

## Summary of SEND Reforms 2014

The Children and Families Act became law in March 2014. The new Special Educational Needs legislation, and the SEND Code of Practice contained within it, came into being in September 2014. The new Act requires major changes to working procedures, mainly centred on improving learning and life outcomes for children and young people with SEN and disability. It ensures that services work collaboratively to provide a co-ordinated approach to meeting the needs of children and young people who have special educational and disability needs.

The most important change is that statements of SEN and Learning Difficulty Assessments (LDAs) are being replaced by Education, Health and Care (EHC) Plans. EHC Plans are produced as a result of assessments, carried out for children and young people with complex needs, by Education, Health and Social Care Services. The new EHC assessment procedures have been designed as a person centred approach to provide as much information as possible to ensure that the outcomes are those wished for by the child, young person and their families. This should endeavour to be a 'tell us once' experience for parents, children and young people and aim to enhance their involvement, participation and confidence in the process.

From September 2014, over a 3 year period, children and young people with Statements of SEN or LDA's will have a statutory review with a focus on transferring to EHC Plans. EHC Plans continue to provide the same statutory protection as current statements but extend the rights to children and young people in education and training up to the age of 25. The new legislation extends the right to request a statutory assessment for a young person between the age of 19-25 and young people from the age of 16 can request a statutory assessment for a Plan. There is also the right to request a Personal Budget to give families and young people more control over the provision they need.

Further information and key principals regarding EHC Plans can be found in Chapter 1 of the Special Educational needs and Disability Code of Practice 0-25 years.

### **Special Educational Needs and Disability Code of Practice: 0-25 - Important changes to the SEND Code of Practice (2001)**

The main changes from the SEND Code of Practice 2001 reflect the changes introduced by the **Children and Families Act 2014**. These are:

- The Code of Practice 2014 covers the 0-25 age range and includes guidance relating to disabled children and young people apart from those with SEND
- There is a clearer focus on the participation of children and young people and parents in the decision-making at individual and strategic levels.

- There is a stronger focus on high aspirations and on improving outcomes for children and young people
- It includes guidance on the joint planning and commissioning of services to ensure close co-operation between education, health and social care
- It includes guidance on publishing the Local Offer, a new requirement in which Local Authorities must set out their support for children and young people with SEN and/or Disabilities
- There is new guidance for education and training settings on taking a graduated approach to identifying and supporting pupils and students with SEND. One category of SEND Support replaces School Action and School Action Plus
- For children and young people with more complex needs a co-ordinated assessment process and the new 0-25 EHC Plans replace LDAs
- There is greater focus on planning and support that enables those with SEND to succeed in their education and make a successful transition to adulthood
- Information is provided on relevant duties under the Equality Act 2010
- Information is provided on relevant provisions of the Mental Capacity Act 2005

### **Principles underpinning the Code of Practice**

Section 19 of the Children and Families Act makes clear that Local Authorities, in carrying out their functions under the Act in relation to disabled children and young people and those with special educational needs (SEND), **must** have regard to:

- the views and wishes and feelings of the child or young person, and the child's parents
- the importance of the child and young person, and the child's parents, participating as fully as possible in decisions, and being provided with information and support necessary to enable participation in those decisions
- the need to support the child or young person, and the child's parents, in order to facilitate the development of the child and young person and to help them achieve the best possible educational and other outcomes, preparing them effectively for adulthood.

These principles are designed to support:

- the participation of children, their parents and young people in decision- making

- the early identification of children and young people's needs and early intervention to support them
- greater choice and control for young people and parents over support
- collaboration between education, health and social care services to provide support
- high quality provision to meet the needs of children and young people with SEND
- a focus on inclusive practice and removing barriers to learning
- successful preparation for adulthood, including independent living and employment

### **The Principles in Practice - Participating in decision making**

Local Authorities **must** ensure that children, their parents and young people are involved in the discussions about their individual support and about local provision.

Early years providers, schools and colleges should also take steps to ensure that children, young people and parents are actively supported in contributing to needs assessments, developing and reviewing Education Health Care (EHC) Plans.

Specifically Local Authorities **must**:

- ensure the child's parents or the young person are fully included in the EHC needs assessment process from the start, are fully aware of their opportunities to offer views and information, and are consulted about the content of the Plan. (Chapter 9 of the Code of Practice)
- consult children and young people with SEN and/or Disabilities and their parents when reviewing their Local Offer (Chapter 4 of the Code of Practice)
- consult them in developing and reviewing their Local Offer (Chapter 4 of the Code of Practice)
- make arrangements for providing children and young people with SEN or Disabilities and their parents with advice and information about matters relating to SEN and disability (Chapter 2 of the Code of Practice)

Clinical Commissioning Groups (CCGs), NHS Trusts or NHS Foundation Trusts who are of the opinion that a child under compulsory school age has or probably has SEN or a Disability **must** give the child's parents the opportunity to discuss their opinion with them before informing the local authority (Paragraph 1.16 of the Code of Practice).

Children have a right to receive and impart information, to express an opinion and to have that opinion taken into account in any matters affecting them from the early years. Their views should be given due weight according to their age, maturity and capability (Articles 12 and 13 of the United Nations Convention on the Rights of the Child).

Parents' views are important during the process of carrying out an EHC needs assessment and drawing up or reviewing an EHC Plan in relation to a child. Local Authorities, early years providers and schools should enable parents to share their knowledge about their child and give them confidence that their views and contributions are valued and will be acted upon. At times, parents, teachers and others may have differing expectations of how a child's needs are best met. Sometimes these discussions can be challenging but it is in the child's best interests for positive dialogue between parents, teachers and others to be maintained to work through points of difference and establish what action is to be taken.

The Children and Families Act gives significant new rights directly to young people once they reach the end of compulsory school age (end of academic year in which they turn 16). When a young person reaches the end of compulsory school age, local authorities and other agencies should normally engage directly with the young person rather than their parent, ensuring that as part of the planning process they identify the relevant people who should be involved and how to involve them. Chapter 8 of the Code of Practice sets out how some decision-making rights transfer from parents to young people at this stage and how families will continue to play a critical role in supporting a young person with SEND. Most young people will continue to want, or need, their parents and other family members to remain involved in discussions and decisions made about their future. Some young people, and possibly some parents, will not have the mental capacity to make certain decisions or express their views. Provision is made in the Children and Families Act (Section 80) to deal with this and Annex 1 to the Code of Practice provides further details.

### **Supporting children, young people and parents to participate in decisions about their support**

Local Authorities **must** ensure that children, young people and parents are provided with information, advice and support necessary to enable them to participate in discussions and decisions about their support. This should include information on their rights and entitlements in accessible formats and time to prepare for discussions and meetings.

From Year 9 onwards, particularly for those with Education, Health Care Plans, local authorities, schools, colleges and other agencies will be involved in the planning for their transition to adult life. This will consider the future and how to prepare for it, including their health, where they live, their relationships, control of their finances, how they will participate in the community and achieve greater independence. Further details are given in Chapter 8 of the Code of Practice. Local authorities should help children and their families prepare for the change in status under SEND law that occurs once the child reaches the end of compulsory school age.

Local authorities should consider whether some young people may require support in expressing their views including whether they may need support from an advocate (who could be a family member or a professional). Local authorities **must not** use the views of parents as proxy for young people's views. Young people will have their own perspective and local authorities should have arrangements in place to engage with them directly.

### **Involving children, young people and parents in planning, commissioning and reviewing services**

Local authorities **must** consult children with SEN and/or disabilities, their parents, and young people with SEN or disabilities in reviewing educational and training provision and social care provision and in preparing and reviewing the Local Offer. It is important that they participate effectively in decisions about support available to them in their local area. Chapters 3 and 4 of the Code provide guidance on these duties.

Effective participation should lead to a better fit between families' needs and the services provided, higher satisfaction with services, reduced costs (as long term benefits emerge) and better value for money. Local authorities should work with children, young people and parents to establish the aims of their participation, mark progress and build trust. They should make use of existing organisations and forums which represent the views of parents - and those which represent the views of children and young people directly – and where these do not exist, the local authority should consider establishing them. Effective participation happens when:

- it is recognised, valued, planned and resourced (for example, through appropriate remuneration and training)
- It is evident at all stages in the planning, delivery, monitoring of services
- There are clearly described roles for children, young people and parents
- There are strong feedback mechanisms to ensure that children, young people and parents understand the impact their participation is making

### **Parent Carer Forums**

Parent Carer Forums are representative local groups of parents and carers of children and young people with disabilities who work alongside local authorities, education, health and other service providers to ensure the services they Plan, commission deliver and monitor meet the needs of children and families. Parent Carer Forums have been established in most local areas and local authorities are actively encouraged to work with them. More information about Parent Carer Forums is available from the websites of Contact a Family and National Network of Parent Carer Forums.

## Halton SEND Carers Forum



The Forum can signpost and support Halton parents and carers to information and services provided for children and young people with special educational needs and/or disabilities.

The Forum represent the wider group of Halton parent/carers on strategic partnerships and boards for example Halton SEND Strategic Group, Halton Children's Trust Executive Group etc and consultation groups/events.

By working together with senior leaders across the Borough, the Forum helps empower parents/carers to have their voices heard in the design, development and review of services being delivered within Halton for children with a disability/additional needs.

The Forum are developing links with other parent groups across the Borough to help feed their views into the appropriate groups. New members are always welcome and more details about the Forum can be found on their [Facebook page](#)