

<b>Children and Young People Select Committee</b>			
<b>Report Title</b>	SEND Reforms – Preparing for Adulthood		
<b>Key Decision</b>	No	Item No.	5
<b>Ward</b>	All <input type="checkbox"/>		
<b>Contributors</b>	Head of Targeted Services and Joint Commissioning		
<b>Class</b>	Part 1	Date:	21 <sup>st</sup> October 2015

## **1. Introduction**

- 1.1 This report provides a summary of our SEND strategy explaining how we continue to meet the principles and duties placed on the local authority through the implementation of the Children and Families Act 2014 and Care Act 2015. In particular, this report focuses on the work to prepare young people with SEND for adulthood.

## **2 Recommendations**

- 2.1 The Select Committee is asked to comment on the report.

## **3 Policy Context**

### **3.1 Children and Families Act 2014 – Overview**

The Government introduced the most significant changes to the Special Educational Needs system in 30 years, which came into effect on the 1st September 2014 through the Children and Families Act 2014 (Part 3). The key changes brought in by the Children and Families Act 2014 were:

- Ensuring that children and young people are at the centre of planning and decision making by ensuring the views, wishes and feelings of the family, child and young person are central to the statutory process
- Statements of Special Educational Needs (SEN) will be replaced by Education, Health and Care plans (EHC plans) for children and young people 0-25 years
- Children and young people with a SEN and/or a learning difficulty assessment (LDA) will have their current SEN or LDA converted to an EHC plan through a planned transition process which will be completed by April 2018
- Greater multi agency working bringing together education, health and social care through a single assessment process for children and young people 0-25 years. In some cases, where a person is over 18,

the “Care” part of the EHC plan will be provided for by adult care and support, under the Care Act.

- Children and young people assessed as needing an EHC plan or with an EHC plan will have the option of a personal budget
- A published local offer that provides comprehensive, accessible and up to date information in one single place from education, health and social care for children and young people who have SEN or a disability.
- An expectation that services across education, health and social care should support children and young people with SEND to prepare for adult life help them go on to achieve the best outcomes in employment, independent living, health and community participation.
- An aspiration from children and young people with SEND to achieve their potential and achieve positive life outcomes and live an ordinary life as possible.
- An requirement to ensure early intervention and holistic and integrated planning across Adults and Children Services.

### 3.2 Children and Families Act 2014 - Preparing for Adulthood

Chapter 8 within the SEND code of practice provides specific statutory guidance on duties, policies and procedures for those working with children and young people aged 14 and over. It sets out how professionals across education (including early years, schools, colleges and 16-19 academies), health and social care should support children and young people with special educational needs (SEN) or disabilities to prepare for adult life, and help them go on to achieve the best outcomes in employment, independent living, health and community participation.

### 3.3 Local authorities have a range of duties which are particularly relevant to preparing for adulthood. They include amongst other duties the following:

- When carrying out their functions, to support and involve the child and his or her parent, or the young person, and to have regard to their views, wishes and feelings. This includes their aspirations for adult life.
- To offer advice and information directly to children and young people. This includes information and advice which supports children and young people to prepare for adult life.
- Together with health services, to make joint commissioning arrangements for the education, health and care provision of children and young people to secure positive adult outcomes for young people with SEN.
- To keep education and care provision under review including the duty to consult young people directly, and to consult schools, colleges and other post-16 providers.
- To co-operate with FE colleges, sixth-form colleges, 16-19 academies and independent specialist colleges approved under Section 41 of the Children and Families Act 2014.

- To include in the Local Offer provision which will help children and young people prepare for adulthood and independent living, to consult children and young people directly about the Local Offer and to publish those comments including details of any actions to be taken.
- To consider the need for EHC needs assessments, prepare EHC plans where needed, and maintain and review them, including the duty to ensure that all reviews of EHC plans from Year 9 (age 13-14) onwards include a focus on preparing for adulthood and, for 19-25 year olds, to have regard to whether educational or training outcomes specified in the EHC plan have been achieved.
- To make young people aware through their Local Offer of the kind of support available to them in higher education and, where a higher education place has been confirmed for a young person with an EHC plan, to pass a copy of the EHC plan to the relevant institution and to the assessor for Disabled Students Allowance with the young person's permission.

3.4 The National Audit Office report 'Oversight of special education for young people aged 16-25' published in November 2011, estimates that supporting one person with a learning disability into employment could, in addition to improving their independence and self-esteem, increase that person's income by between 55 and 95 per cent. The National Audit Office also estimates that equipping a young person with the skills to live in semi-independent rather than fully supported housing could, in addition to quality of life improvements, reduce lifetime support costs to the public purse by around £1 million.

- Education, training and employment
- Independent Living
- Community engagement and inclusion
- Health and wellbeing

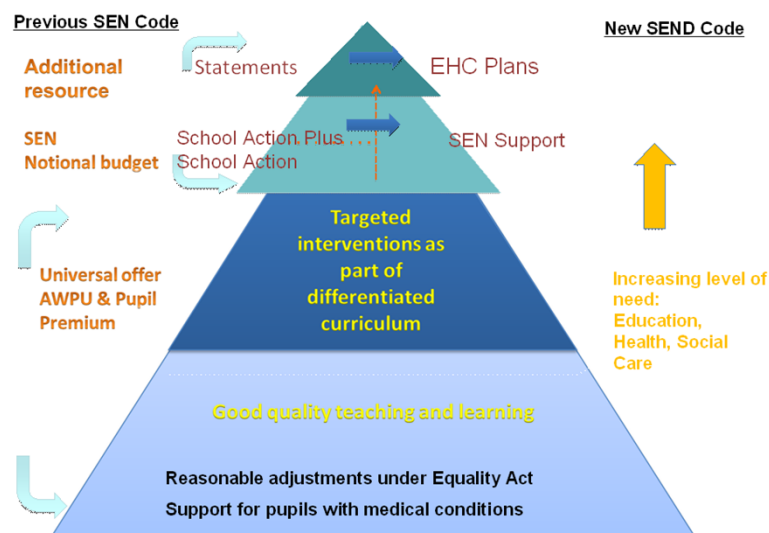
### 3.6 Care Act 2014

The Care Act 2014, which came into force in April 2015, places a duty on Local Authorities to identify and carry out a transition assessment of a young person, a young carer or an adult caring for a child who is likely to have needs when the child turns 18.

3.7 A young person can request a transition assessment at anytime and the local authority must consider in all cases if the assessment would be a "significant benefit" to that person. There is no specific age as to when this will be carried out. This enables the local authority to take individual circumstances into account when assessing an individual. However for most children/young person with an EHC plan this is to take place from Year 9 onwards. A young person or their parents can request a child's transition assessment any time prior to their 18th birthday regardless of whether they have an EHC or not. Under both acts there is a cohort of young people aged 18-25 who are entitled to an assessment and or support through both pieces of legislation.

## 4 Lewisham's SEND Strategy

- 4.1 The Children with Complex Needs team are currently developing a new Partnership SEND Strategy 2016-19. In line with the Children and Young People's Plan (CYPP) 2015-2018, children and young people with special educational needs and disabilities (SEND) deserve the very best opportunities to learn, develop and play. They also deserve the best start in life and should expect the best from all agencies who provide services that aim to improve their lives and life chances. Our strategy along with the CYP plan expresses our shared ambition and commitment to work together for, and with our children and young people and their families and carers, to make Lewisham a place where all children and young people enjoy a stimulating, healthy and safe childhood, exceed expectations, and have the highest aspirations for their future.
- 4.2 All Lewisham children and young people must benefit from excellent universal services. Within those services we continue to embed high quality targeted services for those children and young people who may have an additional need, so that support can be provided quickly to ensure these needs do not escalate and eventually require specialist services.
- 4.3 Our approach to early intervention aims to ensure that children, young people and their families needing targeted services are identified effectively and early and receive the co-ordinated support they need across all relevant agencies, and that we are therefore improving outcomes by making the best use of our resources.



- 4.4 Our vision for the strategy is to improve life outcomes for children and young people with special educational needs and disabilities (SEND) and that of their families.
- 4.5 Our vision will be underpinned by three key principles, that we need to embed across the partnership to achieve our vision.

- Developing inclusive communities, schools and services that are welcoming of all and that can meet the needs of children and young people with SEND to enable them to play, learn and work.
- Empowering families to become more resilient and independent, while ensuring that they receive the right support at the right time
- Ensuring that the views, wishes and feelings of children and young people with SEND and their families are central to decisions that affect them.

4.6 This strategy builds on the work that we achieved following the introduction of the Children and Families Act 2014 which came into effect on 1<sup>st</sup> September 2014.. This strategy provides direction for the Partnership and sets out the outcomes and priorities for all agencies working with children and young people with SEND across Lewisham and builds on what has been achieved so far. The strategy also establishes how partner agencies will continue to work together to improve those outcomes that will make significant improvements to the lives and life-chances of our children and young people with SEND.

4.7 Key areas of development that will enable us to achieve our outcomes include:

- Continue to develop our 'local offer' to provide relevant, accurate, accessible and timely advice in relation to all areas for SEND, ensuring that support is available through universal provision, and that targeted and specialist provision (short breaks) is provided appropriately.
- Ensure good quality teaching and learning so that children and young people's needs are effectively met in Lewisham schools and other educational establishments
- Expand the number of specialist places within Lewisham, and review and develop Lewisham's schools Specialist Resource provision
- Establish a strategic banding matrix for SEN funding, to ensure fairness, equitable, transparency and accountability
- Review and develop more robust and effective transition pathways for young people from 14yrs through to adulthood
- Ensure that effective personal budgets arrangements are in place to provide families with more choice and control over how their child's needs are met
- Work in partnership with the Parents and Young People SEND Forums to gather views and feedback on the development of our services

## **5. Preparing for Adulthood**

5.1 Preparing for adulthood means preparing for:

- higher education and/or employment – this includes exploring different employment options, such as support for becoming self-employed and help from supported employment agencies

- independent living – this means young people having choice, control and freedom over their lives and the support they have, their accommodation and living arrangements, including supported living
- participating in society, including having friends and supportive relationships, and participating in, and contributing to, the local community
- being as healthy as possible in adult life

5.2 The Local Authority has a statutory responsibility to support children/young people with SEND to be prepared for adulthood. Currently within Lewisham schools there are approximately 7000 pupils who have been identified as having SEND need (17.3% of all pupils); this is above the National, London and Inner London averages (15.4%, 15.6, 17% respectively). Of these pupils, 1206 have a Statement of Special Educational Need (SSEN), or an Education, Health and Care plan (EHC plan) (2.8% of all pupils ); this is in line with the National and London average but is below the inner London average (2.8%, 2.8%, 2.9% respectively). In addition to this there are approximately 380 Lewisham children and young people residents who have a SSEN or EHC plan and are placed in out of borough education provisions.

5.3 Of those children and young people with SSEN/EHC Plans who are placed within Lewisham schools (1206), approximately 48% attend maintained mainstream schools (including resource bases) or academies and 43% attend maintained special schools and 9% post 16 provision and other. Of those children who attend out of borough education provisions (380), 30% attend independent provision, 19% attend maintained mainstream schools, 16% attend academies, 16% maintained special, 9% attend further education, 4% attend specialist post 16 institutions, 2% other.

5.4 Of the total number of children and young people who attend out of borough education provisions, 12 % (47) are in a residential placements. The largest age cohort placed out of borough are those young people age 14 years to 18 years, accounting for 164 young people. Approximately 13% (22) of these 14-18years old are in residential placements, costing between £25,000 and £240,000 per annum. Approximately 20% (75) of young people placed out of borough are aged 19 and over, 17 of which are placed at Bromley College, 7 in Shooters Hill Post-16 Campus and 51 are placed in specialist/independent provisions such as NASH and Orchard Hill. Approximately 21% (16) of these young people are in residential placements costing between £22,000 and £290,000 per annum. This cohort of young people will continue to be supported by adult social care.

5.5 ASD is the predominant primary need in Lewisham Special Schools, accounting for 59.6% and in out of borough or independent provisions, accounting for 35.5%. Of the pupils with ASD in out of borough or independent provisions, 87.7% were young males aged between 12-18 years. The only other type of primary need that displayed such a

significant age and gender effect was Social, Emotional and Mental Health, with 88% being males aged 12-18 years. In Lewisham primary and secondary schools, the predominant primary need is Speech, Language and Communication Needs (36% and 27% respectively); this is above the national average for both provision types.

- 5.6 The most recent data available concerning attainment levels is for academic year 12/13 (the DfE had yet to publish results for academic year 13/14 at the time this report was written). For pupils with Statement of SEN, 8.1% achieved five or more A\* to C grades at GCSE level; this was below the national average (9.5%), the London average (12%) and the Inner London average (12%). For those with SEN but without a Statement, the figure was 30.2%; this was above the national average (26.6%), but below the London average (35.4%) and the Inner London average. For comparison, the Lewisham average for all pupils at key stage 4 was 58%.
- 5.7 In August 2015, there were 9,007 young people in school year 12-14 (9,820 young people with SEN up to and including age 24). Of the 9,820, 19 young people with SEN were Not in Education, Employment or Training (NEET) and 26 young people were unknown (data on what they are doing can not be identified).
- 5.8 There are approximately 350 children and young people known to the Children with Disabilities Service. 129 (36.8%) are aged between 14-18 years and are in receipt of specialist short break services and support.
- 5.9 Adults with Learning Difficulties (AWLD) data published in January 2015 which showed that approximately 130 service users were aged 18 to 25 years. Approximately 25 of these young people were in long-term residential placements.
- 5.10 Processes and data collection systems within Children's and Adults Social Care services are currently being reviewed to further quantify many important variables such as the number of transitions from Children's to Adults Services year on year and the type of support they receive / provision they attend thereafter. This will encourage a more holistic approach to further supporting these young people as they develop and transition.
- 5.11 The new legislation has introduced wider responsibility up to the age of 25yrs that all young people with an EHCP will have their education, health and social care needs reviewed annually. In addition the Care Act 2014 places a duty on local authorities to identify and carry out a transition assessment of a young person, a young carer or an adult caring for a child who is likely to have needs when the child turns 18.
- 5.12 These additional duties have already increased the demand on education services and are likely to increase the demand on adult services.

### 5.13 Current Operational Processes

The following are the current processes in place across education, health and social care for children and young people with a SSEN or an EHCP, some have been developed since the new legislation and build on these requirements. These include:-

- Co production with parents and key professional to develop the EHCP. The EHCP is person centered plan which has been designed to ensure that all professionals working with children and young people and their families from an early age focus their planning on formulating long-term outcomes which reflect the young peoples aspirations for their future and the support they will require to achieve these outcomes.
- The establishment of an EHCP conversion team whose responsibility is to ensure the transfer from statement of special educational needs to EHCP. This includes embedding the preparing for adulthood agenda.
- Transfer reviews have been held on young people who are moving on from school to further education (post 16 & post 19). This has started to address the wider preparing for adulthood agenda, but requires further development to have the buy in across the partnership.
- Case officers currently attend key transition annual reviews for children/young people.
- Administration of secondary school transfer process, ensuring children/young peoples needs continue to be met educationally.
- Co-ordination of a quarterly transition meeting between adult and children services. The meeting maps all children known from 14yrs onwards. Enabling early identification and the planning of provision across education and social care for those children with high level support needs who may require ongoing services and support from adult services.
- The Children with Disabilities social work team hold individual case responsibility for those young people eligible and known to their team. The social worker will lead on making referrals for assessment to adult services around the young person's 17<sup>th</sup> birthday highlighting the young person current holistic care needs. The assessed support that is put in place may include some students returning to their family home, with support packages commissioned to provide daytime activity which should be linked to educational outcomes. Some may move into supported accommodation in which case it would be the responsibility of their support provider to ensure that any identified educational outcomes are pursued. Educational outcomes may include developing pathways to employment, further learning (through adult education) or support for developing independent living skills.
- Young people who have a continuing care need will be referred to the appropriate adult health team.
- Key health professionals including Children and Adolescent Mental Health teams, Physiotherapists, Speech and Language Therapy and



Occupational therapy have their own transition process and pathways to adulthood which are currently separate to those within Children with Complex Needs Team.

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5.14 Further Development

Our current processes and pathways need to be developed further for the following reasons:-

- The current process for transition between Children's Social Care and Adult Social Care relies on individual workers making referrals across and these being picked up in a timely fashion. This has the potential to make transition planning difficult and too reliant on individual practice rather than embedded systems and process across the services.
- Children and Adult Social Care have different criteria for access to services. At the point of transition some young people may be offered a very different package of support. There is often a lack of understanding for the young people and their family on this difference and this can create anxiety and tensions at the point of transition. Earlier planning, including clarity of what is available, should ensure a smoother transition with appropriate support where needed.
- Direct payment and personal budgets allow for the option of choice for the young person. However this is often not utilised by the young person prior to transition, as it often remains parental choice. This can then become quite a challenge for a young person when they move to adult services
- The Children and Family Act has increased the age range for Education, Health and Care Plans up to age 25. This has created a demand for 19-25yr olds to have their EHCP's reviewed yearly. This has created a need for increased capacity and workforce development. This will have ongoing financial implications to support this area of development. There is currently no clear path between children and adult services to review young people with an EHCP.
- The new legislation has brought a demand for a new culture and new ways of working that require professionals to have a greater level of skills and knowledge of services available for young people up to 25yrs. In order to enable them to effectively plan with a young person and their families for their future.
- There is an expectation from families that children services will continue up to the age of 25yrs to concur with the ethos of the new legislation. However not all services will be available, and there needs to be clear information of what support is available across universal services as well as what can be expected at targeted and specialist levels of support, for young people and for adults.

5.15 Outlined below are key areas identified for exploration in order to improve outcomes on the preparing for adulthood agenda, these include:

- the establishment of clearer pathways across the partnership which allows for transition arrangements to begin at 14yrs. This would require a joint protocol with clear leadership, and defined roles and responsibilities.
- the establishment of an integrated social care team 14-25yrs with strategic and operational responsibility for the preparing for adulthood agenda.
- the establishment of a multi agency (education, social care & health) transition team with strategic and operational responsibility for the preparing for adulthood agenda.
- development of multi-agency programme which supports practitioners to gain the knowledge and skills required to fully embed the principles of the all aspects of the preparing for adulthood agenda.
- further improvement in co-production with parents and young people to ensure that they play an active role in developing this agenda.
- development of advice, information and signposting for young people, parents and professional, through the Local Offer. This includes young people who do not meet the eligibility criteria for Adult Services.
- development of shared processes and data collection systems within Children's and Adults Social Care in order to allow for the effective use of data for commissioning, planning and budget monitoring.
- development of the market place to ensure that there is suitable provision in place to support young people aspiration and life choice through to adulthood
- as part of the south east London commissioning consortium for SEND, continue to explore opportunities with neighbouring boroughs to develop the local market.

## **6. Financial Implications**

- 7.1 There are no financial implications arising from the agreement to the recommendation of the report.

## **7 Legal Implications**

- 7.1 In addition to those legal implications previously referred to in this report, members attention is drawn to the following.
- 7.2 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.
- 7.3 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.

- 7.4 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.
- 7.5 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.
- 7.6 Part 3 of the Children and Families Act 2014 introduced major reforms to the statutory framework for children and young persons with special educational needs. The local authority retains the pivotal role in identifying, assessing, and securing the educational provision for children and young people with special educational needs.
- 7.7 The Children and Families Act 2014 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.
- 7.8 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.
- 7.9 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.
- 7.10 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.

7.11 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-andpolicy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

7.12 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

7.13 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-andguidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

## **8 Crime and Disorder Implications**

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

## **9. Equalities Implications**

- 9.1 The initial equality analysis assessment indicates that the proposals in this report would not unlawfully discriminate against any protected characteristics but would positively promote equality of opportunity for children and young people with special educational needs and disabilities.

## **10. Environmental Implications**

- 10.1 There are no specific environmental implications arising from this report.

### **Background documents**

None.