



Department  
for Education



Department  
of Health

**This document has been withdrawn**

# **Implementing a new 0 to 25 special needs system: LAs and partners**

**Duties and timescales - what you must  
do and when**

**March 2015**

## Contents

Summary	4
Delivering cultural change through working with children, young people, parents and carers	8
Independent Supporters	9
Parent Carer Forums	10
Rights of parent carers	10
Transferring children and young people with statements and young people receiving support as a result of a Learning Difficulty Assessments (LDAs) to EHC plans	11
Statements, LDAs and eligibility for EHC plans	11
Overall timeframe for transition	11
Planning for and phasing the roll-out of EHC plans	12
SEN Support in early years, schools and further education	13
Transferring to SEN Support in the early years and in schools	13
A year to phase in support	13
From September:-	14
Introducing SEN Support in FE Colleges and sixth forms	14
The local offer	16
Contents of the local offer	16
Early Years and School Settings' contribution to the local offer	16
Further education providers' contribution to the local offer	17
Education, Health and Care plans	18
Locally-developed templates for EHC plans	18
Issuing EHC plans before September instead of statements or LDAs	18
EHC plans and the early years	19

Eligibility for free early education for disadvantaged two year olds based on EHC plans	19
EHC plans for 19-25 year olds	19
Personal Budgets	21
Implementation in September 2014	21
Mediation	23
Joint Commissioning Arrangements	24
Links between SEND reforms and wider health priorities	25
Young people in custody	28
Support offer for local authorities	29
Regional pathfinder champions	29
Regional SEND reform hubs	30
National pathfinder champions	30
Strategic Reform Partner	31
Readiness for implementation	32
Spring LA readiness survey – headline findings	32
Annex A: Recent Announcements about the SEND Reforms	37
High Needs Funding Reform	37
Annex B: Extract from the SEND Code of Practice	39
Annex C: Early draft of the Designated Medical Officer Role Profile and Job Description from the Council for Disabled Children	41
Further information	43

## Summary

### About this departmental advice

This is advice from the Department for Education and the Department of Health. This advice is non-statutory, and has been produced to help recipients understand their role in implementing reforms to the special educational needs and disabilities system.

### Expiry or review date

This advice will next be reviewed in September 2015.

### Who is this advice for?

This advice is for:

- Local authorities (children's services, social care and adult social care);
- Health partners (Clinical Commissioning Groups, and Health and Wellbeing Boards).

It also contains advice to be passed on to Clinical Commissioning Groups, early years settings/ schools/ colleges and parent carers and young people.

### Key points

The SEND reforms are a significant set of cultural and systematic changes which are designed to improve outcomes of children and young people with SEN or Disability (SEND). This guidance contains useful information to help local areas prepare to implement the SEND reforms introduced by the Children and Families Act 2014. The pack sets out:

- how authorities and their partners could phase their implementation of the legal requirements elements of the SEN reforms, offering clarity on what must be implemented by 1 September, what is simply best practice, and which elements of the offer can be developed over time.
- how to deliver cultural change by working with children and young people with SEND and their parents.
- an overview of transitional arrangements for those on school action/ school action plus (and equivalents) as well as those with existing statements and Learning Disability Assessments (LDAs)

- At Annex A it draws together the most recent announcements that have been made on the SEN or Disability (SEND) reforms, including the SEND Implementation Grant and an overview of High Needs Funding Reform.
- At Annex B it gives an extract from the SEND Code of Practice setting out the sections for the EHC plan.
- At Annex C it also contains an early draft of a generic job description for the Designated Medical/ Clinical Officer, which may be of particular use to CCGs.

How to phase implementation of the SEND reforms for local authorities (bold text shows 'musts', lighter text shows 'shoulds' or best practice)

LEGAL DUTY	By September 2014	After September 2014
<b>THE PRINCIPLES: S19 WELLBEING DUTY</b>	Under S19, you must work with children, young people and parents – with individual families to improve outcomes for individual children and young people, and strategically to ensure operational arrangements and services delivery better reflects their needs. This will be an ongoing process which will deliver both cultural and procedural change.	
<b>LOCAL OFFER</b>	You must publish an initial, accessible, local offer. This offer must have been developed in partnership with children and young people with SEN or Disability and their parents, and education, health and care partners. It should cover the support available for those with and without EHC plans and from birth to 25 years, including SEN Support.	You must develop and improve the local offer over time.
<b>INFORMATION ADVICE AND SUPPORT</b>	By September, you must ensure there is a source of independent information, advice and support for parents, and children and young people with SEN and disabilities, across education, health and care. This should include, but not be limited to, independent supporters.	You should continue to develop the information advice and support offer as needed.
<b>SEN SUPPORT (BEST ENDEAVOURS DUTY)</b>	<p>LAs should reassure themselves that early years settings, schools and FE colleges/ have:</p> <ul style="list-style-type: none"> <li>Reviewed the 0-25 SEND Code of Practice to ensure their provision will meet the requirements on teaching, curriculum and wider policies.</li> <li>Engaged with children and young people with SEND and their families and put in place arrangements (or structures) on how they would regularly engage and discuss progress;</li> <li>Explored how they will monitor and track the progress and development of children and young people with SEN and identify and deliver any training needed by staff;</li> <li>Contributed to the development of the local offer and engaging with the LA in relation to delegated funding, joint commissioning, EHC plans and implications of personal budgets</li> <li>For schools: Have arrangements in place to support pupils with medical conditions</li> <li>For schools: Published the annual SEN information report.</li> </ul>	<p>As part of their ongoing review of support for children and young people with SEN, education settings should:</p> <ul style="list-style-type: none"> <li>Review children and young people currently on SA/ SA+ (and equivalents) and put in place SEN Support. This will include setting clear targets for progress, agreeing what support should be provided and track how it is working. School pupils and those in the early years should have transferred to SEN support by the end of the spring term 2015.</li> <li>Support new children and young people using your best endeavours using SEN Support, using person centred approaches, and working with families.</li> <li>Record all those who need special educational provision in the school census.</li> <li>Develop partnerships with early years/ post-16 providers and adult services (including employment) to smooth transition between stages.</li> </ul>

LEGAL DUTY	By September 2014	After September 2014
<b>TRANSITIONAL ARRANGEMENTS PLANNING</b>	You should have published a plan, produced with parents and young people, setting out how you will go about transferring young people who receive support as a result of an Learning Difficulty Assessment (LDA) and children and young with statements to EHC Plans by 1 April 2018.	<p>You should implement your plan to ensure that:</p> <ul style="list-style-type: none"> <li>all young people who currently receive support as a result of a LDA who request an EHC plan and need one are issued with one;</li> <li>all young people who currently receive support as a result of an LDA who continue in further education or training beyond 1 September 2016 have an EHC plan where one is needed;</li> <li>all children and young people with statements are transferred to EHC plans by 1 April 2018.</li> </ul> <p><b>For individuals with a statement, the transfer process must be completed within a maximum of 14 weeks.</b></p>
<b>EHC ASSESSMENT AND PLANNING</b>	<p><b>By September you must have a co-ordinated education health and care assessment process in place which can be used to issue a final EHC plans within a maximum of 20 weeks, where children and young people need one.</b></p> <p>There should be an EHC Plan template in place which should ideally have been tested out with children and young people with SEN and their parents.</p>	<p><b>You must work with new entrants to the system to assess and issue EHC plans within 20 weeks where one is needed.</b></p> <p>You should work with those with existing statements and LDA begin transition to EHC plans in stages (page 11 in document).</p>
<b>PERSONAL BUDGETS</b>	<b>You must have a clear policy in place setting out the scope of the personal budget offer to families in September</b> , and should be ready to respond to requests for personal budgets from families that have been assessed as needing an EHC plan.	You should use joint commissioning arrangements and the local offer to deliver a year-on-year increase in the scope and availability of personal budgets.
<b>MEDIATION</b>	<b>You must have commissioned access to high quality mediation for those who need it.</b>	<b>You must make mediation available for those who want it, issuing a certificate for those who want to go straight to Tribunal.</b>
<b>JOINT COMMISSIONING</b>	<b>LAs and CCGs must work together with partners and parents at strategic level to develop the systems set out above.</b>	<b>Over time, you must use those relationships to review, plan and jointly commission services.</b>

## Delivering cultural change through working with children, young people, parents and carers

1. The Children and Families Act seeks to deliver cultural, as well as organisational change. The first section of part 3, Section 19, makes clear that local authorities, in carrying out their functions under the Act, must have regard to the importance of children and young people, and their parents and carers, participating as fully as possible in decisions about their individual care. Local authorities must ensure that children, young people, parents and carers are provided with the information, advice and support necessary to enable participation in those decisions, by developing and having in place from September effective information, advice and support services.
2. Local authorities must also ensure that children, young people and their parents and carers are involved in decisions about local provision. For example, local authorities should involve children and young people, their parents and carers (including local Parent Carer Forums and Youth Forums) in the design or commissioning of services to ensure that those services meet local needs. They should make use of existing organisations and forums which represent the views of parents, such as Parent Carer Forums that exist in almost all local authority areas. They should also make use of forums which represent the views of children and young people directly – and where these do not exist, local authorities should consider establishing them.
3. Evidence from the pathfinder authorities shows that this collaborative approach to working with families makes a difference at three levels:
  - Families feel more in control, better informed and more satisfied with the services they receive;
  - Professionals find genuine partnership working with families is very rewarding and generates better results;
  - The reforms are bringing about a culture shift in assessment and planning, with a growing emphasis on personalisation, multi-agency working and outcomes-based approaches.
4. As a first step, we would encourage LAs, as part of their communications to local parents, to share the attached [open letter from Minister Timpson to parent carers to reassure them about the SEND reforms](#).
5. This letter includes a link to a factsheet co-produced with a range of voluntary sector partners and hosted on CDC's website, which LAs should also consider promoting with local parents. LAs may also find the letters to [FE Colleges](#) and [for teachers](#) a useful resource to draw on to help education partners understand their responsibilities under the Children and Families Act.
6. The NPPN has developed [standards for information, advice and support services](#) reflecting new duties that come into force this September.

7. Many local areas have arrangements in place to ensure effective participation by parents and young people to develop their plans for implementation of the SEND reforms. There are some good examples of strong co-operation and co-production in many local areas. It is critical to the success of the reforms that effective practice in this respect happens in all local areas.

## Independent Supporters

8. As part of a wider package of support for local area implementation, the Government has committed £30 million of new money, until March 2016, to provide independent supporters from September 2014, and their numbers will grow over time. Independent supporters will provide help directly to families of children and young people going through the new assessment and planning process. Government funding for independent supporters is available during this period in order to boost support to parents and young people, during the most intensive period of transition to the new arrangements.

9. Independent supporters will help families by offering a range of time-limited support such as liaison across different agencies and advice on personal budgets. The level and nature of that support will be tailored to the particular needs of individual families. Independent supporters will be independent of the local authority, recruited by the private, voluntary or community sectors. Local authorities should work with those organisations who will be recruiting independent supporters to consider how best to deploy them so that they offer support to families who would most benefit from that kind of support. More information on independent supporters is available from the [Council for Disabled Children](#).

10. Local authorities need to ensure that children, young people and parents receive impartial information, advice and support on matters relating to their Special Educational Needs or disabilities, and health and social care. This must include how to take-up and manage a Personal Budget. Local information, advice and support should be provided through a dedicated and easily identifiable service, building on existing arrangements such as Parent Partnership services. Local authorities must have regard to the importance of providing the information and support necessary to enable children, young people and their parents to participate in decisions that affect them. For more information, please contact the [National Parent Partnership Network](#) (NPPN).

11. The NPPN has developed standards for information, advice and support services reflecting new duties that come into force this September. They can be found here: [www.parentpartnership.org.uk/documents/parent-partnership-services/quality-standards-for-services-providing-information-advice-and-support/](http://www.parentpartnership.org.uk/documents/parent-partnership-services/quality-standards-for-services-providing-information-advice-and-support/)

12. Many local areas have arrangements in place to ensure effective participation by parents and young people to develop their plans for implementation of the SEND reforms. There are some good examples of strong co-operation and co-production in

many local areas. It is critical to the success of the reforms that effective practice in this respect happens in all local areas.

## Parent Carer Forums

13. Parent Carer Forums can access a central government grant via the Contact a Family 'Strengthening Parent Carer Participation programme'. This funding will increase from £10,000 per forum in 2013-14 to £15,000 in 2014-15 to contribute to the additional work they are doing working with local authorities and other partners to implement the reforms. Additional local funding arrangements are also in place in some areas to increase the capacity of the forum.

14. More information about Parent Carer Forums and parent carer participation, and how to access support to strengthen or develop parent carer participation for forums, local authorities and partners can be accessed through [Contact a Family](#) and the [National Network of Parent Carer Forums](#).

## Rights of parent carers

15. Parent carers of disabled children go above and beyond in the support they offer to their families and it is right that this is fully recognised and supported. The Children and Families Act incorporates existing legislation (from the Children Act 1989) which gives individuals with parental responsibility for a disabled child the right to an assessment of their needs by a local authority. The legislation has been streamlined to be consistent with changes being made for young carers and carers of adults. The changes remove the requirement that the parent carer must be providing, or intending to provide, a "substantial amount of care on a regular basis" in order to be assessed. The changes also mean local authorities must assess on the appearance of need, as well as on request, and must explicitly have regard to the well-being of parent carers in undertaking an assessment of their needs. We expect the amended legislation to come into effect from April 2015.

## Transferring children and young people with statements and young people receiving support as a result of a Learning Difficulty Assessments (LDAs) to EHC plans

### Statements, LDAs and eligibility for EHC plans

16. The legal test of when a child or young person requires an EHC plan remains the same as that for a statement under the Education Act 1996. **Therefore, it is expected that all children and young people who have a statement and who would have continued to have one under the current system, will be transferred to an EHC plan – no child or young person should lose their statement and not have it replaced with an EHC plan simply because the system is changing.**

17. Similarly, local authorities have undertaken LDAs for young people either because they had a statement at school or because, in the opinion of the local authority, they are likely to need additional support as part of their further education or training and would benefit from a LDA to identify their learning needs and the provision required to meet those needs. The expectation is that young people who are currently receiving support as a result of a LDA and remain in further education or training during the transition period, who request and need an EHC plan, will be issued with one.

18. If a local authority decides to cease a statement and not replace it with an EHC plan or not issue an EHC plan to a young person who receives support as a result of an LDA then dispute resolution arrangements must be in place locally for parents and young people, including mediation and the right to appeal a decision to the First-tier Tribunal.

### Overall timeframe for transition

19. We are keen for all children and young people to benefit from the new SEND system as soon as possible but, to ensure quality is maintained, this must be balanced against local authorities' capacity to deliver.

20. Young people who receive support as a result of LDAs have fewer rights and protections than those with statements. To address this inequality and to make sure they get the support they need to be well prepared for adulthood, we think it is important to prioritise the transfer of this group to the new system. It remains our intention to ensure that all young people who receive support as a result of an LDA who need an EHC plan have one by September 2016.

21. Many respondents to our consultation on transfer to EHC plans agreed with our proposal to phase out statements by September 2017. However, in light of concerns that some local authorities may find it difficult to meet this deadline within existing resources,

we have decided to extend the transition period to April 2018. In addition we are providing a comprehensive package of support to local authorities to ensure they will have the resource to prepare for and implement these changes. This includes the £70 million SEN reform grant and an additional £45.2 million SEND implementation grant in 2014-15 (with an indicative amount of a further £31.7 million for 2015-16).

## Planning for and phasing the roll-out of EHC plans

22. Local authorities should consult with parents, young people and professionals to develop a local plan setting out the order in which children and young people with statements and LDAs will transfer to the new system. To ensure that momentum is maintained across all areas, all local authorities will be required to ensure that some groups of children are transferred to the new system by particular points during the transition period. Local authorities should aim to prioritise children and young people for transfer to EHC plans prior to key transition points – such as entry to primary school, primary to secondary school, and secondary school to further education - and at year 9. However, in order not to overwhelm the system in the first year of implementation, between September 2014 and September 2015 local authorities will only be required to transfer:

- young people who receive support as a result of a LDA who request an EHC needs assessment;
- children and young people who have been issued with draft EHC plans before 1 September 2014;
- young people moving into further education or training from school in September 2015 (in 2014/15 this must be completed before 31 May 2015, and by 31 March in subsequent years)

23. Local authorities are not restricted to transferring only these groups should local capacity allow and should tell parents and young people what will happen and when.

24. The additional funding provided to local authorities in 2014/15 for implementation of the SEN reforms should allow for the transfer of pupils at key transition points. If local authorities do not transfer these groups in 2014/15 they should make arrangements to ensure that sufficient funding is available for those children to be transferred in future years.

25. Further details will be set out in transitional guidance. [The current SEND transitional guidance](#) is a useful resource to draw upon when LAs and partners are making plans on how to phase the roll-out of EHC plans.

## SEN Support in early years, schools and further education

26. The SEN Green Paper '*Support and aspiration: A new approach to special educational needs and disability*' committed to removing the current levels of SEN identification at School Action and School Action Plus (and their equivalents) with a new SEN category. The legal definition of SEN has not changed. Special educational provision should continue for children and young people who need it. It may change only if:

- their learning needs have changed or
- the setting has improved its universal offer.

27. No child or young person should lose their support simply because the system is changing.

## Transferring to SEN Support in the early years and in schools

### A year to phase in support

28. The new SEND Code of Practice sets out clear guidance for early years settings and schools on the process for appropriate identification, monitoring and securing further support for children with SEN. This replaces the School Action and School Action Plus categories (and their early years equivalents) in the current Code of Practice. The aim is to focus the system on the impact of the support provided to the child, rather than how children access support according to the category they fit into. It will also challenge schools to improve the quality of teaching and learning for all pupils, rather than inappropriately labelling some pupils as having SEN.

29. The new SEN Support arrangements come into force from September 2014. As part of transitional arrangement early years settings and schools should:

- begin to review core teaching and wider policies and how it meet the requirements in the SEND Code of Practice;
- start now to engage with parents and pupils with SEN more widely and put in place arrangements (or structures) on how they would regularly review and discuss progress;
- ensure class teachers are aware of the changes and recognise their responsibilities for identifying and supporting children with SEN;
- explore how they will monitor and track the progress and development of pupils with SEN;
- identify and deliver any training needed by staff;

- contribute to the development of the local offer;
- engage with the LA in relation to delegated funding, joint commissioning, EHC plans and implications of personal budgets;
- explore how you will support pupils with SEN with their transition to post 16 education.

### From September:-

- continue to review core teaching and wider policies so that all teachers and early years staff are meeting the requirements in the SEND Code of Practice;
- as part of their ongoing review of support for children with SEN, schools and early years settings should review pupils currently on School Action/ School Action Plus (and early years equivalents) to put in place SEN Support. This will include setting clear targets for progress, agreeing what support should be provided and track how it is working. We anticipate that most children to be in the SEN support category by spring 2015, **with all pupils moving to SEN support by September 2015;**
- continue to put children, young people and parents at the centre of decision making, including making sure parents are fully informed and involved with how pupils are progressing;
- record all who need special educational provision in the school census in January 2015;
- (for schools) publish the annual SEN information report; and
- develop partnerships as needed with early years/ primary/ secondary/ post-16 providers to help smooth transitions.

30. The Government's response to the transitional arrangements consultation has been published alongside the [response to the consultation](#) on the SEND Code of Practice. We are currently finalising transitional legislation and accompanying guidance. A draft of this guidance is available on the [gov.uk website](#) so local authorities are aware of the intended policy on transition to the new system.

31. Local authorities may wish to draw schools' attention to the nasen overview of the SEND reforms "[Everyone's Included](#)", and encourage early years settings to the [4children early years implementation resource](#).

### Introducing SEN Support in FE Colleges and sixth forms

32. Under the 0-25 SEND Code of Practice, SEN support is being introduced into FE Colleges and sixth forms. This means that where a student has a learning difficulty or disability that calls for special educational provision, the college **must** use its best endeavours to put appropriate support in place. Young people should be supported to

participate in discussions about their aspirations, their needs, and the support they think will help them best. Support should be aimed at promoting student independence and enabling the young person to make good progress towards employment and/or higher education, independent living, good health and participating in the community.

33. In practical terms, by September colleges will need to have:

- Reviewed the 0-25 SEND Code of Practice to ensure their provision will meet the requirements on teaching, curriculum and wider policies.
- Worked with students with SEND and their families to put in place arrangements (or structures) on how they will regularly engage and discuss progress;
- Explored how they will monitor and track the progress and development of children and young people with SEN and identify and deliver any training needed by staff;
- Contributed to the development of the local offer and engaging with the LA in relation to delegated funding, joint commissioning, EHC plans and implications of personal budgets

34. From September they should be ready to:

- Support new students through SEN Support, using person centred approaches, and working with families.
- Record all those who need special educational provision in the individual learning record.
- develop partnerships with secondary schools and adult services (including employment) to support transition between stages.

LAs may wish to share the [FE Implementation Pack](#) with colleges to help them prepare.

## The local offer

35. Following consultation with families, partners and providers of services, local authorities will develop and publish an accessible local offer from 1 September 2014. The local offer will clearly articulate the services available for children and young people with SEND. The regulations and the SEND Code of Practice outline who local authorities must consult in developing and reviewing their local offer.

36. We expect September to be the start of an ongoing process, with local offers developed and revised over time through regular review and consultation. During the first year, local authorities should continue to build on their joint commissioning arrangements with Clinical Commissioning Groups and involving children, young people and their families in strategic decision making. Local authorities have been required for some time to publish information about support for children and young people with SEND, including what they expect schools to provide from their delegated budgets and provision for short breaks. These could provide a starting point for their local offer.

## Contents of the local offer

37. Regulations and the SEND Code of Practice provides a framework to guide local authorities on the content of the local offer. Local authorities will of course be able to go beyond this, depending on local needs and consultation with children, young people and parents.

38. The local offer must include information on services across education, health and social care and from birth to 25; how to access specialist support; how decisions are made including eligibility criteria for accessing services where appropriate; and how to complain or appeal.

39. It is crucial that authorities work with providers across all age groups as well as with parents and young people to develop their local offer, to ensure their provision meets the full needs of the 0-25 cohort.

## Early Years and School Settings' contribution to the local offer

40. Schools have a duty to co-operate and work with the local authority to inform, develop and review the local offer. The governing bodies of maintained schools and maintained nursery schools and the proprietors of academy schools must also publish information on their websites about the school's arrangements for identifying, assessing and making provision for pupils with SEND. Regulations and the SEND Code of Practice set out the information which should be included. Schools are expected to engage with children and young people with SEND and their parents when developing this information.

41. Local authorities must also ensure that all early years providers they fund in the maintained, private, voluntary and independent sectors are aware of the requirement on them to have regard to the SEN Code of Practice and to meet the needs of children with SEN and disabilities.

## **Further education providers' contribution to the local offer**

42. To reflect the new rights and protections in place for those 16 and over, it is critical that LAs engage the post-16 education sector, including FE Colleges, sixth form colleges, 16-19 Academies, independent specialist provision, private training providers and Apprenticeships. General and sixth form colleges and approved post-16 institutions will be under a duty to co-operate with the local authority to identify and meet the needs of young people with SEN. This includes working with authorities on the local offer and developing partnerships with local authorities to support planning for transition to adult life, including involvement in annual reviews where needed. Local authorities must also cooperate with colleges to ensure that young people's needs are met. Colleges must do their very best (legally, their best endeavours) to support their students. This principle is set out in more detail in chapter seven of the SEND Code of Practice.

## Education, Health and Care plans

### Locally-developed templates for EHC plans

43. Following consultation, the new regulations and SEND Code of Practice will not require local authorities to use a single national template for EHC plans. It is important to develop plans locally, in consultation with local families, so that they are accessible and meet individual needs. Nonetheless, we recognise the need to enable portability of EHC plans where families move across areas and for all plans to include core information to enable a consistent approach to be taken to appeals. Subject to Parliamentary approval, the regulations will require that every EHC plan includes discretely labelled sections; the SEND Code of Practice laid before Parliament provides guidance on what to include in each section. An extract from the Code is attached in Annex A for information.

44. To support high quality planning, based on learning from pathfinders and other areas, we have shared a number of [example EHC plans](#). The EHC plans we issued in June 2014 meet the requirements set out in the Code of Practice laid before Parliament. The Department for Education and the Department of Health will share further examples in the coming months.

### Issuing EHC plans before September instead of statements or LDAs

45. Local authorities must ensure they comply with the existing legislation relating to statements and Learning Difficulty Assessments until the Children and Families Act is commenced on 1 September.

46. In the same way that some pathfinder authorities do at the moment, non-pathfinder local authorities could issue a statement that meets existing legislation but that also anticipates the final requirements for EHC plans. Alternatively, with the agreement of the parent or young person, a local authority could provide a non-statutory EHC plan in place of a statement. In these circumstances, parents will retain their right to request a statement until 1 September.

47. For young people who need an Learning Difficulty Assessment, an EHC plan would more than satisfy the legal requirement to carry out a S139A Learning Difficulty Assessment. Where local authorities are ready and able to do so, they could use non-statutory EHC plans to replace LDAs immediately for young people with statements who are leaving school and moving to further education in 2014-15. For funding purposes, local authorities will need to clearly indicate on the non-statutory EHC plan that this is fulfilling the function of the S139A Learning Difficulty Assessment.

48. For a plan to become a statutory EHC plan following 1 September, local authorities would need to ensure it complied with the final regulations and the SEND Code of Practice. We expect the process to give statutory force to EHC plans issued

before 1 September to be quick and light touch, assuming that all parties (including the parent or young person) are content with the existing EHC plan. – Advice on this will be set out in transitional arrangements guidance. A draft of this guidance was published on the [gov.uk](http://gov.uk) website in June and a final version will be available in the coming weeks.

## **EHC plans and the early years**

49. Not every child with special educational needs will need an EHC plan. Very young children's needs can change so quickly that meeting needs through the support set out in the local offer (for example, offering key working support) may be more valuable to parents than beginning an EHC plan needs assessment.

50. Where complex developmental and/or sensory needs are identified at birth or in the very early years through regular health checks, which mean a young child under compulsory school age has or will have SEND, the health body must inform the parent, discuss it with them, and let them know about any voluntary organisations that are likely to be able to provide advice or assistance. This includes the educational advice, guidance and intervention to be put in place early and before the child starts school. The health body must also draw that child to the attention of the appropriate local authority, who must then consider whether the issue is sufficiently complex and long term that an EHC needs assessment is appropriate (see chapter 9 of the Code of Practice for full guidance deciding when an assessment is needed).

## **Eligibility for free early education for disadvantaged two year olds based on EHC plans**

51. From September 2014, two-year-olds with EHC plans, statements of SEN or that are eligible for Disability Living Allowance will be entitled to 570 hours per year of funded early education. All three- and four-year-olds already have this entitlement. The Department has issued statutory guidance on delivering this entitlement. Revised guidance to be implemented from September 2014 will be issued in due course.

52. The majority of two-year-olds who will qualify because of their special educational needs will do so because they are receiving Disability Living Allowance. Data from the Department for Work and Pensions suggests that there were c. 44,000 under-5s eligible for DLA in August 2013 – implying in the region of 9,000 two-year-olds. This compares to 225 children aged two or under with statements of SEN in January 2013.

## **EHC plans for 19-25 year olds**

53. It is important that all young people with SEN are prepared effectively for adulthood. The outcomes specified in the EHC plan should show clearly how they will enable young people to progress towards their aspirations. For young people approaching their 19<sup>th</sup> birthday and older, the annual review process should be used to

consider whether continuing to maintain an EHC plan will enable young people to achieve their outcomes.

54. LAs must have regard to whether the outcomes in the EHC plan have been achieved when considering whether to cease a plan. LAs must not cease an EHC plan simply because a young person is aged 19 or over. However, this does not mean that there is an automatic entitlement to continued support at age 19, or an expectation that those with an EHC plan should all remain in education until age 25. Planning for provision should not assume that young people with EHC plans approaching age 19 will automatically stay in education or in the educational institution which they have been attending up until that point.

55. LAs should also consider whether remaining in education and training would enable the young person to progress and achieve the outcomes in the EHC plan – including the consideration of access to provision that will help prepare them for adulthood. Young people who no longer need to remain in formal education or training, will not require special educational provision to be made for them through an EHC plan.

56. Young people aged 19-25 who do not have an EHC plan continue to have the right to request an assessment at any point prior to their 25<sup>th</sup> birthday (unless an assessment has been carried out in the previous six months). In addition to following the normal EHC plan procedures, LAs must consider whether the young person requires additional time to complete their education or training.

57. In all cases, young people aged 19-25 will have the right to appeal to the SEN Tribunal if they do not agree with a local authority's decisions.

## Personal Budgets

58. The Special Educational Needs [\(Personal Budgets\) Regulations 2014](#) were approved by Parliament on 18 June. Personal budgets will be offered alongside the introduction of EHC plans. So children and young people assessed as needing an EHC plan or with an EHC plan will have the option of a personal budget from September 2014.

59. A personal budget is a sum of funding available for children and young people where it is clear that they need additional provision above that available to most children and young people through local services. It is not the sum total of all the resources that are available to support a child or young person and Section J (Personal Budgets) of the EHC Plan does not need to list all the costs associated with supporting a child or young person. Rather, this section should provide a detailed explanation of how a personal budget will be used to deliver agreed provision, the needs and outcomes it will meet, and will explain how the money will be used, spent and managed including arrangements in relation to any direct payments

## Implementation in September 2014

60. Regulations require the inclusion of information about Personal Budgets in the local offer. The Code of Practice is clear that this should include a local policy for personal budgets, developed with parents and young people, which describes the services across education, health and social care that currently lend themselves to the use of Personal Budgets, how that funding will be made available, and includes clear and simple statements of eligibility criteria and the decision making processes that underpin them.

61. To achieve this local authorities should work with their partners to:

- identify and agree the funding streams and services for inclusion from September 2014 and develop the necessary infrastructure to support their inclusion;
- identify and establish the information advice and support necessary at an area and individual level to help families consider options for, and to take up and manage, Personal Budgets;
- develop a pathway for personal budgets within the assessment and planning process and the workforce and cultural changes necessary for a person centred approach;
- identify how the new joint commissioning strategies will support greater choice and control beyond September 2014, with a view to new enhanced offers from September 2015 through to September 2017 (and beyond) as the market is developed and funding streams freed up from existing contractual arrangements; and

- maintain the core principles in the SEND Code of Practice at all times, ensuring children, young people and families are involved in the decision making processes at both an individual and strategic level.

## **Developing the offer of a Personal Budget**

62. Implementation of personal budgets is complex and, as with the local offer, the personal budget offer in September is the start of an ongoing process. The scope and availability of personal budgets will need to be developed and revised over time through regular review and consultation with parents, children and young people and the implementation of joint commissioning strategies.

63. The SEN pathfinders, working with our partners, have provided a wealth of materials to help local authorities develop their personal budget offer. The most recent addition to this is a simple toolkit for implementation, setting out the key actions which need to be completed to enable local areas to make an offer of Personal Budgets across SEN, health and social care by September 2014 and an introduction to the work that needs to take place beyond September to ensure this the personal budget offer in each local area evolves over time.

64. The toolkit signposts the wider resources available to help each of the tasks and includes a section on the common questions in relation to Personal Budgets.

## **Links between education settings and Personal Budgets**

57. The Code of Practice is clear that funding for personal budgets will relate to more specialist and individualised provision. In education, this means provision funded wholly or partly from the local authority's high needs funding and does not include funding for school place or services the school or college is expected to provide as part of the local offer.

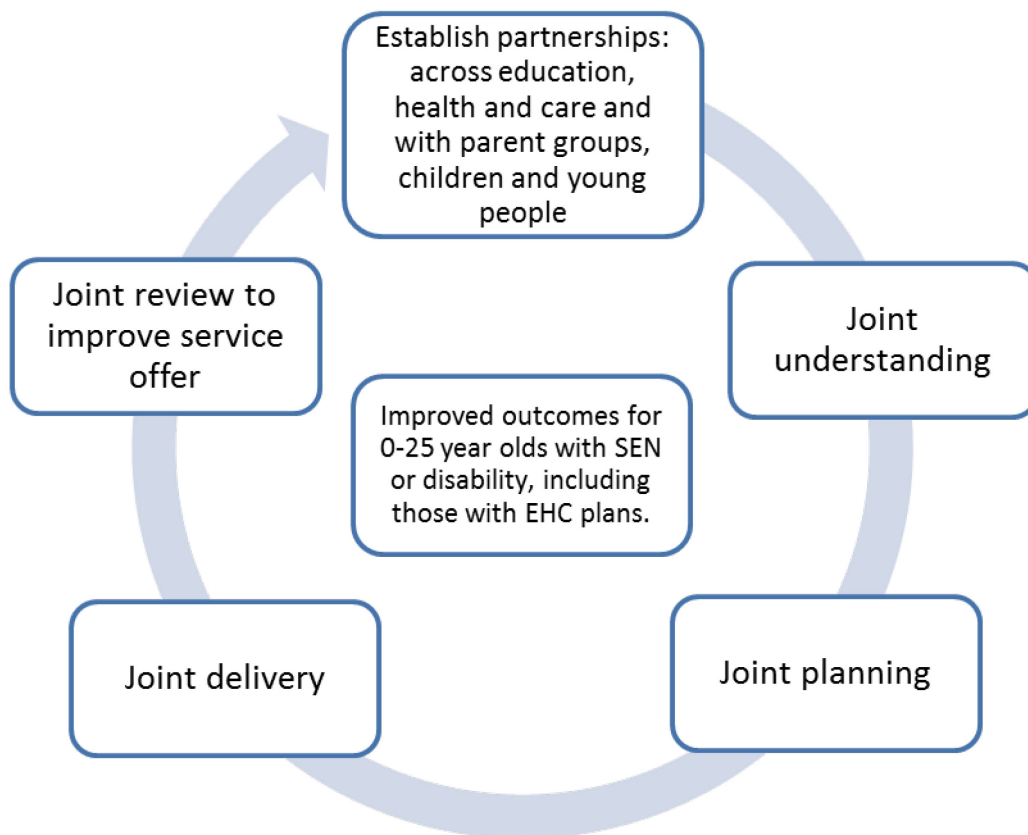
58. Where parents or young people are seeking to use a direct payment to secure provision on a school or college premises, local authorities must secure the agreement of the school or college. They should usually do this when they consult the school or college about naming it on the child or young person's EHC plan, and should work with them to address any concerns that they may have. As part of this process, schools and colleges are likely to need assurance that any person employed by the parent or young person will conform to the policies and procedures of that institution. Where agreement cannot be reached, the local authority cannot go ahead with the direct payment. However, they should continue to work with the parent/young person and the school to explore other opportunities for the personalisation of provision in the plan.

## Mediation

59. The Children and Families Act introduces duties on local authorities to arrange for parents and young people to receive information on mediation before they appeal to the Tribunal and to arrange mediation for parents and young people who want it. These duties are in addition to authorities' existing duty to make disagreement resolution services available to parents. They will come into effect on 1 September this year. The Department has sent a [letter to local authorities about mediation](#) which sets out the duties on mediation across education, health and social care.

## Joint Commissioning Arrangements

60. Unlike the other requirements of part three of the Children and Families Act, joint commissioning is an input, rather than an output. It is the process by which partners across education, health and care agree at a strategic level what is needed in an area and how they will work together to commission and deliver it. Critical to doing this well is engaging with children and young people with SEN and Disabilities and their families, and this is a key theme in the 0-25 SEND Code of Practice. The Code encourages the LA to start by building partnerships, and use those relationships to build a joint understanding of the needs of the area, before planning, delivering and reviewing that offer so it can improve the outcomes of 0-25 year olds with SEN or disability, whether or not they have Education Health and Care plans.



This is a continuous improvement cycle, which will enable partners to integrate the local support, reduce unnecessary duplication and improve the outcomes and user experience of accessing support. By September 2014, areas will want to focus on building those strategic relationships, and using them to deliver the local offer, EHC planning process, transition planning, SEN support and access to personal budgets and mediation. Over time the joint commissioning work may well develop to include aligning and pooling budgets to secure improved service delivery and efficiency, but that will inevitably be a long term process for many areas.

## Links between SEND reforms and wider health priorities

61. The Children and Families Act builds on existing legislation and wider reforms to public services to support co-ordinated working, such as the Health and Social Care Act 2012, in order to improve local health and wellbeing and the outcomes for vulnerable children and young people. The [NHS Mandate](#) sets out the objectives for the NHS and highlights the areas of health and care where the Government expects to see improvements. The Mandate says that: “one area where there is a particular need for improvement, working in partnership across different services, is in supporting children and young people with special educational needs or disabilities. NHS England’s objective is to ensure that they have access to the services identified in their agreed care plan, and that parents of children who could benefit have the option of a personal budget based on a single (coordinated) assessment across health, social care and education.”

62. Local authorities and CCGs must ensure that procedures are in place to agree a plan of action to secure provision in line with commissioners statutory responsibilities to meet a child or young person’s reasonable health need in every case. The output of the joint commissioning work will be presented publicly as part of the local offer, which should capture the range of health services available relevant to children and young people with a disability. There is a specific duty for health practitioners to bring 0-5 year old children who may have SEN or disability to the attention of the local authority so they can consider whether an assessment is necessary, working with parents.

63. Health practitioners and clinicians must contribute to the co-ordinated Education Health and Care Assessment; commissioners must ensure that services are mobilised to ensure the right professionals participate in assessments– and will want to ensure they have appropriate oversight of the plan process, and in particular, signing-off significant provision. The Education Health and Care plan must contain all the provision reasonably required by a child or young person’s SEN and disability, and this must be commissioned individually if necessary. Appropriate professionals must participate in the planning process, and reviewing progress against agreed outcomes.

64. The Children Act 2004 also places a duty on local authorities to make arrangements to promote cooperation with its partners (including the police, health service providers and youth offending teams and the probation services) in promoting the wellbeing of children and young people under 18, which includes safeguarding and the welfare of children.

65. Partners will want to take account of the full range of policies that affect the provision of education, health and social care services to children and young people with SEN and disability and how they overlap. This includes the early help assessments, the criteria for children’s continuing care packages and NHS Continuing Care, and wider duties for all partners to make reasonable adjustments under the 2010 Equality Act.

66. Local partners working effectively together to improve outcomes children and young people with Special Education Need and disability the is one of the fundamental elements of the reforms in the Children and Families Act. The Act gives local partners the flexibility to decide how they are going to make the system work in their area and what structure is most effective for them, but there are key elements that must be in place to make sure that services are in place for those with SEN or Disability, including those without EHC Plans.

67. In every local authority area there must be Joint Commissioning Arrangements between the Local Authority and the relevant Clinical Commissioning Groups. There must be also be arrangements with NHS England for disabled children and young people and those with SEN who require specialist services commissioned directly by NHS England at a regional or national level.

68. These joint commissioning arrangements MUST work to integrate educational provision and training provision with health and social care provision where they think that this would promote the wellbeing of children and young people with SEN or disabilities or improve the quality of special educational provision. This reinforces the existing duties on Local Authorities and health commissioners to promote the integration of services and the pools to pool budgets if this would enhance wellbeing.

### **The role of the Designated Medical Officer**

69. The CDC have been doing detailed work with a consultant paediatrician to help develop the role of the Designated Medical Officer. An early draft of this work is attached to act as a prompt for CCGs to consider how they will introduce this role locally at Annex B.

### **Links between the SEND reforms and Continuing Health Care**

70. New arrangements for children and young people with SEND and disability are not intended to replace good practice in agreeing continuing care; where a child has SEN or a disability, their continuing health care should form part of their EHC plan. The joint arrangements for securing services for those with SEN, form a good basis for making decisions on those with continuing health needs.

71. The Department of Health is leading a working group of professionals and key organisations to revise the National Framework for Children's and Young People's Continuing Care which will capture how it features in new joint arrangements for SEND. The aim is to produce a framework by the end of 2014.

### **Support for health professionals in implementing the SEND reforms**

72. Our recent local authority readiness survey showed strong progress in engaging health partners (especially CCGs and children's therapists) to prepare to implement the reforms.

73. NHS England, the Departments for Education and Health, the Council for Disabled Children and In Control are working together to plan a range of support to help CCGs, clinicians and providers better understand and prepare for the reforms, including offering specific guidance for clinicians and health commissioners on how to deliver key elements of the reforms such as the role of the Designated Medical Officer. The full suite of resources will be available from September 2014 onwards. The Council for Disabled Children has provided a very helpful [briefing for health professionals on the Children and Families Act 2014](#).
74. If CCGs need further support, they should link with their local authority to get help through the regional champion.

## Young people in custody

75. The legislation relating to those in custody will commence from April 2015. The provisions will include the right for detained children and young people to request an EHC assessment while they are in custody and new duties on the young person's home local authority and health service commissioners to arrange appropriate education and health provision if a young person with an EHC plan is detained in custody.

76. We are publishing the young offenders section of the Code before developing regulations to give local authorities, custodial institutions and other key stakeholders the opportunity to consider the changes to their roles and responsibilities, to feed into the consultation on the regulations to be held in autumn 2014, and prepare for implementation.

77. We will be bringing together a group of practitioners and policy professionals involved in the implementation of these reforms to advise on:

- The content of regulations and an updated version of the 0-25 SEND Code of Practice and
- The challenges of implementing these reforms and what further information, advice and guidance might be required.

## Support offer for local authorities

78. Support is available to all local authorities and their partners (particularly health services) in 2014-15 to help prepare for implementation of the SEND reforms, especially those in the early stages of readiness. The offer is organised on a regional basis and delivered by regional pathfinder champions and other organisations with expertise in various elements of the reforms. To access the core support offer, the first point of contact for local authorities and their partners is the regional pathfinder champion. In addition to regional support, expertise on the main areas of reform is also available in the form of national pathfinder champions.

### Regional pathfinder champions

79. Regional pathfinder champions have been drawn from the SEND pathfinder programme, which has informed the Children and Families Act at every stage. Learning from the pathfinder programme has generated a number of case studies and other resources, which are available from the [pathfinder website](#). These include a series of 'information packs' on key strands of SEND reform such as the local offer and preparation for adulthood. The packs are regularly updated, with the latest versions being published in April 2014, and further updates will be published in September 2014.

80. Each local authority is being offered a minimum of two support days from their regional champion, but flexibility exists within each region to develop an approach which is most appropriate for them, making best use of existing networks. For example, support days may be provided on a 1-1 basis to an individual local authority or their partners, or they may be pooled with other areas to deliver a series of themed workshops across the region. Additional support days from the regional champion can be allocated on a case by case basis, depending on the needs of the area.

81. A list of regional pathfinder champions for 2014-15 is available on the [pathfinder website](#). They are providing bespoke support to local authorities and their partners across the region, with a focus on practical implementation. Regional champions are continuing to liaise with local authorities to plan delivery of remaining support days. Regional pathfinder champions are supported and co-ordinated nationally by the pathfinder support team, Mott MacDonald. If you want to contact your regional champion please email Mott MacDonald on: [pathfinder@mottmac.com](mailto:pathfinder@mottmac.com) or call 020 7651 0308. Where local authorities' partners are interested in using pathfinder champion support, they should speak to their local authority first (because pathfinder champion support is brokered through the local authority).

## Regional SEND reform hubs

82. As well as offering direct support, regional pathfinder champions are providing local authorities with information and access to support from regional “SEND reform hubs”. These hubs will bring together a group of voluntary and community sector delivery partners, funded by the Department for Education. Each hub has a regional support offer setting out in one place the free support available to help local areas prepare for implementation. This takes the form of events and expert advice through 1-1 conversations and online. Details of the offer can be accessed through the regional champion. The partners in each SEND reform hub are:

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

83. The SEND reform hubs are able to draw on further expert support from:

- Achievement for All
- NASEN
- The Association of Colleges
- The National Sensory Impairment Partnership
- The Communications Trust
- The Autism Education Trust
- The Dyslexia SPLD Trust
- The Short Breaks Network

and 69 additional grant-funded organisations.

More information on their work can be found through the [Council for Disabled Children](#)

## National pathfinder champions

84. A list of national pathfinder champions for 2014-15 is available on the [pathfinder website](#). They offer additional specialist support and advice on key elements of the reforms – such as assessment and planning, personal budgets or joint commissioning – based on the experience and expertise developed during their time as pathfinder areas. Regional champions are able to draw on national leads that are based within their own regions or elsewhere, to help meet local needs.

## **Strategic Reform Partner**

85. The Council for Disabled Children is working as a Strategic Reform Partner to the Department for Education. It disseminates key messages about the reforms as they are developed, and co-ordinate delivery partner and specialist support available to regional SEND reform hubs. More information can be found through the [Council for Disabled Children](#).

## Readiness for implementation

### Spring LA readiness survey – headline findings

86. 143 responses were received for the summer SEN readiness survey, a response rate of 93%. This is an improvement on 133 (88%) in the spring and 120 (79%) last autumn. The results show continuing progress from our earlier surveys.

### Overall Summary

- **96%** of respondents were “reasonably” or “very” confident that new entrants would be offered the new system from September. This represents 90% of LAs nationally.
- 93% of respondents were ‘reasonably’ or ‘very’ confident that pupils coming up to a transition point in 2014-15 would have their statement/LDA reviewed and transferred to an EHC plan. This represents 88% of LAs nationally.

87. For the majority of the survey questions, over 60% of respondents reported “good progress” or “complete”. This includes key aspects of the reforms:

- 88% of respondents reported developing EHC plans and assessment processes as making “good progress” or “complete”;
- 78% reported that trialling their EHC plans were making “good progress” or “complete”;
- 87% reported the local offer as making “good progress” or “complete”;

88. Stakeholder engagement is also very positive:

- 97% of respondents reported engaging parents and Parent Carer Forums as making “good progress” or complete;
- 94% reported engaging schools and SENCOs as making “good progress” or complete;
- 96% reported engaging social care as making “good progress” or complete;
- 77% reported engaging health partners as making “good progress” or complete;
- 72% reported engaging FE and post-16 providers as making “good progress” or complete.

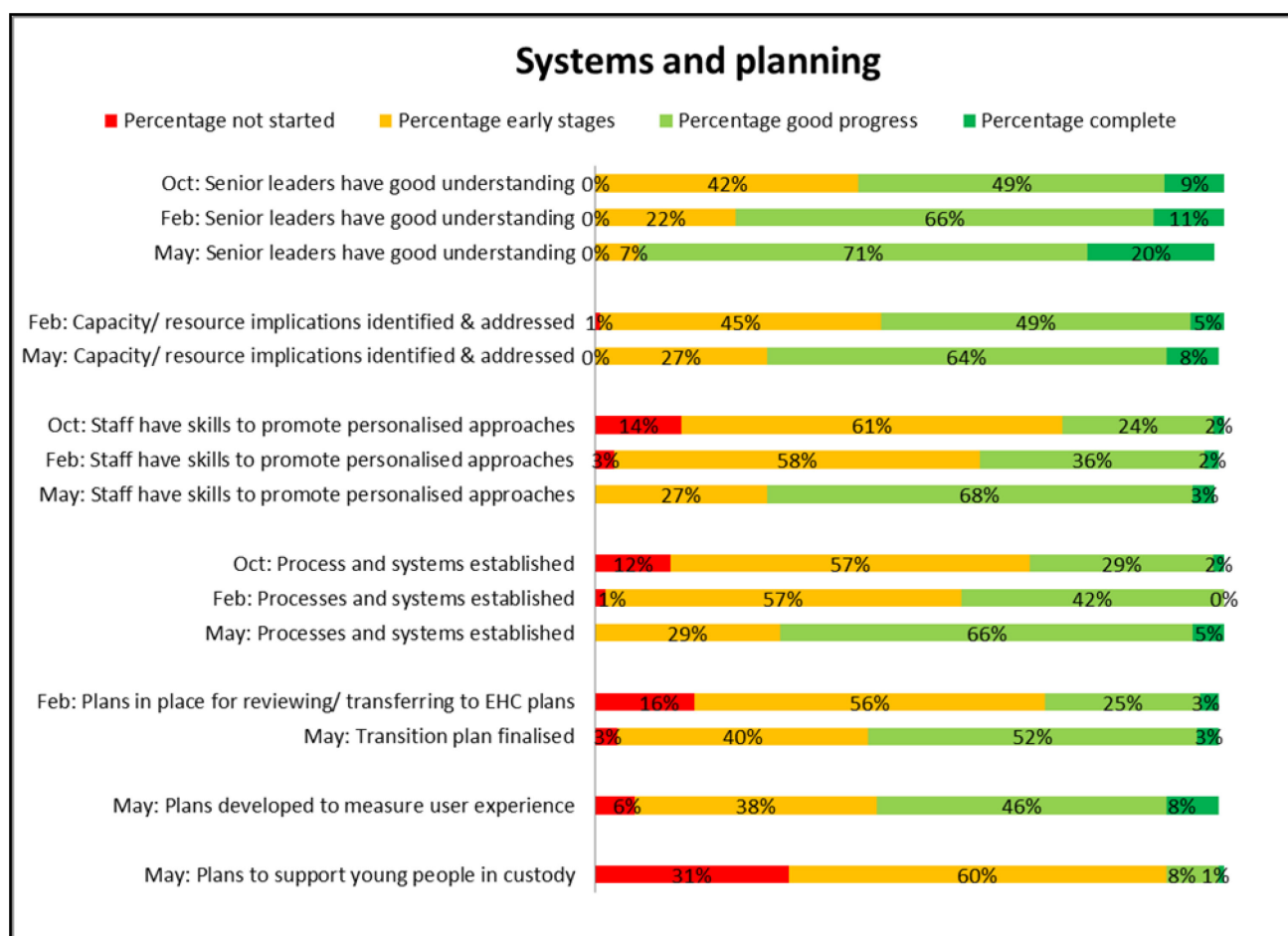
89. In a small number of areas, fewer than 60% of respondents reported “good progress” or “complete” –

- 56% of respondents reported that plans to convert existing statements and LDAs to EHC plans were making “good progress” or complete;

- 52% reported that 0-25 mediation arrangements were making “good progress” or complete;
- 50% reported that joint commissioning arrangements were making “good progress” or complete;
- 37% reported that personal budgets were making “good progress” or complete.

The lowest response was on preparing for the new young offenders duty – 30% of respondents reported it as “not started” and 60% in “early stages”. Since the duty was a late addition to the Act and does not come into effect until April 2015, this is unsurprising, and will not impact adversely on September implementation.

Highlights from this commentary follows, with results from the October and May surveys (where available).



90. LAs have made considerable progress in securing commitment to the reforms from senior officers and Elected Members. Many report strong engagement from Children’s Trust Boards and Health & Wellbeing Boards.

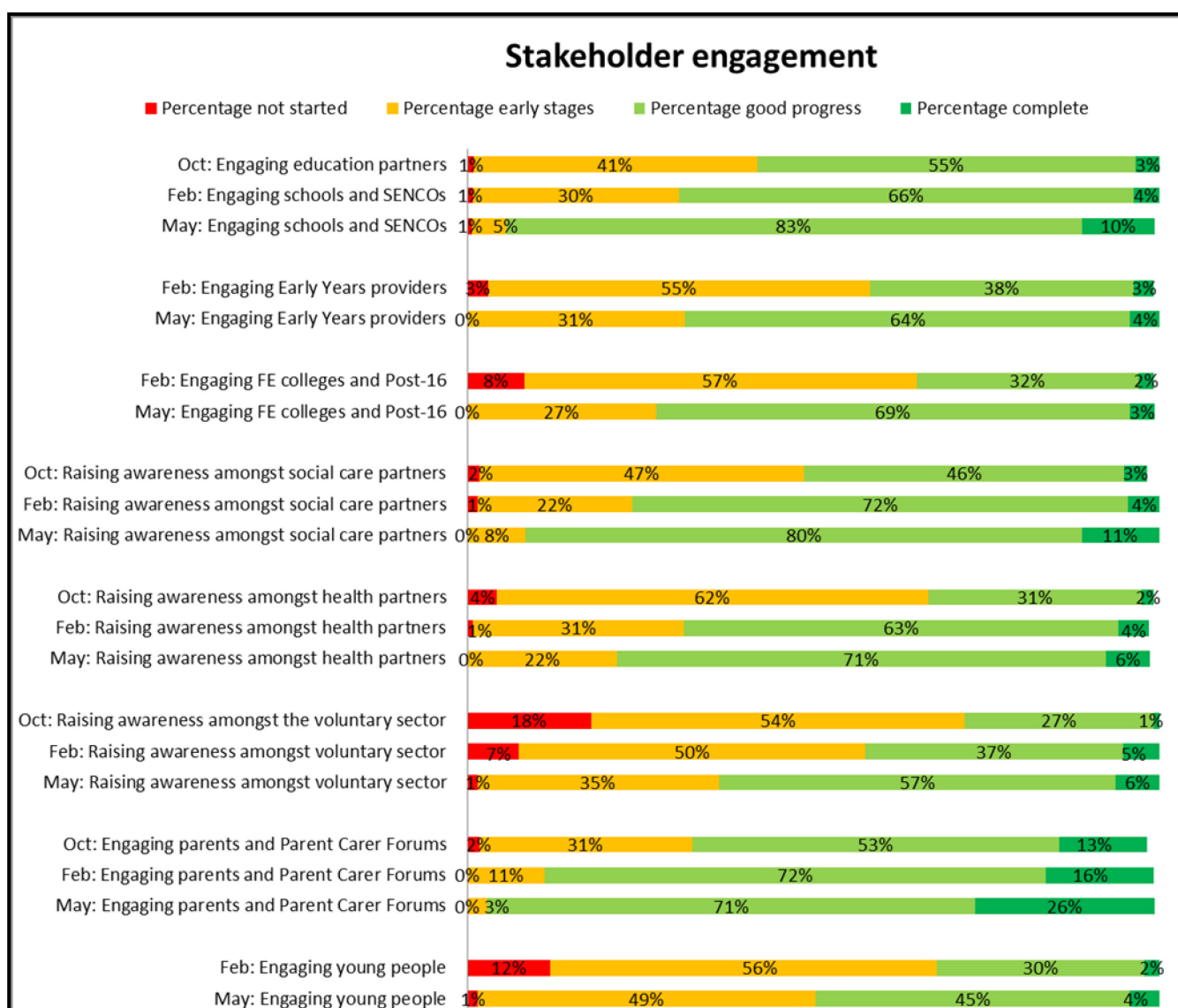
91. LAs have identified and assigned the resources required to deliver the reforms. Many are restructuring into multi-disciplinary or 0-25 teams. The SEND Reform Grant has proved helpful, and the recently-announced new burdens funding will support LAs on

their main area of concern – the resources needed to review and transfer existing statements and LDAs to EHC plans.

92. LAs have either made good progress on workforce development, or are organising training on person-centred approaches during the summer term. LAs report good progress in setting up the systems and processes to support the reforms. Ongoing issues remain around developing shared IT systems.

93. LAs are on track to finalise their transition plans (converting existing statements and LDAs to EHC plans). The newly-published transition guidance and our recent announcement of new burdens funding will support LAs considerably.

94. Many LAs are making good progress in planning how to measure parents' and young people's experience of the new system.



95. LAs are making strong progress in engaging education stakeholders.

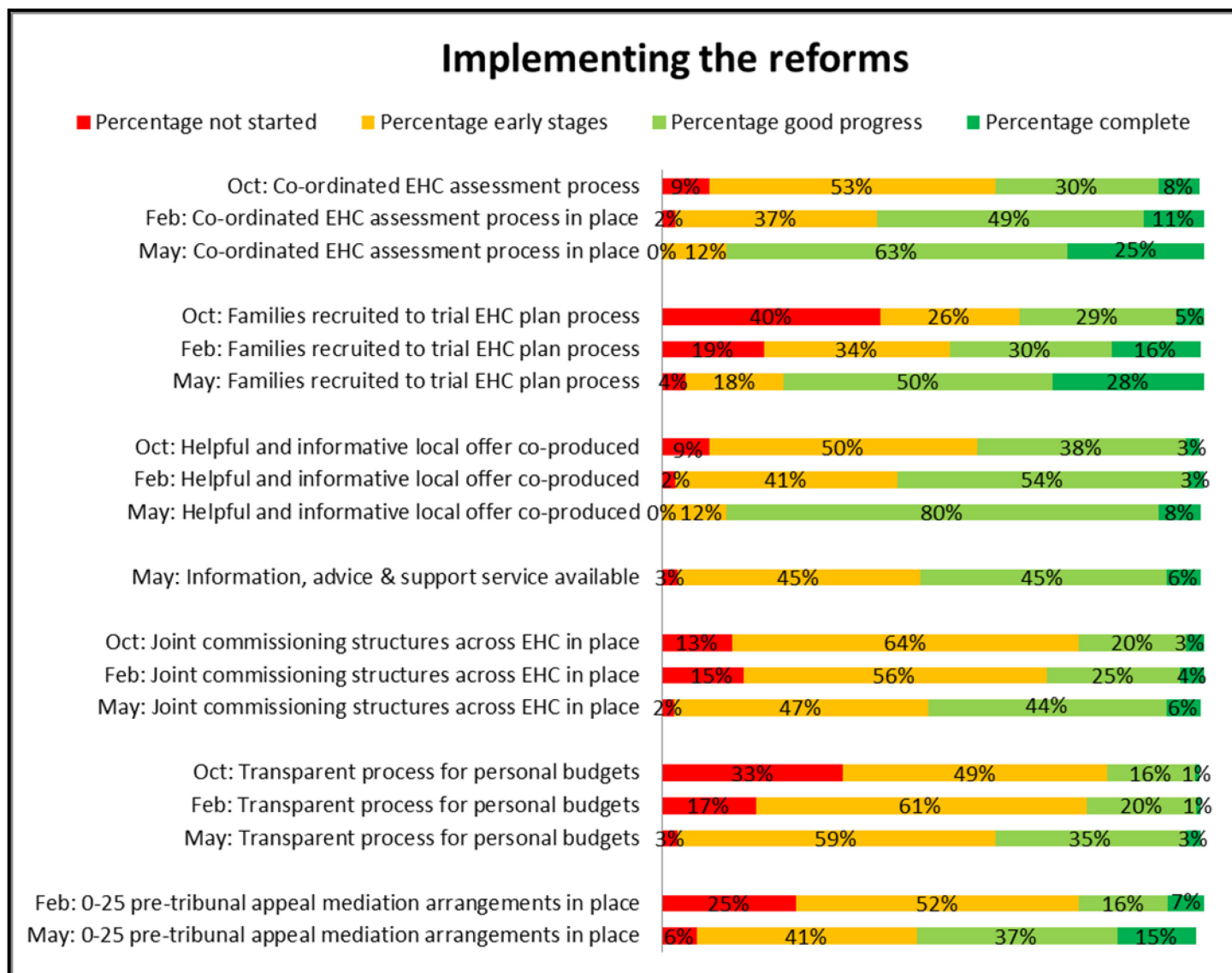
- School forums and SENCOs are closely involved, especially in developing the local offer.

- Early years and post-16 providers are being actively involved in the reforms, especially in developing the local offer.

96. LAs report considerable progress in engaging social care and health partners. Most describe close collaboration to develop EHC Plans and positive relationships.

97. Parents and especially Parent Carer Forums are consistently described as closely engaged with or integral to LAs' planning for implementation.

98. LAs have made progress in engaging young people, especially in developing the local offer. However, most recognise that this will be an area for further work.



99. The majority of LAs have established an EHC assessment process and have trialled it ahead of implementation in September. The remainder are actively working towards this.

100. The local offer has made very good progress. The majority of LAs are in advanced stages of agreeing the local offer with their partners, and a number have already been published. However, many LAs recognise that they will need to keep their local offer under review, to take account of feedback from parents and partners. New

independent information, advice and support services for parents and young people are under development.

101. While joint commissioning arrangements are being developed, their complexity and the range of partners involved means progress is slower than in other areas. LAs recognise that joint commissioning will need further work to embed.

102. Personal budgets remains an area of concern for most LAs. While there are many examples of good practice (for example building on direct payments in adult services), the range of services where personal budgets can be offered is likely to be limited in September, and develop over time.

103. Most LAs report that pre-Tribunal appeal mediation services are already in place; contracts are being revised to reflect the wider scope of the 0-25 system.

104. The Department for Education, with the Department of Health, has been visiting a number of local authorities to understand their readiness to implement the SEND reforms. The visits have been informed by three local authority readiness surveys, conducted in October 2013, February 2014 and May 2014. These surveys are separate to SQW surveys, and the Ofsted study of SEND.

## Annex A: Recent Announcements about the SEND Reforms, including the SEND Implementation Grant

- April 2014 – March 2015: SEND Reform Grant provides additional money to local authorities in 2014-15 (within Early Intervention Grant). A copy of the letter, which sets out allocations by local authority, is available on [Gov.uk](http://Gov.uk).
- April 2014 – March 2015: support available to local authorities from SEND advisors, pathfinder champions, and CDC strategic partner and specialist delivery partners.
- May 2014 – Lord Nash confirms in a written parliamentary question [written parliamentary question](#) the Government's expectation that all children and young people who have a statement, who would have continued to have one under the current system, to be transferred to an EHC plan. Similarly the expectation is that young people who are currently receiving support as a result of a LDA and remain in further education or training during the transition period, who request and need an EHC plan, will be issued with one.
- In May 2014 DfE published [additional information on contracting and funding](#) to support local authorities and institutions and will be publishing the funding arrangements for the academic year 2015 to 2016 in July 2014.
- June 2014, the Department for Education wrote to local authorities with details of [draft guidance on transitional arrangements](#) and a 2014-2015 SEND Implementation Grant. [The DfE letter](#) includes indicative grant amounts for 2015-2016.
- On 11 June, the Government laid [0-25 SEND Code of Practice](#) before Parliament, who will debate it in July.

### High Needs Funding Reform

105. In 2013 the Government introduced changes to school and post-16 funding, including the system for funding pupils and students with high needs. In line with the reforms to be introduced through the Children and Families Act, we are integrating pre- and post-16 arrangements into a single 0-25 funding system.

- The new high needs funding system provides a consistent approach across a range of different types of institution and age groups.
- Schools, academies, FE colleges and other providers will share a similar funding system, helping to ease the transition of pupils and students to the next phase of their education.

- As commissioners of services for the most vulnerable pupils and students, local authorities can use funding effectively to provide the right support by joining up education, health and social care, in the right place at the right time.
- Costs will become more transparent, and commissioning decisions will focus on what provision will best secure the desired outcomes for individual children.

The funding reforms will support both the work local authorities are leading to identify and publish a local offer, and the development of personal budgets that parents or students will be able to hold, as well as their right to express a preference for provision that best meets their or their children's needs.

106. The Department will publish a series of short guides to the Code of Practice, including one for young people and one for parents. It also plans to publish signposting guides for professionals who will need to have regard to the Code in the following sectors: Health; Social Care; Early Years; Schools and Further Education. The guides are due to be published over August/September.

## **Annex B: Extract from the SEND Code of Practice setting out the sections for the EHC plan (subject to Parliamentary approval)**

The format of an EHC plan will be agreed locally, and it is expected that the plan will reflect the principles set out in Chapter 1 of this document. However, as a statutory minimum, EHC plans **must** include the following sections, which **must** be separately labelled from each other using the letters below. The sections do not have to be in the order below and local authorities may use an action plan in tabular format to include different sections and demonstrate how provision will be integrated, as long as the sections are separately labelled.

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

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

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

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

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

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

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

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

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

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

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

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

In addition, where the child or young person is in or beyond year 9, the EHC plan **must** include (in sections F, G, H1 or H2 as appropriate) the provision required by the child or young person to assist in preparation for adulthood and independent living, for example, support for finding employment, housing or for participation in society.

## Annex C: Early draft of the Designated Medical Officer Role Profile and Job Description from the Council for Disabled Children

### Designated Medical Officer Role Profile and Job Description

<b>Job title:</b>	Designated Medical Officer or Designated Clinical Officer: Job title to be appropriate to the appointed Officer
<b>Pay grade:</b>	How much will this role be paid? How will this role be paid for - who provides what funding?
<b>Working pattern:</b>	How much time is the DMO going to spend performing this role?
<b>Contract period:</b>	How long will the DMO be contracted for?

#### 1. Background and role description

The Children and Families Act 2014 is making significant changes to the statutory responsibilities for Special Education Needs and Disability to improve the outcomes for children and young people with Special Education Needs and Disability from 0-25.

Each Clinical Commissioning Group, as primary health commissioners must work closely with the relevant Local Authority to implement this new system in the New Town area.

The Special Educational Needs and Disability (SEND) Code of Practice recommends the identification of a Designated Medical/Clinical Officer to coordinate and support the implementation of the system.

New Town CCG is appointing a Designated Medical/Clinical Officer to support with the preparation and planning for transition to the new system from 1 September 2014.

This role will be crucial in helping to facilitate the collaborative approach required in the SEND reforms and needs to be a senior clinician who can work with colleagues at every level of the system across health, education and social care.

The postholder will: (Potential key elements of DMO job description)

- help scope and define the role of the CCG in the delivery of the services to
- children and young people with SEN and Disabilities going forward
- help to develop a clear implementation plan
- identify and engage with key stakeholders in the SEN and Disability system
- support workforce development and awareness of the SEN and Disability
- reforms
- act as point of contact for enquires relating to the Education Health and Care (EHC) Plan process

- Play role in agreeing the health content of Education Health and Care Plans
- coordinate information between key stakeholders
- contribute to the strategic integrated commissioning of SEN and Disability services for children and young people 0-25

## **2. Person specification: elements of a person specification**

- Community paediatrician or other health professional with experience of working with children and young people and understanding of the needs of those with SEN and/or disability
- Currently working in New Town local area and/or knows the local system and is familiar with key stakeholders
- Clear understanding of the issues and challenges facing children and young people with special educational needs and disability in New Town area
- Strong leadership qualities, including:
  - excellent communication skills
  - ability to build effective relationships and influence, persuade and negotiate with others
  - political astuteness and sensitivity
- Ability to manage conflicts of interest
- Motivated and committed to improving the outcomes of children and young people with special educational needs and disability in New Town.

## Further information

### Useful resources and external organisations

- Pathfinder website [www.sendpathfinder.co.uk](http://www.sendpathfinder.co.uk)
- SEND reform hubs [www.councilfordisabledchildren.org.uk/getting-involved/sen-and-disability-reform-support-organisations](http://www.councilfordisabledchildren.org.uk/getting-involved/sen-and-disability-reform-support-organisations)
- Preparing for Adulthood [www.preparingforadulthood.org.uk/](http://www.preparingforadulthood.org.uk/)
- Contact a Family [www.cafamily.org.uk/parentcarerparticipation](http://www.cafamily.org.uk/parentcarerparticipation)
- National Network of Parent Carer Forums [www.nnpcf.org.uk](http://www.nnpcf.org.uk)
- SEN Gateway for schools [www.nasen.org.uk](http://www.nasen.org.uk)
- Achievement for All: [www.afa3as.org.uk/](http://www.afa3as.org.uk/)
- The National Parent Partnership Network: [www.parentpartnership.org.uk/](http://www.parentpartnership.org.uk/)

### Other relevant departmental advice and statutory guidance

- NHS Mandate [www.gov.uk/government/publications/nhs-mandate-2014-to-2015](http://www.gov.uk/government/publications/nhs-mandate-2014-to-2015)
- Transforming participation in health and care  
[www.england.nhs.uk/2013/09/25/trans-part](http://www.england.nhs.uk/2013/09/25/trans-part)
- SEND Reform Grant [www.gov.uk/government/publications/adoption-and-sen-reform-grants-allocations-to-local-authorities](http://www.gov.uk/government/publications/adoption-and-sen-reform-grants-allocations-to-local-authorities)
- Implementing the new SEN system in further education  
[www.gov.uk/government/publications/implementing-the-0-to-25-special-needs-system-further-education](http://www.gov.uk/government/publications/implementing-the-0-to-25-special-needs-system-further-education)
- FE workforce training and development  
[www.gov.uk/government/publications/further-education-initial-teacher-training-bursary-guide-academic-year-2013-to-2014](http://www.gov.uk/government/publications/further-education-initial-teacher-training-bursary-guide-academic-year-2013-to-2014)
- Draft transitional arrangements guidance  
[www.gov.uk/government/publications/implementing-the-0-to-25-special-needs-system](http://www.gov.uk/government/publications/implementing-the-0-to-25-special-needs-system)



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