

Children and Young People Select Committee Supplementary Agenda

Monday, 15 December 2014
7.30 pm, Committee Room 3
Civic Suite
Lewisham Town Hall
London SE6 4RU

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This meeting is an open meeting and all items on the agenda may be audio recorded
and/or filmed.

Part 1

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CYP SELECT COMMITTEE		
Report Title	Special Educational Needs and Disabilities Reforms	
Key Decision		Item No. 3
Ward	All	
Contributors	Frankie Sulke, Executive Director of Children and Young People Warwick Tomsett, Head of Service, Targeted Support and Joint Commissioning.	
Class	Open	Date: 11 th December 2014

Reason for lateness: This report was not available for the original dispatch because it was necessary to provide further information that required analysis before being able to be published.

1. Summary

- 1.1 This report is the second provided to the Children and Young People’s Select Committee concerning the reforms to Special Educational Needs and Disabilities as contained within the Children and Families Act 2014. It is the first report since the Act became statute on 1st September 2014.

2. Purpose

- 2.1. The purpose of this report is to inform the Children and Young People’s Select Committee of the developments made in implementing these reforms.

3. Recommendations

- 3.1 It is recommended the Children and Young People’s Select Committee:-
- 3.2 Notes the actions being taken to ensure the Special Educational Needs and Disabilities reforms continue to be delivered in accordance with our statutory duties and in line with the new Special Educational Needs Code of Practice.

4. Policy Context

- 4.1 Lewisham’s Sustainable Communities Strategy 2008 – 2020 includes the priority, Ambitious and Achieving, where people are inspired and supported to achieve their potential. The strategy sets out commitments to support all our young people by removing barriers to learning, and more broadly to tackle inequality and narrow the gaps in outcomes for our citizens, including children and young people with complex needs.
- 4.2 Lewisham’s Children and Young People’s Plan 2012 – 2015 sets out the vision of Lewisham’s Children and Young People’s Partnership for improving outcomes for all children. It articulates the need to improve outcomes for children with Special Educational Needs and Disabilities by ensuring that their needs are identified and met.

- 4.3 Following the Department for Education's publication in March 2011 of the 'Support and Aspiration: A new approach to special educational needs and disability' document, outlining how recommended changes to the delivery of services to children with special educational needs and disabilities should be delivered, we have seen the completion of the Special Educational Needs and Disabilities Pathfinder Programme, of which Lewisham was a part and we are now in the implementation phase of the new legislation contained within the Children and Families Act 2014.
- 4.4 Whilst the vast majority of the Children and Families Act 2014 has relevance to Lewisham's children and young people, as well as their families and carers, Part 3 of the Act has particular relevance to children and young people in Lewisham with special educational needs and disabilities.

5. Background

- 5.1 In the summer of 2011, Lewisham applied for and was successfully appointed by the Department for Education, as a Special Educational Needs and Disabilities Pathfinder Authority, in which some of the core reforms contained within Part 3 of the then Children and Families Bill would be developed and tested.
- 5.2 Between Autumn 2011 and Spring 2014 Lewisham along with 20 other Pathfinders was working with the Department for Education and its representatives, children and young people, parents and carers and other stakeholders on developing services and improving the delivery of those services to children with special educational needs and disabilities in line with the draft legislation and draft Code of Practice.
- 5.3 The Children and Families Act 2014 has ensured the continuation of the statutory assessment process for children and young people with Special Education Needs, however the new assessment process must provide a better co-ordinated approach across education, health and care. A new single multi-agency assessment and care plan has replaced the Statement of Special Educational Needs. This new multi-agency assessment is called Education, Health and Care Needs Assessment, if the assessment leads to a statutory plan being issued, this is called the Education, Health and Care Plan (EHCP).
- 5.4 EHC Plans are an integrated, holistic support plans that are focused on achieving life outcomes for children with special educational needs and or disabilities, rather than only looking at educational attainment. They are produced in partnership with parents, children and young people and are based on an aspirational model, person centred thinking, e.g. planning **with the person and not for the person**, and apply a co-ordinated approach to delivery of support services. The focus is on achieving life outcomes, and enabling young people with special educational need and disabilities to live ordinary lives, moving away from provision orientated thinking.
- 5.5 The age range for children and young people who might be eligible for a plan also extends from 19 to 25 years therefore the new EHC Plan will be covering the age range from 0 – 25 years.
- 5.6 The timeline for completing the new plan is 20 weeks. This is 6 weeks shorter than the previous timeline for the completion of statements of special educational needs,
- 5.7 Parents and Carers now have the ability to request a personal budget so that they have greater autonomy in securing some aspects of support for their child or young

person, as long as this is linked to the jointly agreed outcomes. This is only applicable to any 'additional' education, health or social care resources required to deliver the outcomes set out in the EHC Plan, personal budgets are not available for securing whole educational provision. For example, parents and carers will not be provided with the ability to resource a school place for a child through a personal budget.

- 5.8 Local Authorities and schools also have to publish a 'Local Offer' identifying the provisions of support that they expect to be available in their area for children and young people from 0 – 25 who have special educational needs or disabilities.
- 5.9 The 'Local Offer' has two main purposes:
- To provide clear, comprehensive and accessible information about support and opportunities available.
 - To make provision more responsive to local needs and aspirations by directly involving children and young people with special educational needs, parents and carers, and service providers in its development and review.

6. Update

- 6.1 Following the completion of the Pathfinder programme, Lewisham was given 'early adopter' status by the Department for Education and as such we have continued to develop our previous Pathfinder work within the context of our Special Educational Needs and Disabilities (SEND) Reform Programme.
- 6.2 We have taken some of the successful aspects of our Pathfinder programme and introduced them into our new SEND reform programme, this has included the establishment of a SEND Reform Board, which is made up of members of the multi-agency network, parents and carers and is chaired by the Head of Service for Targeted Support and Joint Commissioning.
- 6.3 The SEND Reform Board has already established 6 specific work streams that are working on the continued development and delivery of various aspects of the new legislation and the new Code of Practice. These are Education, Health and Care Plans (EHCP), The Local Offer, Personal Budgets, Early Years, Preparing for Adulthood and Education Settings.
- 6.4 The **Education, Health and Care Plan** work stream is focused on ensuring that our EHC Pro-forma remains co-produced and is developed to ensure that the outcomes for children and young people with Special Educational Needs and Disabilities remain central to plan. The work stream is also looking at defining the SEND Panel criteria for assessment requests and is in the process of developing evaluation tools for parents and practitioners. The work stream is contributing to the training delivery to parents and the wider workforce, focusing on personalisation, outcomes and explaining the new process.
- 6.5 The **Local Offer** work stream is working to ensure that our local offer remains updated and relevant. They are currently working with parents and carers as well as the local authority communications team to develop formats for accessing the local offer that are relevant to the needs of children and young people, their parents and carers.
- 6.6 The **Personal Budget** work stream is currently focused on the development of an improved Resource Allocation System (RAS). This is a process by which needs and

outcomes for children and young people with Special educational needs and disabilities can be matched against a personal budget. It is fair to say that this is the aspect of the reforms that is causing most concern on a national level as costing need and outcome is proving to be significantly complex. We are providing personal budgets in some circumstances, for example education transport. The work stream is working with joint commissioners to establish processes across the local authority and the local NHS trust.

- 6.7 The **Early Years** work stream is currently focused on developing provision within the 0 – 5 special educational needs and disabilities cohort, both within our own and independent early years provision. The work stream is also working on the development of the Portage Team within the Children with Complex Needs Service. The work stream is also looking into the issue of children with complex physical needs in Private and Voluntary Independent settings and how their needs can be met.
- 6.8 The **Preparing for Adulthood** work stream is co-chaired by workers from both children services and adult services and the current focus of the group has been on the development of transition services at the point of young people moving from children and adult services. The work stream will also be looking at the development of local employment and apprentice opportunities.
- 6.9 The **Education Setting** work stream is working with all types of education settings, schools, nurseries, colleges, teachers, head teachers and SENCOs etc, to ensure that all of the SEND reforms are adopted into education settings and that the outcomes of EHCPs are understood and delivered. We are working with education settings to ensure that 'Quality First' teaching is delivered to children with special educational needs and disabilities.
- 6.10 Each of the workstreams has a board, again made up of members of the multi-agency network, parents and carers which oversees the work being undertaken within the work stream. This is then fed into the overall SEND Reform Board.
- 6.11 The pro-forma for our Education, Health and Care Plan (EHC) for children and young people with special educational needs and disabilities, which we co-produced with parents and carers has been approved by the Department for Education. We currently have 138 children and young people (0 – 25) accessing their special educational needs support through their EHC plan (See table below for details of ages at start of plan and educational need).

Age at start of Plan	Cognition and Learning Needs	Behaviour, Emotional and Social Development Needs	Communication and Interaction Needs	Sensory and/or Physical Needs	Total Completed EHC Plans
0	1	0	0	0	1
1	3	1	1	3	8
2	3	1	3	5	12
3	6	4	5	3	18
4	4	2	5	4	15
5	1	2	2	1	6
6	2	1	2	2	7
7	3	2	2	2	9

Age at start of Plan	Cognition and Learning Needs	Behaviour, Emotional and Social Development Needs	Communication and Interaction Needs	Sensory and/or Physical Needs	Total Completed EHC Plans
8	2	1	0	0	3
9	2	3	2	1	8
10	5	3	2	2	12
11	3	2	2	0	7
14	2	1	2	0	5
15	1	2	2	1	6
16	5	2	2	2	11
17	4	2	1		7
18	1	0	0	1	2
24	0	0	1	0	1
					138

- 6.12 All except 3 plans have been completed within the 20 week time line, these had been given an extended deadline because medical assessments were delayed.
- 6.13 Of the 138 plans that have been completed, 90% of them have statutory recourse under the Education Act, the remaining 10% which do not have statutory recourse enable the child or young person to access support through children's social care and health, for example continuing care.
- 6.14 Our EHC Processes remain within the context of a Team Around the Child (TAC) approach. The process of EHC Needs Assessment Request and Plan completion starts and ends with a TAC. The first TAC is a 'pre-request' meeting where parent, the child or young person and professionals develop the 'my world' part of the EHC Needs Assessment Request and gather evidence for the request. The second TAC focuses on agreeing outcomes in line with assessment findings, professionals' recommendations and aspirations of the young person and their parents. This gives everyone involved in the child's life the opportunity to input into the support plan that the child will receive for their educational, health and care needs.
- 6.15 All previous statements of special educational needs will need to be converted to EHCPs and we have just learnt that all EHCPs completed during the Pathfinder programme will also need to be converted/finalised to ensure that they are underpinned by the Children and Families Act 2014 and the new Code of Practice. The Department of Education have issued guidance to local Authorities that establishes a conversion timetable of three years and the year group priorities that Local Authorities should adopt.
- 6.16 To ensure that we have the resources and personnel to complete all of our conversion work on time we have used part of our SEND reform Grant (see financial implications) to establish an SEN Conversions Team whose sole role will be to complete this work. They will work very closely with colleagues in the wider SEN team, however the remit will be to focus on conversions and not new cases. The conversions team is working very closely with families and schools and uses the young person's annual review as the 'transfer review meeting'. Families and schools are supported during the process

and we are offering workshops and meetings to explain the process and reassure families that their child is not losing anything by us converting to an EHC Plan.

6.17 Lewisham has developed and published a timetable for conversion which is based on the Department for Education guidance (see table below).

Current year group (2014–2015 academic year)	Timescale
Year R	September 2016–December 2016
Year 1	September 2016–December 2016
Year 2	January 2016–April 2017
Year 3	January 2016–July 2017
Year 4	May 2015–July 2016
Year 5	May 2015–July 2015
Year 6	January 2016–July 2017
Year 7	January 2016–July 2017
Year 8	September 2015–December 2015
Year 9	January 2015–April 2016
Year 10	January 2015–April 2016
Year 11	January 2015–April 2015
Year 12	January 2015–April 2015
Year 13	January 2015–April 2015
Pilot EHC plans	September 2014–August 2015
LDAs 2014	September 2014–September 2015
Young people in custody	September 2014–September 2015
Outstanding Statements	September 2017–September 2018

6.18 Lewisham has already begun working with 15 children and young people at Brent Knoll and Greenvale to convert their pilot EHC to finalised EHC and by May 2015 we will have completed approximately 570 conversions across the school population within the authority.

6.19 The children with complex needs service have been offering training and development opportunities across the multi-agency network. This year we have delivered the following;

- Outcomes Training – In control Event for Lewisham staff and the London Boroughs
- Educational Health and Social Care planning - process and Procedure- Children with complex needs Team
- SEND Reforms - Principles for Change - multi agency Kaleidoscope service workshop
- EHC - Lewisham's Policy Process and Procedure - Children with Complex Needs Service
- SEND Reforms - Lewisham Parent/Carer Forum
- EHC - Policy, Procedure and Process and Outcomes Training for all parents
- SENCO Forum - Principles of the Reforms
EHC planning and Procedure
- Bite Size Reforms - Principles of the reforms
Advice, Information Disagreement and Mediation
Schools and Colleges
Local Offer and Personal Budgets.

Over the coming months we will also be offering the following training;

- SEND Reforms and EHC planning - Greenvale School, Drumbeat, CAMHS
- Bite-Size reforms for Parent Carers
- Making it Personal- Children with Complex Needs Service
- Outcomes Training.

6.20 We have continued to work in close partnership with Lewisham's Contact a Family, and we have continued to commission voluntary sector support to provide key working to families through the development of their child or young person's EHC Plan. We have delivered workshops to the parents forum and have visited the SENDIAS (former CLIPPS) Coffee Morning to speak about the reforms and opportunities these reforms offer.

- 6.21 The Kaleidoscope 'drop in' programme, which we established as part of our pathfinder programme has continued to develop and parents and carers continue to tell us that they find this support useful. Our drop in sessions are run by Contact a Family, Lewisham Parent and Carers Forum, Carers Lewisham, SENDIAS, Scope and Healthwatch Lewisham.
- 6.22 We have completed the restructure of the Children with Complex Needs Service which built on the work and understanding we developed as a Pathfinder. The Service now sits within the Targeted Support and Joint Commissioning Service which has enabled the Children with Complex Needs Service to build on the relationships that the Targeted Support and Joint Commissioning Service had within the schools and the NHS trust.
- 6.23 The review has resulted in a restructure and reconfiguration of the Children with Complex Needs Service. Four teams, Portage, Multi Agency Pathway Planning, one Social Work Team and the Special Educational Needs Team have merged into one multi-agency team. This has removed fragmentation within the service and provided a consistent and joined up approach to developing the EHC Plan.
- 6.24 We have introduced a single point of contact through our duty desk. This gives parents, carers and professionals working with children with special educational needs and disabilities the opportunity to access information, advice and support and to make direct referrals.
- 6.25 One worker from the Multi-Agency Team takes responsibility for each case and now sees that case through from start to end.
- 6.26 Partnership in Lewisham is strong and in particular between health and the authority is well established and therefore well placed to facilitate development of the reforms. Our shadow Health and Wellbeing Board is developing positively under the umbrella of the Lewisham Strategic Partnership. Our Joint Commissioning Group continues to align resources across the partnership to ensure maximum benefit for our children and young people.

7. Financial implications

- 7.1 The Department for Education has issued a Special Educational Needs and Disabilities Reform Grant. The grant issued to Lewisham for 2014 – 15 is £546k. It is anticipated that a depreciating grant will be issued to local authorities for the period covering the conversion timescale.

8. Legal implications

- 8.1 In addition to those legal implications previously referred to in this report, members attention is drawn to the following.
- 8.2 The Human Rights Act 1998 safeguards the rights of children in the borough to educational provision which the local authority is empowered to provide in compliance with its duties under domestic legislation.
- 8.3 Section 9 of the Education Act 1996 places a general duty on local authorities and funding authorities to have regard to the general principle that children are educated in

accordance with their parents' wishes, so far as is compatible with the provision of efficient education and training and the avoidance of unreasonable public expenditure.

- 8.4 The Education and Inspections Act 2006 requires local authorities to consider and respond to parental representations when carrying out their planning duty to make sure there is sufficient primary and secondary provision and suitable Special Educational Needs provision in their area.
- 8.5 Departmental guidance requires that when proposals are being developed for reorganising or altering special educational needs provision local authorities and/or other proposers will need to show how they will improve standards, quality and/or range of educational provision for children with special educational needs.
- 8.6 Part 3 of the Children and Families Act 2014 introduces major reforms to the present statutory framework for children and young persons with special educational needs. The local authority will retain the pivotal role in identifying, assessing, and securing the educational provision for children and young people with special educational needs.
- 8.7 The Children and Families Act 2014 now requires: that in exercising their functions in relation to special educational needs local authorities must have regard to four guiding principles :
- the views , wishes and feelings of the child and their parent , or the young person;
 - ensure children young people and parents participate in decision-making;
 - provide the necessary information and support to help children, young people and parents participate in decision making; and
 - support children, young people and parents in order that children and young people can achieve the best possible educational and other outcomes.
- 8.8 The Equality Act 2010 introduced a new public sector equality duty. It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.9 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 8.10 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 8.11 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council

must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

8.12 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

8.13 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

9. Equalities implications

There are no specific equalities implications arising from this report. The work which we are undertaking concerning the special educational needs and disabilities reforms supports the Council's Equalities programme by ensuring that children with special educational needs and disabilities receive appropriate and relevant provision.

10. Crime and disorder implications

There are no specific crime and disorder implications arising from this report.

11. Environmental implications

There are no specific environmental implications arising from this report.

12. Conclusion

12.1 This report describes the progress that we have made in both preparing for the implementation of the Children and Families Act 2014, through the work we completed as a Pathfinder and the progress that we are continuing to make now that the Act has become statute.

12.2 The Children with Complex Needs Service having undergone its restructure and is now better placed to work within a multi-agency context to ensure that the needs of children and young people are holistically identified and that the support that is provided is focussed on improving outcomes for children and young people with Special Educational Needs and Disabilities.

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CHILDREN AND YOUNG PEOPLE SELECT COMMITTEE		
Report Title	Nursery Education and Childcare Review Update	
Key Decision	No	Item No. 4
Ward	All	
Contributors	Head of Standards and Achievement Strategic Leader, Early Years	
Class	Open	Date: December 2014

Reason for lateness: This report was not available for the original dispatch because it was necessary to provide further information that required analysis before being able to be published.

1. Summary

1.1 In 2013 the Children and Young People's Select Committee conducted an in-depth review of Nursery Education and Childcare. The review was scoped in May 2013 and evidence gathering sessions were held in July 2013 and October 2013, as well as visits in October and November 2013. The report and the recommendations were presented to Mayor and Cabinet in December 2013. The response was agreed by the Mayor on 19 March 2014.

2. Purpose

2.1 This report updates the Response agreed by the Mayor in March 2014 to the 4 areas of recommendations made within the report: Flexible provision of childcare, Transitions from pre-school provision to reception, Role of Social Care and Free entitlement to childcare for 2 year olds. For ease of reference, this update uses the same numbering of the recommendations as the Response in Section 4.

3. Recommendation

3.1 The Select Committee is asked to note the updates.

4. Flexible Provision of Childcare – The Committee recommends that:

4.1 Childcare providers should be encouraged and supported by the Council to take a flexible approach to delivering childcare with a range of available hours and locations.

Officers have supported schools, PVI (private, voluntary & independent) nurseries and childminders to develop further their provision to offer additional hours above the 15 hours free entitlement. Three schools are providing

additional hours funded by parents and another three schools are keen to start. A small number of pre-school nurseries have extended their day to open in the afternoons. The longer opening hours mean that parents can have more hours of childcare per day if they need it. The childcare providers are able to be more flexible and the increase in opening hours has enabled them to engage with the two-year-old offer as more vacant childcare places have been generated. The number of childminders that are delivering flexible childcare provision has risen from 17 in January 2014 to 97 in November 2014. The increase on the number of funded eligible two-year olds has contributed to the change in provision.

4.2 Providers should be encouraged and supported to share their experiences of implementing flexible provision with other providers across the borough.

We currently have a number of leading PVI settings in Lewisham. These settings share good practice by providing opportunities for settings to visit them, focusing on quality improvement of specific areas identified by their own self-evaluation, Ofsted actions and/or areas of development identified by the Lewisham Early Years Improvement Team.

We have a group of leading childminders who support colleagues in developing their practice, both from paired work and presentations at childminder briefing sessions.

There are 5 schools currently exploring a pilot on providing 8:00 am to 6:00 pm care which will include schools providing 2 year old places within their early years settings. This pilot is at the very beginning of the whole process. It is being led by the DfE which is providing £10,000 to support each school which decides to run with the pilot to inform others as to its success.

However, there are many schools which already cover the 8.00 am till 6.00 p.m. provision for children through breakfast and after-school clubs.

4.3 Flexible arrangements for the free 3 and 4 year old entitlement provision, including arrangements to extend provision to cover more weeks than the specified 38 weeks through fee top-up arrangements, should be explored.

Some Lewisham providers have been delivering the stretched offer (the Free Entitlement over more than 38 weeks) for some time and others are building this into their business plans. This has been driven by a need to raise additional funding to cover increased costs for employing more qualified staff, higher utility costs and increased rent and rates costs. Many working parents still welcome the stretched offer as this means that their childcare costs remain constant throughout the year rather than rising in non-term weeks when there are no free entitlement hours.

Schools find stretching the offer over more weeks challenging in relation to staff contracts, but have been signposting parents to their local Children's Centres for more support.

Some schools have raised concerns that the current “top-up” fees would not cover their costs. We are looking at that with them to ensure there are as few restrictions as possible for them in providing an extended offer.

4.4 Schools and nurseries should be encouraged to work with childminders in order to provide wraparound care for younger pupils.

There are 470 childminders in Lewisham and many of them offer a pick up and drop off service to and from school to working parents. The number of childminders engaging with delivery of the early learning entitlement and the free entitlement has significantly risen since January 2014 from 17 to 97. This means that these childminders can offer the full day care provision as well as wraparound for some children.

4.5 Nursery and childcare providers should be encouraged to increase the number of children with special educational needs that they look after.

It is critical to ensure that all early years settings are able to meet the needs of children with special educational needs. Currently, within existing resources, the local authority continues to provide services for the early years settings and childminders to develop their skills in dealing with children with special educational needs. Following the SEN Review, the local authority has increased its ability to build capacity in the early years sector through appointing a Senior Specialist Educational Psychologist Early Years, who coordinates the work of the EP Team in our nurseries, working with providers and the Early Years Improvement Team and Drumbeat’s ASD Early Years outreach support. Good practice across this field is shared at managers’ meetings, SENCO forums, programmes of training and childminders’ networks with the aim that more settings have both the capacity and the confidence to take children with special educational needs. We want to ensure that this capacity is then sustainable through on-going training and support. However, given resource restraints, in the future this support, and potentially other services as well, will be dependent on PVI’s buying into training and support packages. There are still a number of issues that need to be addressed, especially in terms of how to include children who need a high level of adult support in our early years settings. The SEND Reform Early Years Project Group is looking at how best to address these.

5 Transitions from pre-school provision to reception - The Committee recommends that:

5.1 Schools should be encouraged to improve their relationships with nursery and childcare providers in their local area to support transitions from pre-school settings to the Reception stage.

- The Transition Working Party is ready to roll out *Egress* as a secure system for sharing sensitive data.
- Chelwood, as a teaching school, is to bring providers together in training.

- The Early Years Improvement Team has discussed the importance of building better relationships and this is also part of the School Achievement Review meeting by School Improvement Advisors.

5.2 Nursery and childcare providers should also be encouraged to improve their relationships with schools in their local area to support transitions from pre-school settings to the Reception stage.

As indicated in 5.1, managers from PVIs and nurseries come together in transition training delivered by the Teaching School.

The Educational Psychology team are leading on Early Years and the Head of Clyde has led sessions at managers' meetings to improve communication.

5.3 Schools should provide information to parents about childcare availability in the local area, including nurseries and childminders.

Some school and nurseries already provide information about practitioners who deliver childminder services in their local communities. Both schools and nurseries also provide group sessions for childminders to attend to support their children's development. Childminders have presented at our EYFS leaders' briefing in order to promote their sector and build links between childminders and schools.

6. Role of Social Care – The Committee recommends that:

6.1 The priority places budget supporting nursery placements on social care grounds should be maintained at its current level.

While this budget was not included in this round of savings proposals, officers are required to continue to keep all areas under review given the scale of savings that is required.

6.2 Children's Social Care should further improve links with early years providers, with attention paid to childminders to address perceptions.

There are now Social Workers allocated as points of contact in each of the 4 areas across the borough. They have been assigned to Children's Centres so that they can improve communication and links with local schools and providers.

6.3 Officers should explore the possibility of increasing the role of early years practitioners in early intervention work to potentially reduce the escalation of cases to social care practitioners.

Officers in the Early Intervention Service Family Support Team have good links with all the nurseries in their respective areas. Visits are carried out regularly and on request. Work with early years practitioners includes support with individual cases, participating and chairing Team Around the Family (TAF) meetings where appropriate, and upskilling the early years workforce in the Common Assessment Framework (CAF) process. CAF / TAF training is

promoted to and attended by staff from early years settings and childminders. Officers from the Early Intervention Service also attend Settings Improvement Board meetings and actions are followed up with those nurseries which need additional support as well as new providers. Children's Centres are also required to have links with nurseries in their local areas and can offer support and outreach for families as well as group sessions at the Centres. Information on Children's Centres and Targeted Family Support is also regularly disseminated to nurseries and childminders by the council's Early Years Improvement Team.

7. Free Entitlement to Childcare for 2 Year Olds – The Committee recommends that:

7.1 The sign up process for both parents and providers should be simplified in order to encourage further take up.

The processes for parents and providers have been reviewed and updated to encourage further take-up and engagement. 2,032 parents have already received their 'Letter of Eligibility' so parents are able to engage with childcare providers now to reserve their Spring term 2015 placement. With previous cohorts, the local authority used a two stage system which meant a slight delay in parents receiving the letter. The new strategy will mean a higher level of take-up again at the next count point in January 2015. The interaction between parents and Children's Centres has been improved to ensure that they offer support to those parents who need additional encouragement to take up the offer. Childcare providers are being encouraged to be more interactive through their marketing strategies, for example, through open days when parents can go to a drop in session and meet the staff. The number of childminders has significantly increased from 17 in January 2014 to 97 in November. We are looking to increase this number still further.

7.2 Regular monitoring of the availability of places should be carried out and publicised to provide up to date information about provision to parents. This should include information on the Lewisham website showing whether there are vacancies with specific providers.

The local authority does not have the resources to provide regular updates of the availability of places as recommended. Providers are encouraged to log onto the Lewisham website to register their provision and regularly update their vacancy information. However, most providers do not do this as their environment is very changeable, especially leading up to the beginning of term when vacancies could go from a number to none in a short space of time. Some nurseries have waiting lists and therefore do not need to engage with updating or sharing information about their vacancies.

Children's centres have been provided with lists of Lewisham childcare providers and are encouraged to liaise with them to confirm their vacancies in order to support parents with finding childcare.

7.3 The Mayor and Cabinet make representations to the government outlining some of the issues with the 2 year old free entitlement, including:

- a) The legislation has not been properly thought through, and is not having the intended impact.**
- b) Providing care for 2 year olds in a setting designed for 3 and 4 year olds requires different skills from staff and facilities, which many providers are unable to provide without further assistance.**
- c) The funding structure should be re-examined as the childcare market's response, especially from childminders, indicates that government funding is not in line with what the market requires.**
- d) As low income families are being targeted for this provision it is unlikely in many cases that they will be able to afford to pay for additional hours from providers, therefore providing less incentive for providers to offer the entitlement. All childminders should have DBS checks carried out every 3 years.**

The 3 year renewal process for DBS is a locally-agreed protocol for Lewisham employees. All childminders must have a current enhanced DBS certificate in order to register with Ofsted. Ofsted cannot insist, but recommends an annual update.

Otherwise, these recommendations are not for officer comment. However, it is hoped that the points below are helpful background to the issues raised.

- a) The local authority believes that the impact of the 2 year old free entitlement will take time before it becomes embedded, in the same way as the 3 & 4 year old offer which expanded to the 3 year olds in 2004.
- b) Training to support childcare providers to increase the number of places available for 2 year olds has been and will continue to be delivered. Some providers have applied for and received capital funding which has enabled them to purchase age appropriate resources to take additional 2 year olds. Business support has been provided to providers that extended their opening hours to offer afternoon opening rather than mornings only, but this is only possible where there are no restrictions to the use of the buildings that the providers occupy.
- c) The funding rate for 2 year olds of £6.00 per hour for 15 hours per week for 38 weeks has been set by central government. The rates that childcare providers charge per hour can range from £4.12 to £7.53 per hour depending on the type of provision, the facilities and the location.

Childminders are delivering the early learning entitlement for 2 year olds, although additional work needs to be carried out to address the current disincentive for childminders to continue with the same children as 3 & 4 year olds, when the rate drops..

- d) The extension of the offer in September 2014 has meant that low income working parents who need additional hours may be able to claim child tax credits.

The incentives for providers are that if the child is eligible for a funded place then the funding is guaranteed. Many full day providers are able to adapt to changes especially when new staff are employed to posts that are term time only to reduce their overheads.

8. Financial implications

- 8.1 Free entitlement places and the support provided to child care providers in the borough are funded from within the Dedicated Schools Grant. Support for child care sufficiency and the Family Information Service is funded from Council resources. The implementation of the actions set out in this update will create no additional burden on the resources of the general fund.

The DfE funding for 3 and 4 year olds has increased to £16.9m in total for 2014/15, an additional £500k from 2013/14. For 2 year olds, the DSG provides funding on the basis of the estimated number of children that are likely to meet the eligibility criteria. For 2014/15 this is 2,000 with a budget allocation of £6.1m based on the 40% most disadvantaged two year olds. The funding for 2013/14 was £3.9m based on 1,132 children estimated to be eligible as the 20% most disadvantaged.

From 2015/16 the funding process for two year olds will change to a participation based allocation. Local authorities will be funded based on the number of funded two year olds accessing the early learning entitlement in January 2015 and not on estimates. Local authorities will be given the opportunity to submit a supplementary claim in October 2015 if there are significant changes to the number of two year olds on the January 2015 census.

9. Legal implications

- 9.1 The Constitution provides for Select Committees to refer reports to the Mayor and Cabinet, who are obliged to consider the report and the proposed response from the relevant Executive Director, and report back to the Committee within two months (not including recess).
- 9.2 Under the provisions of the Childcare Act 2006 a local authority has to make arrangements in an integrated manner with a view, broadly, to securing maximum benefit for users of early childhood services and making their availability widely known. Local authorities are required to facilitate and encourage the involvement of parents and prospective parents, early years providers and others engaged in activities which may improve the well-being of young children in the development of those arrangements.
- 9.3 In responding to its responsibilities under the Childcare Act 2006 the local authority must have regard to the quality and quantity of early childhood

services which are provided or expected to be provided, in their area and their location.

- 9.4 Section 8 of the Childcare Act 2006 enables a local authority to assist any person who is providing (or proposing to provide) childcare, or to make arrangements with a person for the provision of childcare (including, in either case assisting financially).
- 9.5 Local authorities are permitted to provide childcare themselves, but (except in the case of day care for children in need under s18 (1) or (5) of the Children Act 1989) only if there is no other provider willing to provide it or the local authority considers in all the circumstances, that it is appropriate to do so. In exercising any of these powers the local authority must have regard to guidance issued by the Secretary of State.
- 9.6 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.7 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 9.8 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 9.9 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

9.10 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

9.11 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:
<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

10. Crime and disorder implications

10.1 There are no crime and disorder implications arising from this report.

11. Environmental implications

11.1 There are no environmental implications arising from this report.

12. Equality implications

12.1 Promoting equality in the provision of affordable childcare is at the heart of this report.

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