

Clinical Commissioning Group
Governing Body – Public Session
Paper Summary Sheet
Date of Meeting: 25 June 2013

For: Decision Discussion Noting

Agenda Item and title:	GOV/13/06/16 Implications of the Children and Families Bill for Clinical Commissioning Groups- Disabled Children and Adults Pathfinder
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Lead Director/GP from CCG:	
Executive summary:	The purpose of this report is to update Clinical Commissioning Group on the implications of the Children and Families Bill and Wiltshire's approach to this as a pathfinder. The report details the new legal duties to be placed on Clinical Commissioning Groups in relation to children and young people with Special Educational Needs and Disabilities. These duties are due to come into effect September 2014.
Evidence in support of arguments:	
Who has been involved/contributed:	Susan Tanner, Head of Commissioning and Joint Planning, Children's Services and DCA Pathfinder lead
Cross Reference to Strategic Objectives:	
Engagement and Involvement:	Health representatives have been engaged at the start of the DCA Pathfinder work and have co-produced the new way of working. Health representatives attend steering group and board meetings.
Communications Issues:	A detailed communication plan is in place for the DCA pathfinder.
Financial Implications:	As a pathfinder we receive £150k a year from DfE to facilitate engagement and to design and test new ways of working. Additional funding of approx £62k will be received following the successful Pathfinder Champion application.
Review arrangements:	

Risk Management:	Risk registers are maintained for the DCA Pathfinder.
National Policy/ Legislation:	<p>The Government's reforms of Special Educational Needs (SEN) provision will lead to significant changes in the way in which children and young people in England with SEN are provided for. The main changes are contained in the Children and Families Bill currently at committee stage in the House of Commons and expected to gain Royal Assent in 2014. There are also amendments to other acts and bills to facilitate and complement the proposed changes.</p> <p>As one of 20 pathfinders established by Central Government, Wiltshire Council are presently enabled to work outside the current statutory framework and test the full range of SEN reforms. However, existing legislation remains in force and families can elect to opt out and return to those existing processes.</p>
Equality & Diversity:	<p>A key purpose of the SEND service is to ensure that the single assessment process is transparent and fair. The local offer will clearly describe the support available. All of the design work has been completed by a wide range of stakeholders to ensure all views are heard and involved in the design of a new way of working.</p> <p>An initial detailed equalities analysis has been undertaken and discussed with DCA Pathfinder and Equalities Team within the Local Authority. The analysis will be updated when appropriate to do so.</p>
Other External Assessment:	The Department for Education (DfE) is monitoring the work from all Pathfinders. The expectation is that Pathfinders will deliver changes before September 2014 when the revised legislation is expected to be in place.
Next steps:	From September 2014 the legislative framework will require these changes to supporting children and young people with Special Educational Needs and Disability to be implemented.

Implications of the Children and Families Bill for Clinical Commissioning Groups

National direction of travel

In 2011, the government published a [green paper](#), 'Special Educational Needs (SEN) -Support and Aspiration: A new approach to special educational needs and disability'. They set out proposals that would radically reform current systems for identifying, assessing and supporting children and young people who have disabilities or have a special educational need, and their families

In the green paper the government made commitments that by 2014 they would:-

- Implement a single assessment process and Education, Health and Care Plan supporting 0-25yr olds with SEN or a disability (SEND). In Wiltshire we are currently calling this the 'My Plan'
- Introduce an offer of a personal budget for families with a Education, Health and Care plan

In addition to this the green paper calls for:-

- Earlier intervention and prevention
- Giving control to parents and greater parental participation at both the individual and strategic level
- Changes to provide more effect support to prepare young people with SEN or disabilities for adulthood
- Health, social care and education services to work better together for families.
- Development and publication of a 'local offer' that describes in one place what support is available and by whom
- A focus on improving outcomes for children and young people with SEN or disabilities.

The vision for reform is that;

- SEN is identified early and support is routinely put in place quickly
- Staff are fully equipped to provide the right support
- Parents know what they can reasonably expect from their school, college, health service, Local Authority service etc and do not have to fight to access services
- Aspirations for disabled and SEN children are raised through an increase in focus on life outcomes
- Those with complex needs will have an Education, Health and Care Plan which will be in an integrated process from 0-25 years of age.
- Greater control for families, children and young people over the services they receive.

In February 2013 DfE published a Children and Families Bill 2013 which responded to evidence from pre-legislative scrutiny. Part 3 of the Bill introduces a new single system from birth to 25 years for all children with SEN, (previously the system covered children aged 3 to 19). It will:

- Place a requirement for **Local Authorities and health organisations to commission services jointly** to meet the needs of children and young people with SEN & disabilities.
- Require Local Authorities to offer a personal budget for families and young people with a Plan, extending choice and control over their support

- Require Local Authorities, working with partners, to publish a clear, transparent 'local offer' of services for all children and young people with additional needs, **this includes health provision**, so parents can understand what is available.
- Offer a streamlined assessment process, **which integrates education, health and social care**, and involves children and young people and their families
- Require better co-operation between the Local Authority and partners and requires Local Authorities to involve parents and young people in reviewing and developing provision
- Ensure that children, young people and their families are at the heart of the legislation.
- Replace statements of SEN and specific Learning Difficulty assessments with a new 0-25yr Education, Health and Care Plan, which reflects the child or young person's aspirations for the future, as well as current needs by September 2014.

In March 2013 it was announced that the Government will bring forward an amendment to the Bill to place a **legal duty on Clinical Commissioning Groups** to secure health services that are specified in Education, Health and Care Plans.

Further detail about this legal duty can be found on the following website

<https://www.gov.uk/government/news/children-and-young-people-with-sen-to-benefit-from-new-legal-health-duty>

Details of the draft Children and Families Bill, draft regulations and draft SEN code of practice can be found on the following website

<http://www.education.gov.uk/aboutdfe/departmentalinformation/childrenandfamiliesbill/a00221161/children-families-bill>.

Royal assent and implementation is planned for September 2014.

In addition to this the NHS Mandate published in November 2012 stated that 'The Board's **objective** is to ensure that they (children and young people with SEN and Disabilities) 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 assessment across health, social care and education'.

<http://mandate.dh.gov.uk/>

Approach in Wiltshire

Wiltshire Council is one of 20 pathfinders selected by the government to test new ways of working that will deliver the Support and Aspiration green paper. Prior to pathfinder status, the Council had agreed to undertake a transformational review of the support and services for disabled children and adults so the pathfinder work has built on this.

Our approach has been to ensure that all our work is undertaken jointly with relevant children's community health services, Voluntary and Community services and Parent Carers.

In September 2012, the Council established a multi-disciplinary 'proof of concept' team, who step outside of current ways of working and test and develop new approaches including the single assessment framework and plan. This team includes piloting of a new role to act as a point of contact for families - the SEND lead worker.

Key information from the single assessments and plan will inform commissioning intelligence at both a local and strategic level. Strategically this will inform the Joint Strategic Assessment, the Health and Wellbeing Board and joint commissioning strategies and plans.

As a result of the learning from the Proof of Concept Team, in April 2013 an extended social care disability service for 0-25 yrs olds was implemented which is starting to address some of the issues raised in the green paper. A paper has recently been taken to Wiltshire Council Cabinet outlining the need to bring together education and social care services to create an integrated 0-25 Special Educational Need and Disability service. Cabinet has asked that this work proceed at pace in order to both enable the delivery of the green paper requirements, and deliver what our parent carers have told us they want. We need, next, to consider how the relevant children's community health services will work alongside this service.

We have recently received confirmation that our pathfinder status has been extended until Sept 2014 to enable us to inform the development of the legislation. In addition to this we have recently become a regional Pathfinder Champion, which will mean that the council and partners will assume responsibility for sharing the messages of the green paper, and developing and encouraging good practice across all non-pathfinder local authorities in the southwest region.

The operational pathfinder work is governed by a steering group, on which there is representation from children's community health services and the wider work of the Pathfinder is governed by a Board which has senior health representation from Great Western Hospital.

Conclusion

We would like the Clinical Commissioning Group to consider the report and to note the following key points:

- The new requirement for **Local Authorities and health organisations to commission services jointly** to meet the needs of children and young people with SEN & disabilities
- The development by the Local Authority, with partners, of a clear, transparent 'local offer' of services for all children and young people with additional needs, **this includes health provision**
- Development of a streamlined assessment process, **which integrates education, health and social care**
- The amendment to the Bill to place a **legal duty on Clinical Commissioning Groups** to secure health services that are specified in Education, Health and Care Plans
- The NHS Mandate ' to ensure that they (children and young people with SEN and Disabilities) 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 assessment across health, social care and education'.