

**Decision Maker:** Pre Scrutiny Education Policy Development and Scrutiny Committee 2<sup>nd</sup> July 2013

**Executive**

**Date:** 24<sup>th</sup> July 2013

**Decision Type:** Non-Urgent                      Non-Executive                      Non-Key

**Title:** UPDATE ON THE SPECIAL EDUCATIONAL NEEDS & DISABILITY (SEND) PATHFINDER

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**Chief Officer:** Terry Parkin, Executive Director of Education, Care & Health Services

**Ward:** (All Wards);

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1. Reason for report

1.1 The Children & Families Bill is currently proceeding through Parliament and is on track for a September 2014 implementation. Furthermore an indicative Code of Practice has been published that begins to provide further clarification to the proposed legislation.

1.2 This report requests the release of funds held in the 2013/14 central contingency to the Bromley Pathfinder budget. The amount requested from contingency totals £194,600, with £150,000 relating to Year 3 funding to support Bromley's Pathfinder work, and £44,600 to support the Bromley and Bexley Pathfinder work.

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2. **RECOMMENDATION(S)**

2.1 The Education PDS Committee is asked to comment on the progress being made, through the SEND Pathfinder Programme, on testing and implementing the requirements set out in the proposed Children & Families Bill and indicative Code of Practice.

2.2 The Education Portfolio Holder is asked to recommend approval from the Council Executive to drawdown of £194,600 SEN Pathfinder grant from the central contingency;

2.3 The Executive Committee is asked to:

(i) consider the content of the report;

(ii) approve the release of £194,600 of funding from the central contingency into the Pathfinder Budget, as set out in Section 5 of the report;

## Corporate Policy

1. Policy Status: Existing Policy:
  2. BBB Priority: Children and Young People Supporting Independence:
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## Financial

1. Cost of proposal: Contained within current resources.
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: SEND budget; Pathfinder Grant - Department of Education (DfE); Pathfinder Champion Grant (DfE)
  4. Total current budget for this head: £11,267,630 (SEND – Revenue Support Grant), £23,965,090 (SEND – Dedicated Schools Grant);
  5. Source of funding: ECH and SEND budgets. DfE Grant
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## Staff

1. Number of staff (current and additional): N/A
  2. If from existing staff resources, number of staff hours:
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## Legal

1. Legal Requirement: Non-Statutory - Government Guidance:
  2. Call-in: Not Applicable:
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## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 2,000 children and young people, together with their parents/carers
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## Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

### 3. COMMENTARY

- 3.1 In September 2011, Bromley was notified by the Department for Education (DfE) that it had achieved Pathfinder status in a joint bid with Bexley, to test the SEN & Disability Green Paper proposals, described as the most radical reform in this field in more than 30 years. Bromley and Bexley Pathfinder was one of 20 Pathfinders agreed across England, covering 31 Local Authorities with their Health Partners.
- 3.2 Mott McDonald, National Consultants, were appointed by the Government to co-ordinate national Pathfinder activity and support National Pathfinder sites across England, reporting to the DfE and Health partners.
- 3.3 The context of Bromley's Pathfinder work and the new agenda was around the rising numbers of disabled children. The general increase in population and the result of medical advances has led to a large increase in the number of children and young people with more severe SEN and disability, coupled with greatly increased health needs and complex family circumstances.
- 3.4 A Bromley Core Group drawn from officers across the Local Authority, Health and Parent Representation developed an action plan, established time lines across Bromley and Bexley to monitor and take Pathfinder activity forward. A 'Leads Group' across Bromley and Bexley was established to coordinate Pathfinder work across the boroughs.
- 3.5 Bromley Pathfinder funding and work was to specifically trial and test:
- New Single Plans from birth to 25 across Education, Health and Care with agreed assessment and resource systems (EHC plans)
  - The development of Personal Budgets.
  - Banded Funding
  - Support to Parents, Children and Young People
  - Linking Early Support and Key working/integrated working up through the age range
  - Preparing for Adulthood (transition).
- 3.6 Significant progress was made on testing these areas and reporting findings and conclusions back to the DfE and DoH in order to inform both the legislative process and the drafting of the Code of Practice. For an overview of the SEND Pathfinder progress, including Bromley case studies, please refer to the Department of Health (DoH) SEND Pathfinder Programme Report 2013 linked in 'Background Documents'.
- 3.7 As a consequence of the work carried out under the first phase of the Pathfinder Bromley was successful in its application for continued funding beyond April 2013. Furthermore the DfE invited bids from Pathfinder Authorities for the role of 'Champion', to support non-pathfinder areas (See Appendix 1 – Supported Local Authorities) in every region of England as they prepared to implement the reforms. Selection for Champion status was based on a mix of skills, experience and regional factors and Bromley's joint bid with Bexley was one of only 9 national Pathfinder Champion bids selected.
- 3.8 The targets for delivery of 2013/14 Pathfinder and Champion activity have been set by the DfE (see Appendix 2 - DfE Grant Targets). Primary activity is assessed around implementation of the following areas:

- Families' and young people's progress and status through the new process should be accurately reported to the Department's support and evaluation partners as appropriate. This data should be maintained on an ongoing basis so as to reflect an up to date position of testing.
- Testing will encompass the full age range of 0 - 25 and look to include children and young people with a breadth of different needs, across education, health and social care.
- Children, young people, and their families and carers, where appropriate, are extensively and regularly engaged.
- Educational settings across the full age range are progressively and regularly engaged to support full implementation during 2013.
- Reporting reflects consistent and tangible monthly progress. If this is not possible, an explanation for less consistent progress will be needed.
- Factsheets of figures and progress are reported and updated monthly on local, publicly accessible, websites, e.g. Local Authority websites or designated pathfinder websites. To include description of test cohorts, numbers of families recruited, testing and with completed EHC plans, with age breakdown.
- The Pathfinder Support Team will seek further evidence of progress in transitioning towards use of family support (key working and person centred approaches, and associated workforce development).
- The Pathfinder Support Team will seek evidence of progress in transitioning towards sustainable processes for full implementation.
- Pathfinders are all expected to take a lead in liaising with local non-pathfinder authorities, sharing learning through regional networks and supporting pathfinder champions, where needed and requested.

3.9 Pathfinders are also expected to test the following core areas of reform:

- Integrated Assessment & Planning
- Local Offer:
- Personal Budgets
- Age range & employment
- Banded funding

3.10 With the Children & Families Bill proceeding through Parliament on track for a September 2014 implementation and with the publication of an indicative Code of Practice further clarification on the impact of preparing young people for adulthood has been ascertained. This has been further strengthened by the work carried out under the Pathfinder Programme in Bromley.

3.11 As the work is now concentrating on implementation of the reforms and feeding that learning back to the relevant Government Departments the project structure has been recast to focus in on delivery and change management.

- 3.12 We are working in partnership across the borough (young people, families, schools, colleges and providers) to develop holistic pathways across education, health and care, enabling a greater number of young people to live, learn and work in their own community and to achieve sustained progression leading to better life outcomes. This is further being supported through the partner projects - Raising Aspirations and Improving Choice and Maximising Potential. The main aim of these projects is to work collaboratively with a range of partners across the borough to raise aspirations, improve pathways and achieve better life outcomes for young people with disabilities. Through the projects, the team will work intensively with a cohort of young people with more complex needs to enable them to live and learn within their own community whilst accessing the new facilities at Bromley College.
- 3.13 A process of reviewing services is underway, and where appropriate, re-commissioning of a range of children's and adult services to meet the needs of young people and their families, supporting them to be confident in our Local Offer i.e. good Information, Advice and Guidance (IAG) services and 7 day a week day opportunities alongside employment pathways.
- 3.14 Parents and young people are at the heart of the processes and decisions that will affect the lives of children and young people with SEND, that it is a family centred approach. Local authorities must ensure that parents and young people are involved when they are:
- planning and reviewing the local offer;
  - reviewing special educational and social care provision;
  - drawing up individual EHC plans, and in reviews and reassessments.
- 3.15 Commissioning of support is underway to facilitate parent, children and young people involvement in the implementation phase of the SEND reforms. Parents and young people are engaged and represented on all elements of the Pathfinder implementation. A 'Preparing for Adulthood' conference was run by the Council in February for parents and young people and a series of 'Question and Answer' sessions are being run through the SEND schools for year 9+ parents. Officers have also supported the Bromley Parent Voice conference with workshops on the impact of the SEND reforms for young people and families.
- 3.16 Education, Health and Care (EHC) plans are integrated support plans for children and young people with SEN from 0 to 25. They are focused on achieving outcomes and helping children and young people make a positive transition to adulthood, including into paid employment and independent living. They will be produced in partnership with parents, children and young people and will be based on a coordinated approach to the delivery of services across education, health and care.
- 3.17 The great majority of children and young people with SEN will have their needs met within their local mainstream school or college. In a small number of cases, planning will identify a need to conduct formal assessments of education, health and care needs, leading to an EHC plan. A statutory assessment should not be the first step in the planning process; rather it should flow from planning undertaken with parents and young people. The statutory assessment process will need to be co-ordinated across education, health and care to ensure a cohesive experience for children, parents and young people. Information from existing relevant assessments will be used and professionals will have to share information so that families do not have to keep giving the same information to different professionals. A key approach that ensures that parents and carers, children and young people are actively placed at the heart of the system is person centred planning. A person centred approach to planning means that planning should start with the individual (not with services), and take account of their wishes and aspirations, and the support they need to be included and involved in their community. It aims to empower parents, children and young people so that they have more control over assessment and decision-making processes.

- 3.18 As part of the Pathfinder requirements we have 68 signed up families undergoing an EHC plan across the 0-25 age range. Parents & young people are intrinsically involved in both developing the documentation, defining the process and capturing any learning in order to feed back to the Department of Education as part of the national assessment of the EHC process.
- 3.19 Local Authorities are required to produce a Local Offer - to provide clear, comprehensive and accessible information in one place about the support and opportunities that are available, information about provision we expect to be available in our area for children and young people from 0 to 25 who have SEN; and to make provision more responsive to local needs and aspirations by directly involving children and young people with SEN, parents and carers, and service providers in its development and review. The services identified must not be only across the Education, health and Social Care landscape, but be drawn from the wider community based resources.
- 3.20 Bromley's Local Offer is being developed across three tranches: 0-5 years, 5-16 years and 16-25 years. Services have focused on universal, targeted and specialist support across education, health, care and integrated work. Information is being gathered to launch the Bromley Local Offer website. The Local Offer has also been considered by the Young Advisers and BPV with a comprehensive report produced
- 3.21 A draft education local offer was produced in March 2013 for mainstream schools, which includes expectations for provisions up to £6k, clear criteria for top up funding, a banded funded formula above £6k and EHC thresholds.

#### **4. POLICY IMPLICATIONS**

Delivery of the overarching 'Improving Lives – Supporting Families: Disability Strategy for Children and Young People in Bromley' will be supported by implementation of the SEN Pathfinder Programme.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 All activities arising from the implementation of the SEND Pathfinder and Champion work will be met within the DfE Grant funding. This is made up of £150,000 (Pathfinder); £44,600 (Pathfinder Champion). As lead partner, Bromley is receiving the Pathfinder Champion funding on behalf of the Bromley and Bexley Pathfinder Champion Consortium.
- 5.2 Although funding for the Pathfinder flows through the local authority, the DfE expects that the funding will be used to support a partnership-led approach and that Bromley's decision about allocating funding will be transparent to all parties involved.
- 5.3 The table below identifies the 2013/14 spending plan for the Pathfinder grant. The budget holder will be the Head of SEN & Disability Services with further oversight by the Pathfinder Project Board and Departmental Task to Finish Group.

Funded Element	Detail	April 2013 – Mar 2014
Time limited additional programme resources	To bring in time limited resources expertise to support specific elements of the Programme (e.g. working with schools on defining their SEND provision).	44,000
Increase in Staff hours	Staff working additional hours to meet DfE targets and provide additional support to meet DfE reporting requirements. Coordination of Champion activities across the 15 Boroughs and Pan-London.	13,600
Commissioning Private and Voluntary Sector and Work stream Support	To support Pathfinder targets and requirements in the active engagement of young people & families in developing and testing the new principles. To run workshops/focus groups etc in order to capture views, communicate the wider issues and inform the principles.	50,000
Expenses to include:	Running costs to include equipment and resources, literature, conferences to support Pathfinder and Champion activity, IT support, workshops, room hire, research and development.	60,000
LBB Partners, Schools	Inclusion Support Services, Education Psychology Services, Hawes Down Centre, Bromley Special Schools, Disabled Children Social Work Team and Commissioning.	27,000
	<b>TOTAL:</b>	<b>194,600</b>

## 6. LEGAL IMPLICATIONS

- 6.1 There is a general discretion to apply delegated funding for non specific purposes unless the sum delegated is specifically ring-fenced by central government to provide a specific service. Funding would need to be repaid to the DfE if not used for Pathfinder purposes, and the grant may not be carried forward into 2014-15.
- 6.2 The Pathfinder programme was implemented as part of the Department of Education's consultation on its Green Paper. The proposed timeline is that this Bill will receive Royal Assent in April 2014 with implementation in September 2014.

<b>Non-Applicable Sections:</b>	Personnel Implications
Background Documents: (Access via Contact Officer)	<p>Appendix 1: Supported Local Authorities</p> <p>Appendix 2: DfE Grant Targets</p> <p>Full Grant Funding Terms Letter – available from contact officer.</p> <p>DoH SEND Pathfinder Programme Report 2013:  <a href="http://media.education.gov.uk/assets/files/pdf/p/pathfinder%20progress%20report%20march%202013%20v2.pdf">http://media.education.gov.uk/assets/files/pdf/p/pathfinder%20progress%20report%20march%202013%20v2.pdf</a></p> <p>Indicative Code of Practice  <a href="http://www.councilfordisabledchildren.org.uk/news/january-june-2013/indicative-drafts-of-the-special-educational-needs-code-of-practice-and-regulations-published">http://www.councilfordisabledchildren.org.uk/news/january-june-2013/indicative-drafts-of-the-special-educational-needs-code-of-practice-and-regulations-published</a></p> <p>Children &amp; Families Bill  <a href="http://services.parliament.uk/bills/2012-13/childrenandfamilies.html">http://services.parliament.uk/bills/2012-13/childrenandfamilies.html</a></p>