

## Factsheet #10: The Local Offer

All local authorities must publish by 1 September 2014 a Local Offer, setting out in one place information about provision they expect to be available across education, health and social care for children and young people in their area who have SEN or are disabled, including those who do not have Education, Health and Care (EHC) plans. This duty stems from section 30 of the Children and Families Act 2014 and Part 4 of Special Educational Needs and Disability Regulations 2014.

The SEND Code of Practice states that the Local Offer has two key purposes:

- To provide clear, comprehensive, accessible and up-to-date information about the available provision and how to access it, and
- To make provision more responsive to local needs and aspirations by directly involving disabled children and those with SEN and their parents, and disabled young people and those with SEN, and service providers in its development and review.

It should not simply be a directory of services and the process of developing the Local Offer is intended to help local authorities and their health partners improve provision.

### Consulting on the Local Offer

In accordance with Regulation 54 of the Special Educational Needs and Disability Regulations 2014 when preparing and reviewing its local offer, a local authority **must** consult the following persons in its area:

- children and young people with special educational needs and the parents of children with special educational needs;
- children and young people with a disability, and the parents of children with a disability;
- the governing bodies and proprietors of maintained schools, maintained nursery schools, Academies, post-16 institutions, non-maintained special schools, and pupil referral units;
- the advisory boards of children's centres;
- the providers of relevant early years education;
- the youth offending teams that the authority thinks have functions in relation to children or young people for whom it is responsible;
- any other person that makes special educational provision for a child or young person for whom it is responsible and those who provide advice in relation to making that provision;
- persons who make provision to assist children and young people in preparation for adulthood and independent living;
- its officers who exercise functions relating to education, training or social services functions for children and young people with special educational needs and disability and in preparation for adulthood and independent living;
- Relevant NHS trusts, NHS foundation trusts, Health Boards and health and wellbeing boards
- such other persons as it thinks appropriate.

In addition, when preparing and reviewing its local offer, a local authority must also consult any bodies specified above that are not in the local authority's area, but which the local authority thinks are or are likely to either be attended by children or young people for whom it is responsible; or have functions in relation to children or young people for whom it is responsible.

### Involvement of children, their parents and young people in preparation and review of local offer

Regulation 55 provides that a local authority must consult children and young people with special educational needs or a disability and the parents of children with special educational needs or a disability in their area about:

- the services children and young people with special educational needs or a disability require;
- how the information in the local offer is to be set out when published;
- how the information in the local offer will be available for those people without access to the Internet;

- how the information in the local offer will be accessible to those with special educational needs or a disability;
- how they can provide comments on the local offer.

A local authority must seek comments on the contents of the local offer, the accessibility of information and how the local offer has been developed or reviewed. These comments must be published at least annually on its website (in a form which does not identify the individual) along with its response to those comments and any action taken or that the local authority intends to take.

Local authorities and those who are required to co-operate with them need also need to comply with their duties under the Equality Act 2010, including when preparing, developing and reviewing the Local Offer. These include the duty to make reasonable adjustments to improve accessibility of information. There is a separate factsheet available which looks at these duties in more detail.

### **What must the Local Offer contain?**

The Regulations and the SEND Code of Practice provide a framework on the content of the local offer. Local authorities are able to go beyond this, depending on local needs and consultation with children, young people and parents.

The Local Offer must include provision in the local authority's area. It must also include provision outside the local area that the local authority expects is likely to be used by children and young people with SEN for whom they are responsible and disabled children and young people. This could, for example, be provision in a further education college in a neighbouring area or support services for children and young people with particular types of SEN that are provided jointly by local authorities. It should include relevant regional and national specialist provision.

Regulation 53 states that a local authority **must** include the information in **Schedule 2** of the Regulations when it publishes its local offer. This includes:

- SEN provision and training which the local authority expects to be available in its area
- Provision that the local authority expects to be made outside of area
- Where the strategy prepared by the local authority under paragraph 1 of Schedule 10 to the Equality Act 2010(1) can be obtained
- Provision available in the local authority's area to assist children and young people with special educational needs or a disability in preparation for adulthood and independent living
- Health care provision for children and young people with special educational needs or a disability that is additional to or different from that which is available to all children and young people in the area,
- Social care provision for children and young people with special educational needs or a disability and their families including—
  - services provided in accordance with section 17 of the Children Act 1989;
  - the arrangements for supporting young people when moving from receiving services for children to receiving services for adults;
  - support for young people in planning and obtaining support to assist with independent living;
  - information and advice services made available in accordance with section 4 of the Care Act 2014(3).
- Transport arrangements for children and young people with special educational needs or a disability
- Sources of information, advice and support in the local authority's area
- The procedure for making a complaint about any provision or service set out in the local offer.
- Information about any criteria that must be satisfied before any provision or service set out in the local offer can be provided.
- Information about how to request an EHC needs assessment, and the availability of personal budgets.

Under the Care Act 2014 local authorities must also provide an information and advice service on the adult care and support system. This should include information on types of care and support, local provision and how to access it, accessing financial advice in relation to it and how to raise concerns. Local authorities must indicate in their Local Offer where this information can be found.

Paragraph 4.31 of the SEND Code of Practice states that the Local Offer should cover:

- support available to all children and young people with SEN or disabilities from universal services such as schools and GPs
- targeted services for children and young people with SEN or disabilities who require additional short-term support over and above that provided routinely as part of universal services
- specialist services for children and young people with SEN or disabilities who require specialised, longer term support

### **Keeping the Local Offer under Review**

Local authorities must keep their educational and training provision and social care provision under review and this includes the sufficiency of that provision.

Paragraph 4.19 of the SEND Code Practice states that local authorities must keep their educational and training provision and social care provision under review and this includes the sufficiency of that provision. When considering any reorganisation of SEN provision decision makers must make clear how they are satisfied that the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for children with SEN.

This requirement will be an important factor to consider when local authorities are considering reorganisation of provision in order to make savings and cuts to services.

### **Transitional arrangements and implementation**

The government have published advice to local authorities titled "Implementing a new 0 to 25 special needs system: LAs and partners: Duties and timescales - what you must do and when" in July 2014.

This states that **by 1 September 2014**, local authorities 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.

After 1 September 2014, local authorities must develop and improve the local offer over time through regular review and consultation. During the first year, local authorities should continue to build on their joint commissioning arrangements with CCGs and involving children, young people and their families in strategic decision making.

Further information regarding the Local Offer can be found in Chapter 4 of the SEND Code of Practice.