Key Aspects of the SEND Reforms - Summary of Changes

The Government has recently introduced a major transformation of the way services for children and young people with special educational needs and/or disabilities (SEND) are delivered. Some of the key changes are outlined below.

Replacing Statements of SEND with Education, Health & Care Plans
One of the major changes introduced by the Children and Families Act 2014 is the replacement of the current Statement system with new Education, Health and Care (EHC) Plans. Education, Health and Care (EHC) Plans will also be extended to young people aged up to 25 to support young people into adulthood.

Personal Budgets
Parents with an Education, Health and Care (EHC) Plan will have the right to a personal budget for their support. A personal budget is an amount of money provided to the family to enable them to directly purchase all or some of the provision set out in their Education, Health and Care (EHC) Plan. By having a say in the way this budget is used, a parent or young person can control elements of their support.

Services Working Together
Children and young people with SEND need well-coordinated, coherent support across education, health and social care to help them achieve their agreed outcomes. Under the new Act, Local Authorities and other key agencies will be required to link up and jointly commission services for disabled children and young people with SEND.

Birth to 25
The Act will extend the SEND system from birth to 25, which will support young people into further education, employment and independent living.

Local Offer
Every council has been required to publish a detailed summary of what local support there is available for children and young people with SEND – called the local offer. The Local Offer will provide clear and accurate information about local education, health and care services, making it easier to choose and access the services you need. Read more about the Local Offer here. www.ealing.gov.uk/send

Engaging Parents, Children and Young People
Local authorities must ensure that parents, children and young people are involved in discussions and decisions about every aspect of their care and support, planning outcomes and agreeing services & activities to meet those outcomes. They must also take steps to ensure that parents and/or young people are actively involved in contributing to assessments, planning and reviewing Education, Health and Care (EHC) Plans. In addition, Early Years providers, schools and colleges should fully engage parents and/or young people with SEND when drawing up the plans and policies that affect them.

Resolving Disputes
Local authorities must make clear how disagreements will be resolved and how complaints will be dealt with.

Further Information
For more detailed information and to read the Special Educational Needs (SEND) Code of Practice: for 0 to 25 years, please visit our Local offer website.
What is an Education, Health and Care (EHC) Plan?

1. Overview
The government has changed the way in which support is to be provided where a child has a special educational need. The intention is to focus more on outcomes that the Education, Health and Care (EHC) Plan can deliver and services working together to achieve them. By putting children, young people and their families, their hopes and aspirations at the heart of the reforms will create a real change in the way that education, health and social care professionals work with families and young people.

These changes are included in the new Children and Families Act 2014 and it came into law in September 2014.

There are many children and young people who have a special need or a disability but who do not need additional support as their needs are met by existing services.

However there are some children and young people who do need additional support. Some of those children and young people have had in the past, or may have now, a Statement of Educational Need or if over 16, a Learning Difficulty Assessment (LDA). This will now be replaced by an Education, Health and Care (EHC) Plan and the main difference will be that this will include information about health and social care needs which are related to their SEN and any health and social care provision reasonably required by the learning difficulties or disability which result in the child or young person having SEN.

The plans should be agreed by families and all those who work with the child. This should mean that in the future instead of a child having separate plans from all the different services involved there will be one plan.

The intention is to improve services and the Education, Health and Care (EHC) Plan will still be a legal document which everyone will have to follow.

2. Transition to the Education, Health and Care (EHC) Plan for those with existing statements/ s139a LDA
For those with existing statements or LDAs, of which there are approximately 1800 in Ealing, we are planning a phased transfer to Education, Health and Care (EHC) Plans. This is likely to be at annual review stage, in a phased programme over the course of a few years.

3. Will funding attached to statements go when the new Education, Health and Care (EHC) Plan is complete?
No. There have been many parents and carers concerned about the funding of their child's SEN and if this will stop when an Education, Health and Care (EHC) Plan is completed. The criteria for funding an Education, Health and Care (EHC) Plan and a statement remain the same. This does not mean that there will never be changes but these changes will be no different if the child has a statement or Education, Health and Care (EHC) Plan.

To feedback on this newsletter or to ask any questions in relation to it please contact:
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What is a Personal Budget?

1. Overview
Schools, colleges, early years settings and other learning providers are responsible for delivering good quality education for all children and young people. Staff in these settings use resources that are universally available to support all the children or young people to achieve the best possible results.

Some children and young people will need a small amount of additional support to achieve their learning outcomes. Early Years settings, schools, academies and colleges have funding for this which is called targeted support. The targeted support might include activities such as dedicated support for reading and writing or a behaviour management package.

A small number of children and young people will have needs which require additional and individual support over and above the targeted support. This enables those children and young people to participate in learning, enjoy the learning experience and achieve well. At the moment most of these children and young people would have a statement of special educational needs. In the future they will have an Education, Health and Care (EHC) Plan which may be supported by a personal budget.

A Personal Budget is an amount of money identified by the local authority to deliver provision set out in an Education, Health and Care (EHC) Plan.

The Education, Health and Care (EHC) Plan will contain 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.

Where some or all of this budget is to enable the child or young person to achieve their learning outcomes, this element is called the personal SEND budget.

A child or young person may also have an element of their personal budget from social care (e.g. short breaks) or health. Whilst the personal SEND budget is focused on learning outcomes, a personal care budget will be focused on outcomes around family and home life, being safe when out and about in the local community and being able to take part in life outside of school.

Personal health budgets will be focused on health outcomes. Together these elements form the child or young person’s overall personal budget (costed plan).

2. Direct Payment
There are three ways in which a Personal Budget can be provided to a family:

- A Direct Payment – the family are given the money directly and use the money to purchase some of the support that is agreed in the plan
- A Third Party Managed arrangement – which means third party serviced account. A charity or other organisation is given the money and helps the family spend it. The third party organisation takes responsibility for all financial arrangements
- A Notional arrangement – this means that the money remains with Health or with the Council, but the family are told how much money is available and identify how the money is to be spent.

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You may ask for a Direct Payment to buy all or some of the services outlined in your child’s Education, Health and Care (EHC) Plan. This means that the money will be given to you.

Usually you will receive a monthly payment. Direct Payments may also be made to young people as they approach adulthood to purchase their support themselves.

You will have to open a separate bank account to do this, and you will have to keep all the receipts. The account will be audited periodically by the Local Authority, and any unspent money has to be returned to the Council.

Receiving a Direct Payment can mean more flexibility around how some services are provided. However, it also entails more responsibility. There is support in place to help with this. Ealing provide a support service to help families with a Direct Payment. This can be to manage the money, provide advice and support with paying staff and also help with the recruitment.

If you choose to receive a Direct Payment to buy some of the items or services identified in the plan yourself the Council will ask you to sign a written agreement. The purpose of the agreement is to confirm that you understand how the Direct Payment is to be spent. It will explain what your responsibilities are as the person receiving the money and what responsibilities the Council holds in providing the Direct Payment to you.

Usually the family will discuss direct payments with the assessment coordinator while the Education, Health and Care (EHC) Plan is being written.

To feedback on this information sheet or to ask any questions in relation to it please contact Alice Okuyiga aokuyiga@ealing.gov.uk Geoff King KingG@ealing.gov.uk or Helen Green HGreen@ealing.gov.uk

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