Independent Support Service

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Aims and Objectives

• The SEND Reforms
• Code of Practice
• EHC Plans
• The Local Offer
• Timelines and Requesting an Assessment
• Sections of the EHC
• The Independent Supporter Service
What are the SEND Reforms

March 2014 - Children and Families Bill received Royal Assent and became Children and Families Act 2014 (CFA 2014)

Part 3 of CFA 2014 (Children and Young People In England with Special Educational Needs and Disabilities) places duties on local authorities and other services in relation to both disabled children and young people and those with SEN
What are the SEND Reforms

These changes affect the way that children with Special Education Needs and Disabilities receive support.

From 01 September 2014 Statements of Special Educational Need started to change (transfer) to Education, Health and Care Plans (EHCPs).

An EHCP brings a child or young person’s education, health and social care needs into a single, legal document.
From 1 September 2014, local authorities had a number of new Legal duties that they were required to meet, including:

- Children, Young People and their Parents / Carers should fully participate in the decisions that affect them
- Publishing and maintaining a Local Offer on their website
- Having joint commissioning arrangements in place with their partner clinical commissioning groups
- Having processes in place for conducting Education, Health and Care (EHC) assessments and drawing up EHC plans
Section 19/SEND CoP

Section 19 of the Act sets out the general principles the Local Authorities must pay particular attention to:

• The views, wishes and feelings of children and their parents, and young people

• The importance of them participating as fully as possible in decision-making and providing the information and support to enable them to do so

• Supporting children and young people’s development and helping them to achieve the best possible educational and other outcomes

• The Code of Practice defines Children as those aged between 0 and 16 and Young People as those aged between 16 and 25.
Education, Health and Care Plans (EHC Plans 1)

• EHCPs are person centred with a focus on outcomes
• All new EHCP requests are to be completed in 20 weeks
• All Statement Transfers are to be completed in 20 weeks - by April 2018
• All LDA Transfers are to be completed in 20 weeks - September 2016

Note
Transfers for those with Learning Difficulty Assessments are treated as new requests for an EHC needs assessment and the timescales are the same as for new assessments: the maximum time within which a final EHC plan must be issued is 20 weeks from the date a young person requests an EHC needs assessment.
EHC Plans are necessary where, following an EHC assessment, the Local Authority determines that:

“the special educational provision required to meet the child or young person’s needs cannot reasonably be provided from within the resources normally available to mainstream early years providers, schools and post 16 institutions”
Local Authorities **MUST** ensure that children, their parents and young people are involved in discussions and decisions about their individual support and about local provision.

They **MUST** have regard to the:

- Views, wishes and feelings of the child and his or her parent, or the young person.
- Importance of the child and parent or the young person, participating as fully as possible in decisions.
- Importance of the child and parent, or young person being provided with the information and support to enable participation in decisions.
- Need to support the child and parent or the young person, to achieve the best possible educational and other outcomes.

**Education, Health and Care Plans (EHC Plans 3)**

(coreassets

**CHILDREN’S SERVICES**)
The **Local Offer** is a one stop shop which sets out information on provision available for children and young people with SEN and must state what is available in the local and surrounding areas including:

- Universal, targeted and specialist services available
- Details of SEN provision from early years, schools, post 16 and other relevant providers
- Local Authority arrangements for providing top up funding
- Information on requesting an Education, Health and Care Plan (**EHCP**)
The LA must seek this information and advice from:

(a) The child’s parent or the young person;

(b) Education – from the head teacher or principal of the school or post-16 or other institution that the child or young person is attending, or where this is not available, from a person who the local authority is satisfied has experience of teaching children or young people with special educational needs, or knowledge of the differing provision which may be called for in different cases to meet those needs

(c) Medical – a health care professional identified by the responsible commissioning body
(d) Psychological – from an educational psychologist;
(e) Social care – part of LA’s Children’s services
(f) Any other person the local authority thinks is appropriate;
(g) Where the child or young person is in or beyond year 9, advice and information in relation to provision to assist the child or young person in preparation for adulthood and independent living; and
(h) From any person the child’s parent or young person reasonably requests that the local authority seek advice from. This can include advice and information from education, health and social care professionals.
A Parent, Young Person or a person acting on behalf of a School or Post 16 institution can make a request for an EHC Needs Assessment and will need to supply:

- Evidence of the child or young person’s academic attainment (or developmental milestones in younger children) and rate of progress

- Information about the nature, extent and context of the child or young person’s SEN

- Evidence of the action already being taken to meet the child or young person’s SEN.
• Evidence that where progress has been made, it has only been as a result of much additional intervention and support over and above that which is usually provided

• Evidence of the child or young person’s physical, emotional and social development and health needs

• Draw on relevant evidence from clinicians and other health professionals

• Where a young person is aged over 18 the local authority must consider whether the young person requires additional time to complete their education or training
The SEN and Disability Regulations 2014 require three people to agree that existing assessment ‘advice and information’ is ‘sufficient’ for an EHC needs assessment and unless all three agree existing advice is sufficient, new advice and information must be sought.

The three are:

• The local authority;

• The parent or young person; and

• The professional that gave the advice.
In deciding whether existing ‘advice and information’ is ‘sufficient’ it’s likely that the following will be considered:

• How recently advice and information was provided;

• Whether and how far the child or young person’s needs have changed since it was given; and

• Whether it is sufficiently focused on the outcomes sought for the child or young person.

The Local Authority must decide whether to assess within six weeks.
Exception to seeking new advice:

The LA need not seek new evidence from any of these people if it is agreed that existing information and advice is ‘sufficient’.

The judgement that an individual report is sufficient must be made by the LA, the original author of the report and the parent or young person.

If any one of these disagrees or is no longer available then the LA must seek new advice.
EHC Plan Timescales – 20 WEEKS

Once the LA receives a request for an EHC Plan, this is the start of the 20 week process

Within 6 weeks, the LA must decide if an EHC Needs Assessment is needed

Within 16 weeks of the start date, the LA must issue a draft plan

Within 15 days of receiving the draft EHC Plan, parents must respond as well as stating a school or early years preference

Within 15 days of the parents response, the LA consult with the school or early years setting in order to be named in the plan

Within 20 weeks of the start date the EHC Plan must be finalised
EHC Plan Timescales – 20 WEEKS

EHC assessment and plan: timeline
Whole process to be completed in 20 weeks

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Child’s parents or young person must be consulted

Latest that local authority can inform parent or young person of decision

Latest local authority can issue a draft plan

Latest that local authority can inform parent or young person if they do not intend to issue plan

Plan must be finalised and sent

Right to appeal

Right to appeal
Transfer review: timeline

From 1 September 2015, local authorities will have 20 weeks to carry out an EHC needs assessment and issue a final EHC plan, as part of a transfer review. 20 weeks for a transfer review includes 2 weeks’ notice; local authorities can give more than two weeks’ notice; the requirement is to give at least two weeks’ notice.

- Transfer review to be completed in 20 weeks (2+18)
- Transfer review to be completed within 12 months of issue of statement or of previous annual review
The Code of Practice, paragraph 9.42, outlines exemptions from the timescales for an EHC needs assessment. These are set out in the Special Educational Needs and Disability Regulations 2014 and include:

- when the child or young person is absent from the area for a period of at least 4 weeks
- exceptional personal circumstances affect the child or his/her parent, or the young person; and
Exemptions from the timescales (2)

• The educational institution is closed for at least 4 weeks, which may delay the submission of information from the school or other institution (this does not apply to the duty on partners to comply with a request under the EHC needs assessment process within six weeks).

• There is also an exemption to the duty on partners to comply with a request under the EHC needs assessment process within six weeks where appointments with people from whom the local authority has requested information are missed by the child or young person.
EHC Transfer Timescales – 20 WEEKS

- Children or young people with a Statement will need to go through a ‘Transfer Review’

- The existing Statement **MUST** be maintained and will have the same legal force

- Transfer Reviews **MUST** replace the annual review of the Statement

- Transfer Reviews **MUST** be completed within 12 months of Statement issue or previous annual review

- The local authority notifies parent or young person of transfer review giving a minimum of two weeks notice of review
SECTION A – the views, interests and aspirations of the child and their parents, or the young person

A summary of the child or young persons history

Details about aspirations for the future, also including any relating to paid employment, independent living and community participation

A summary of how to communicate with the child or young person and how to engage them in decision making

If written in the first person the plan should make clear if the child or young person is being quoted directly or if the views are being represented
SECTION B – the child or young person’s special education needs

All of the child or young persons special education needs must be specified

Advice and information requested by the local authority for inclusion must be provided within 6 weeks of the request
The EHC Plan – SECTION C

SECTION C – child or young person’s health needs which relate to their SEN

**Must** specify any health needs identified through the EHC needs assessment that relate to the learning difficulty or disability that results in a child or young person having SEN

The plan can also specify any other health care needs that are not related to the child or young person’s SEN

Advice and information requested by the local authority **must** be provided within 6 weeks of the request
SECTION D – the child or young person’s social care needs which relate to their SEN or to a disability

The Local Authority must gather advice from relevant professionals about the child or young person’s care needs and care provision that may be required to meet identified needs and achieve desired outcomes.

Advice and information requested by the local authority must be provided within 6 weeks of the request.
SECTION E – the outcomes sought for the child or the young person

Benefit or difference made to an individual as a result of an intervention.
Outcomes are not a description of the service being provided

Outcomes will usually set out what needs to be achieved by the end of a phase or stage of education

Outcomes should be specific, measurable, achievable, realistic and time bound (SMART)

Should also specify arrangements for setting shorter term targets where the child or young person is placed
SECTION F – the special educational provision required by the child or the young person

Provision must be detailed and specific and should normally be quantified (type, hours and frequency of support)

This section must specify all the SEN provision that the Local Authority considers appropriate to meet each and every need identified in Section B

There should be a clear link between the provision and the outcome in is intended to support

It should be clear how the advice and information gathered has informed the provision specified
SECTION G – any health care provision which result in the child or young person having SEN

Provision **must** be detailed and specific and should normally be quantified (type, hours and frequency of support)

There should be a clear link between the provision and the outcome it is intended to support

It should be clear how the advice and information gathered has informed the provision specified
SECTION G – any health care provision required by the learning difficulties or disabilities which result in the child or young person having SEN

This may include specialist support and therapies such as Medical Treatments and delivery of Medication, OT and Physiotherapy

A range of nursing support, specialist equipment, wheelchairs and continence supplies

It can also include highly specialist services needed by only a small number of children which are commissioned centrally by NHS England
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 person’s act

Specify all services assessed as being needed for a disabled child or young person under 18

Provision **must** be detailed and specific and should normally be quantified (type, hours and frequency of support)

It should be clear how the provision will support the achievement of the outcomes

It should be clear as to how advice and information gathered has informed the provision specified
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

May include provision identified through early help and children in need assessments and safeguarding assessments to children

H2 must only include services that are not provided under Section 2 of the Chronically Sick and Disabled Person’s Act

This would include residential short breaks and services provided to children arising from their SEN but unrelated to a disability
SECTION I – placement

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

These details **must** be included only in the final EHC plan and not the draft plan sent to the child’s parent or to the young person.
SECTION J – Personal Budget
(including arrangements for direct payments)

This section should provide detailed information on any personal budget that will be used to secure provision in the EHC plan.

It should set out the arrangements in relation to direct payments as required by education, health and social care regulations.

Any outcomes that are to be met by any direct payment **must** be specified.

Where a direct payment is proposed, local authorities must secure the agreement of the educational setting if that provision is to be delivered on that institutions premises.
The advice and information gathered during the EHC needs assessment must be set out in the appendices to the EHC plan.

There should be a list of this advice and information.
To support this new process, Edward Timpson, Secretary of State for Children and Families announced additional funding for Independent Supporters to help parents and young people navigate through the EHC planning process.

Independent Support is centrally funded by the DfE and managed by the Council for Disabled Children (CDC).

It is time limited support between September 2014 and April 2016.

Independent Support is delivered jointly in partnership with your local SENDIASS Service (formerly Parent Partnership Service) and Core Assets.
How an Independent Supporter can support parents and young people:

• Help you to understand the local referral process and local offer

• Work with you if you are new to EHC referrals or if you have had a LDA under the old system

• Focus on the main task of helping you to transfer a Statement of SEN or Learning Difficulty Assessment (LDA) to an EHC plan (transfer reviews);

• Help you to put together the one page profile for your child or young person
The Independent Support Service

- Liaise across a range of local services and help you to gather the information required for an EHC plan
- Provide you with information to help you understand personal budgets
- Signpost you to Information Advice and Support Services (IASS) when the issue is outside the remit of an Independent Supporter
An Independent Supporter can offer support in a number of areas including:

- Completing the parent/child/YP element of an EHCP assessment request
- Completing Section A of the EHCP
- Support in meetings with professionals
- Reviewing draft plan

This support can be delivered via face to face meetings at a mutually convenient venue, telephone or email support.

An Independent Supporter can be flexible and fit in with your needs and most significantly..... It is FREE AND INDEPENDENT
How to access an Independent Supporter:

Core Assets Independent Support Service

Telephone: 0800 0288 455

Email: Isreferrals@coreassets.com

www.coreassets.com/what-we-do/independent-support-service
Thank you for your time.
Any Questions?