young offenders with SEN.
- Personal budgets (see relevant section).

## What stays the same?

- Definition of SEN.
- Majority of children and young people have their needs met through their mainstream education settings or providers.
- Duties under the Equality Act 2010.
- Admissions.
- Right to request school (with some small alterations) and reasons to refuse place.
- Statutory requirements for special educational needs co-ordinator (SENCO).

You can view the full code of practice on the Department for Education website:  
[www.gov.uk/government/publications/send-code-of-practice-0-to-25](http://www.gov.uk/government/publications/send-code-of-practice-0-to-25)

## 3. Surrey's SEND local offer

### What is the local offer?

The purpose of the local offer is to enable parents and young people to see more clearly what services are available in their area and how to access them. More importantly, it will provide a way for families and young people to engage more easily with services that can benefit them. The offer will include provision from birth to 25 across education, health and social care and should be developed in conjunction with children and young people, parents and carers, and local services, including schools, colleges, health and social care agencies.



The local offer is being put together by Surrey County Council in partnership with young people and their families, and agencies and organisations that support them. This is known as co-production.

The local offer will be published on a dedicated website from September 2014, but it may take some time to build it up to its full potential. In the meantime, information, updates and an opportunity to give us your views can be found at:  
[www.surreycc.gov.uk/sendlocaloffer](http://www.surreycc.gov.uk/sendlocaloffer).

SEN information for education settings can be seen by visiting their own websites.



## 4. Personal budgets

An education, health and care plan (EHCP) personal budget is an amount of money to support the achievement of all, or some, of the outcomes set out in the EHCP.

A personal budget enables support offered to a child/young person to be personalised to meet individual learning needs. It could add to existing learning support, funding some specialist input, funding work experience or work-based learning opportunities and/or add to the technology available to a pupil/student supporting their preferred learning style. One clear exclusion is that a personal budget cannot be used to buy a school place.

Parent carers of children and young people who have an EHCP assessment underway, or where a current statement of SEN is at the point of annual review, can request a personal budget. Additionally, young people aged 16 and over are able to request a personal budget in their own right. There is no obligation to have a personal budget, and requesting to have one is optional. The level of personal budget will vary and be dependent on the support and provision outlined in the EHCP, with the budget requested and provided in various ways.

All requests for a personal budget will be considered and decisions made in line with the locally agreed personal budgets policy available through the local offer.

### **Personal budgets in Surrey**

Once formal consultation has taken place, Surrey's personal budgets policy, plus more detailed information will be available through the local offer. However, in Surrey and elsewhere in the majority of cases, SEN personal budgets will be implemented and utilised by children and young people within the mainstream education sector, as specialist and personalised arrangements and provision are available elsewhere (resourced units and special schools/colleges). If families wish to employ support for the delivery of services on education premises, they must get formal agreement from the headteacher or principal. In the absence of this agreement it cannot go ahead in that form.



## 5. Changes to funding

### Schools

In preparation for the changes in SEN legislation, a more consistent approach to SEN funding is now in place. This funding is made up of three elements, as follows:

1. Mainstream schools receive funding for all their pupils of around £4,000 per child per year.
2. Mainstream schools also receive a SEN budget each year to enable them to provide additional learning support for any pupil that needs it, up to a level of around £6,000 per year (School Funding Reform: Arrangements for 2013/14). This means that in total schools can spend up to £10,000 per year on supporting a child with SEN without needing to ask for an EHCP. The school's SEN information should explain the type of support it is able to provide.
3. If a child requires more than £10,000 support per year, the local authority can provide 'top up' funding if the child has an EHCP. The amount of top-up funding is determined through reference to the local authority's banding matrix, which describes the arrangements required to meet a child's SEN. It indicates the appropriate level of top up funding for each child's needs across bands 1 to 4. This banding approach is also used for agreeing the funding of special schools and specialist centres.

### Post-16 further education (FE)

The Children and Families Act 2014 proposes a more integrated approach to provision for children and young people with SEND across the 0-25 age range. As part of this change, funding of education and training for young people aged 16-25 in further education (FE college, 6th form college, independent specialist college) changed in 2013 to bring in a more consistent approach to funding.

Young people aged 16-25 moving from statutory schooling into non-statutory further education will be following individual programmes that centre around the young person's own aspirations, interests, strengths, capabilities and needs. It is recognised that support at college will be unique for each young person and needs will not only vary according to individual circumstances, but will change over time as they get older and approach adult life. Further education is therefore funded on an individual needs basis to ensure successful individual outcomes.





Colleges receive an allocation based on a national funding formula for their core provision. They also have additional funding for students with additional needs, including those with SEND in their main allocation single line budget. Colleges are expected to provide appropriate, high quality SEN support using all available resources.

If a college identifies that a young person aged 19-25 with an EHCP or aged 16-19 without an EHCP receiving education at their institution is in need of additional support, they must first explore the local offer and have been through an early help assessment (EHA).

If, having exhausted these options, the college can evidence that the young person's additional support exceeds £11,000 then high needs student (HNS) funding will be granted. Surrey County Council agrees the level of HNS funding based on evidence provided by the college of the young person's individual support needs and the efficient use of resources, described in the individual placement agreement. The funding is split into three elements: element 1 (approx £5,000), element 2 (£6,000), which is paid directly by the Education Funding Agency, and element 3 'top up' funding that is agreed on an individual need basis.

It is expected that mainstream colleges will be able to provide the resources to support young people with SEND. However, a young person has the right to request that a provider is named in their EHCP. Surrey County Council will **only** consider a placement at an independent specialist college in the following circumstances:

- the provision is suitable for the young person's age, ability, aptitude or SEN and is an efficient use of resources; and/or
- it is determined that the local college is unsuitable for the young person's age, ability, aptitude or SEN, or that to place the young person there would be incompatible with the efficient use of resources or the efficient education of others.



## 6. Supporting children and young people with SEND in Surrey

The new code of practice explains that most children with SEN will achieve their outcomes through the arrangements that can be available to them without the need for an education, health and care plan (EHCP). Schools and colleges are provided with resources in their delegated budget which they can use to support children and young people with additional and special needs. More information about how they might provide this support is described in their SEN information.

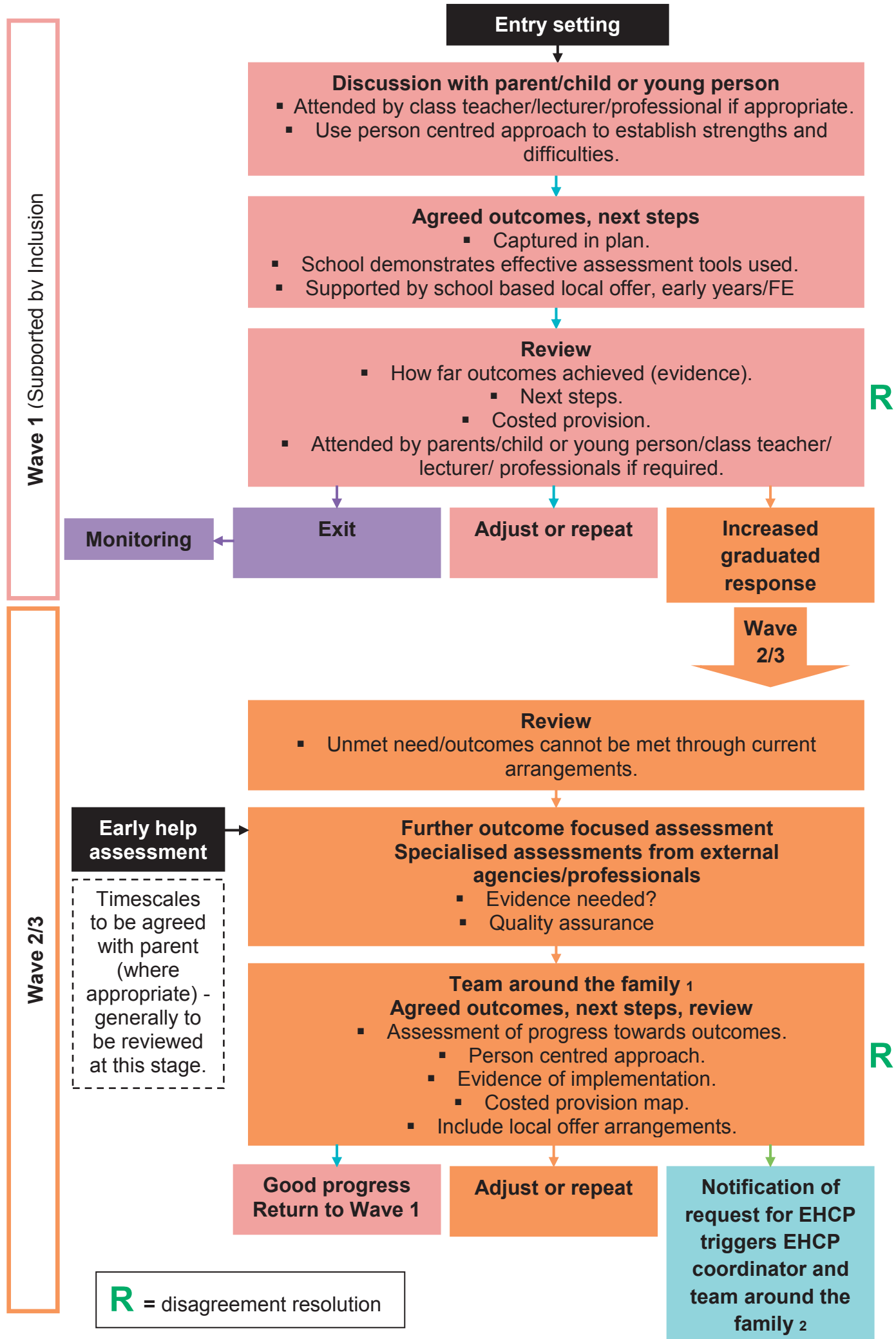
- Children and young people should access the provision they need in a timely fashion, that is, as close to the point of need as possible.
- Provision should be linked to progress towards agreed outcomes.
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If a child or young person is identified as having SEN, the support should take the form of a cycle of assessing, planning, doing and reviewing. There may need to be more frequent reviews and more specialist expertise in successive cycles to match interventions to the SEN of the child or young person. If the child or young person is still making inadequate progress given their age, starting point and particular circumstances, it may be appropriate to consider whether an EHCP is needed.

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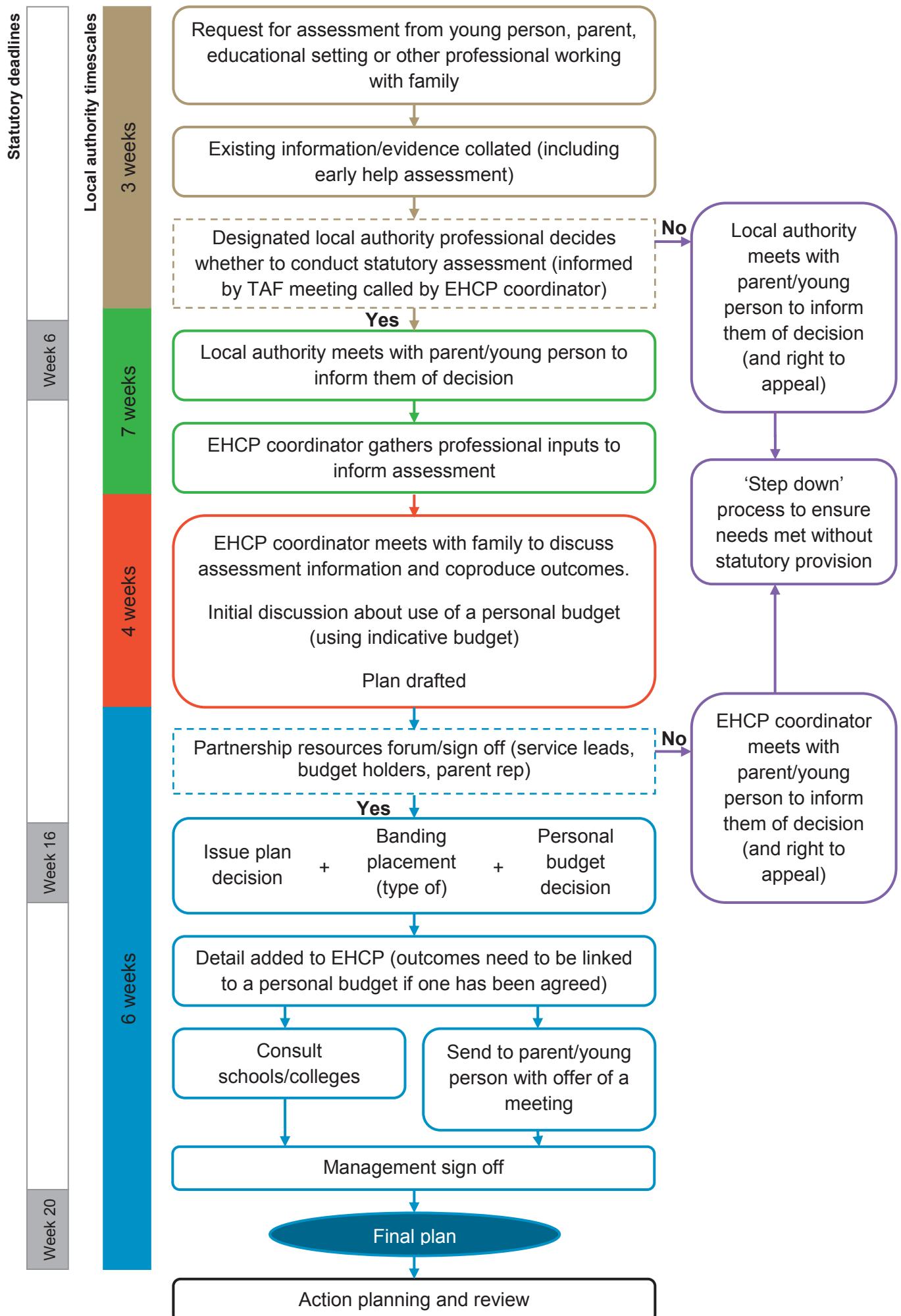
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### Sign off page

Lists who the plan can be shared with and the signatures of those who have agreed the plan.

### Appendices

All supporting documents attached.

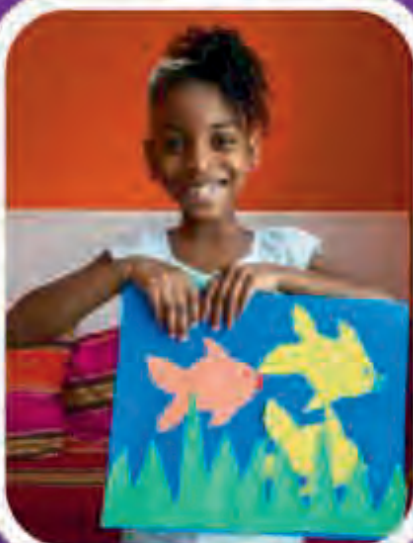
### Additional supporting document

#### My action plan

Next steps and short term targets listed and then a description of how they will be supported, by when and what success will look like.



## Surrey Education, Health and Care Plan for: Beth



### What people like about me and what I like about myself

- She is clever and cool
- She is funny
- Beth is very pretty and always kind
- She is happy and thoughtful
- She is trendy and sporty
- She is fun to be with

- I am good at playing piano



### What is important to me

- Drawing with water pastels and doing pictures.
- Chatting to my friends in Golden Time.
- Playing with Siobhan, Heather, Abbey and Sophie.
  - Playing with my Bratz dolls.
- Watching TV - my favourite is Merlin.
- Making things like Playdough cakes and things out of salt dough.
- Having friends for a sleepover and making dens.
  - Going on a trampoline.
- Watching DVDs (with popcorn!).
  - Going to bed with my favourite soft toys.
  - Having pizza for school dinners.



### How best to support me

Beth is quiet at school but underneath has lots of energy and a very lively personality which people who know her well get to see. She needs to release this energy by doing energetic things such as singing and dancing, otherwise she can, in her own words get 'giddy'.

Beth is very good natured and often puts other people's wishes before her own. She sometimes needs encouragement to put forward what she wants or is happy with.

Beth can get anxious about certain issues or situations and this could appear to others that she is being difficult. If she appears difficult, talk to her about what the issue is and she usually needs lots of reassurance.

Date:



## 9. What happens if a child or young person already has a statement of special educational needs (SEN) or a learning difficulty assessment (LDA)?

As the legal test for whether a child or young person requires an education, health and care plan (EHCP) remains the same, it is expected that all who have a statement and would continue to have one under the current system will be transferred to an EHCP.

All statements must be transferred to EHCPs between 1 September 2014 and 1 April 2018.

The transfer process will involve an education, health and care needs assessment and a person-centred transfer review (which will replace the annual review).

The local authority will publish a timetable for the transfers, but the principle will be for the child or young person to transfer from statement to EHCP in advance of them moving to the next phase of education.

If the young person has an LDA, the transfer process will follow the same process as a new request for an EHCP. These must be completed by September 2016.

## 10. Mediation

The EHCP process is supported by opportunities for informal advice and disagreement resolution as well as more formal mediation. Formal mediation aims to resolve a disagreement and is a way of helping everyone to reach an agreement.

This is a statutory service commissioned by local authorities which is designed to help settle disagreements between parents or young people and local authorities over education, health and care needs assessments and plans and which parents and young people can use before deciding whether to appeal to the first-tier tribunal about decisions on assessment or the special educational element of a plan. Mediation can cover any one or all three elements of an education, health and care plan and must be offered to the parent or young person when the final plan is issued, but they are not able to appeal to the tribunal about the health and social care aspects of the plan.



## 11. Paediatric therapies

A joint paediatric therapy forum was set up in February 2014 in response to the Children and Families Act 2014 and the new SEN code of practice. Membership of the forum includes health commissioners and providers, education (including post-16), social care, families and schools. The purpose of the forum is to agree a joint commissioning strategy and action plan between the local authority and health for paediatric therapies (speech and language, occupational therapy and physiotherapy). Equity, clarity and transparency, consistency, integration, outcome focus, up skilling of the workforce and quality assurance have been identified as the key principles which should underpin the strategy. At the same time as this work is being undertaken a separate joint review of Surrey's occupational therapy service will also be completed by the College of Occupational Therapy. Recommendations from the review will be made in the autumn term.

Surrey County Council and health services are also working with special schools and specialist centres to review how current therapy resource is allocated to individual settings to ensure equity and consistency. This review includes undertaking a skills audit of the school workforce, which will form the basis of a workforce development plan.

A workshop took place in July to agree the assessment template for therapists to use when carrying out their outcome focused assessments that feed into the planning process for children and young people with SEND. Exemplar templates will be agreed and training and resources organised for all therapy teams.

For further information please contact [zarah.lowe@surreycc.gov.uk](mailto:zarah.lowe@surreycc.gov.uk) or [anne.breaks1@nhs.net](mailto:anne.breaks1@nhs.net)





## 12. Joint commissioning

Joint commissioning is a strategic approach to planning and delivering services in a holistic, joined-up way. It is a means for the different partners commissioning education, health and care provision, to deliver positive outcomes for children and young people with SEND. It offers partners a way to work together to deliver more personalised and integrated support resulting in better outcomes for the system, as well as the individual. A joint commissioning approach can also provide local area partners with an opportunity to redesign services across education, health and care in order to operate more effectively, both improving the experiences of children, young people and their families and making best use of local resources.

The SEND code of practice introduces new statutory duties on education, health and social care to establish joint commissioning arrangements. These new arrangements include:

- Joint commissioning must cover the services for 0-25 year old children and young people with SEN or disabilities, both with and without EHCPs.
- Ensuring there is a designated medical officer to support clinical commissioning groups (CCGs) in meeting statutory responsibilities for children and young people with SEND.
- CCGs must put arrangements in place to secure the agreed health element in the EHCP and local joint commissioning arrangements must consider procedures for ensuring that disagreements between local authorities and CCGs are resolved as quickly as possible.

Surrey County Council and the Surrey CCG consortia are currently working through the detail of these requirements to ensure new arrangements are in place for September 2014.

For further information please contact [zarah.lowe@surreycc.gov.uk](mailto:zarah.lowe@surreycc.gov.uk) or [anne.breaks1@nhs.net](mailto:anne.breaks1@nhs.net)



## Glossary

### **Early help assessment (EHA)**

Where a child and family would benefit from co-ordinated support from more than one agency there should be an inter-agency assessment. These early help assessments should identify what help the child and family require to prevent needs escalating to a point where intervention would be needed through a statutory assessment under the Children's Act 1989. **(Working Together to Safeguard Children, March 2013 - A guide to inter-agency working to safeguard and promote the welfare of children)**

**Provider:** Organisation providing education, apprenticeships etc

**Special educational needs (SEN):** A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for them. A child of compulsory school age, or a young person, has a learning difficulty or disability if they find learning significantly more difficult than the majority of others at the same age, or if they have a disability which prevents or hinders them from making use of educational facilities generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.

**Special education needs and disability (SEND):** While the new code of practice is for children and young people with SEND, some sections apply only to SEN (see above definition) while others sections apply to SEND.

**Team around the family (TAF):** This refers to the team around the child/young person and family, which is made up of practitioners from a wide range of agencies brought together to provide support and help to improve outcomes.



