

Evaluation of local areas' readiness for the implementation of the disability and special educational needs reforms as set out in the Children and Families Act 2014¹

Advice note on a study undertaken jointly by Ofsted and the Care Quality Commission at the request of the Parliamentary Under Secretary of State for Children and Families

¹ The reforms are set out as statutory guidance within *Special educational needs and disability (SEND) code of practice: 0 to 25 years*, Department for Education and Department of Health, June 2014, revised August 2014; www.gov.uk/government/publications/send-code-of-practice-0-to-25.

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Introduction

1. The purposes of this survey were to:
 - establish a snapshot from which progress in implementing the reforms could be considered
 - provide guidance to local authorities about developing effective practice and advice about aspects requiring further development
 - consider how, if required, effective accountability could take place.
2. As part of the survey, 30 local authorities were requested to complete a self-evaluation questionnaire about their readiness to implement the reforms. The local authorities were selected from across England and included shire counties, unitary authorities and London boroughs. Ten were selected from the 31 Pathfinder authorities that have been developing aspects of the proposals in the Green Paper that preceded the Children and Families Act, 2014.²
3. In addition, inspectors also visited these local authorities to discuss preparation for the reforms with disabled children and young people and those who have special educational needs, parents and carers, school and college leaders and senior staff within the local authorities themselves.³
4. It is important to note that the responses to the questionnaire and the discussions took place four to six months before the reforms were due to be implemented. Some aspects of the proposed changes, including arrangements for transition towards producing education, health and care plans and the statutory guidance within the Code of Practice, had not been finalised. The timing of the survey was also soon after a period of substantial reorganisation for many health partners.
5. Further details about how this survey was carried out are contained in the Notes section on page 8.

Effective implementation of the reforms

6. The Children and Families Act 2014 includes important changes that are intended to transform how special educational needs are met. These include:
 - the replacement of 'school action' and 'school action plus' with 'special educational needs (SEN) support'

² *Support and aspiration: a new approach to special educational needs and disability – progress and next steps*, Department for Education, May 2012; www.gov.uk/government/publications/support-and-aspiration-a-new-approach-to-special-educational-needs-and-disability-progress-and-next-steps.

³ See annexes A and B.

- a requirement for local authorities and their health partners to jointly plan and commission education, health and care services
 - the replacement of 'statements of special educational need' and 'learning difficulty assessments' with integrated 'education, health and care needs assessments and plans' focusing on outcomes and with the option of a personal budget for support
 - the extension of education, health and care plans to include young adults up to 25 years old where they remain in further education or training and the requirement for further education institutions to use their best endeavours to ensure support for young people with SEN, including those without education, health and care Plans.
 - the publication of a local offer in each area setting out the education, health and care provision the local authority expects to be available for local children and young people who are disabled or have special educational needs. This includes support in preparing for adult life.
7. Effective implementation of the reforms will, however, go further than these structural changes. The Act requires that
- children and young people who have special educational needs are identified accurately and in a timely way
 - outcomes for them improve
 - they, and their parents and carers, are satisfied with the quality of the support they receive and the outcomes they achieve.
8. These requirements are far-reaching and require local authorities to ask themselves fundamental questions about identifying and meeting the needs of disabled children and young people and those who have special educational needs. They must work in partnership with these children and young people, and their parents and carers to understand their needs so that outcomes can improve.
9. Early years providers, schools and colleges must also work in partnership with the local authority and social care and health services to identify and meet these needs effectively. Education, health and social care services must work closely together to jointly commission the support and services their children and young people require, including where these are not located in the same area.
10. However, focusing on the needs of children and young people who have an education, health and care plan cannot be at the expense of providing for those others who require support but who do not need a plan. Early intervention and timely support can prevent some children and young people from needing an education, health and care plan at a later stage.

11. Each local authority must set out the support it expects to be available in its local offer and ensure that this information is accessible. The local offer needs to be well communicated to relevant parties and properly understood.
12. Above all, local authorities must know whether their provision is improving outcomes for children young people or not. They must agree aspirational yet realistic targets for young people and monitor their progress towards achieving them. The setting of goals or targets must involve children and young people and their parents and carers.
13. The reforms present particular challenges for social care services. These services must implement the reforms, including the statutory responsibility to meet the requirements of an education, health and care plan, at the same time as continuing to meet their statutory responsibilities for child protection, looked after children and children in need. This requires the coordinated involvement of specialist teams, including those for disabled children, child protection, looked after children, early support, troubled families, youth offending and adult services.
14. Healthcare services similarly face significant changes to current practice. The challenge for health professionals is to shift understanding and culture from solely meeting clinical needs, for example providing care and treatment to support a young person's physical or medical condition, to include a focus on expectations of how educational outcomes will improve.

Key findings

- The local authorities surveyed had, overall, made a good start in getting ready to implement the reforms. Most were prepared for the transition to education, health and care plans as required and had worked with healthcare partners to jointly commission services to meet the area's needs. All of the areas surveyed understood the importance of effective early intervention.
- Almost all of the local authorities surveyed were confident that they would have the key aspects of the reforms in place by September 2014, when implementation of the reforms was to begin, and had appointed senior managers to oversee implementation. They had generally engaged well with their partners, especially with representatives of parents and carers.
- The local authorities recognised that the effective implementation of the reforms will take time. Many, but not all, set out a process of ongoing review and improvement based on rigorous and regular evaluation, the identification of the most effective practice and feedback about things that had been less successful. A few local areas believed that the process of implementing the reforms had generated substantial additional benefits by prompting them to look afresh at how they met the needs of disabled children and young people and those with special educational needs and their families.

- However, some important aspects of the reforms were, at the time of the survey, insufficiently, or only partly, developed, namely:
 - the participation of children and young people and their parents and carers in decision making about local provision
 - the effectiveness of communication with partners about the reforms
 - identifying and meeting social care and health needs
 - monitoring the identification of special educational needs
 - consistency of agreements with education providers about their contribution to the local offer
 - monitoring of the impact of early intervention
 - a lack of shared understanding of what constituted ‘good progress’ for the lowest attaining children and young people and for personal and social skills development
 - a lack of focus on achieving good outcomes in health and social care
 - the development of personal budgets
 - transition to adult social care and health services and where young people receive services from different local areas
 - joint commissioning arrangements.

- Given these findings, the variability found by inspectors across the local authorities in education, social care and health services, and the centrality of partnership working to the success of the reforms, the Department for Education, the Department of Health and NHS England should consider introducing accountability measures to monitor the impact of the reforms. These could complement local accountability arrangements and should include the inspection of the effectiveness of local areas in fulfilling their responsibilities. Evidence from this survey suggests that any such inspection should be:
 - proportionate and risk-based
 - developed with young people, parents and carers, providers and services, local authorities and healthcare services
 - focused on identifying need and improving outcomes in education, health and social care.

Implementation of the reforms

- The local authorities surveyed had, overall, made a good start in getting ready to implement the reforms. Most were prepared for the transition to education, health and care plans from 1 September 2014 and had worked with healthcare partners to jointly commission services to meet the area’s needs. All of the areas surveyed understood the importance of effective early intervention.

- Substantial efforts were being made to fulfil the requirements of the reforms by all 30 local authorities surveyed. In one local authority, the work had begun by reviewing the outcomes currently being achieved:

‘With the introduction of the new reforms for children and young people with special educational needs and/or disabilities and the ever increasing demands on the public purse, a review of outcomes for disabled children in the area has begun with the main focus on maximising resources to improve outcomes.’

- Almost all of the local authorities were confident that they would have the key aspects of the reforms in place by September 2014. The importance attached to this work was demonstrated by the appointment of senior managers in each area to oversee strategic and operational implementation. The local authorities surveyed had generally engaged well with their partners, especially with representatives of parents and carers, on all the strands of their work on the reforms.
- The local authorities recognised that the effective implementation of the reforms will take time. Many of the local authorities, although not all, described a process of ongoing review and improvement, based on rigorous and regular evaluation, the identification of the most effective practice and obtaining feedback about things that had not gone well. One representative in a local area commented:

‘Every six months, we will conduct a full review of the local offer, together with partners and in consultation with children and young people. However, this will be in addition to the continuous feedback that will be encouraged from partners, particularly managers and front-line staff and, indeed, service users and children and young people.’

- A few local areas believed that the process of implementing the reforms had generated substantial additional benefits. For example:

‘... have proved to be a context to “step back” from existing practice and processes. They have prompted us to reflect on underlying core principles and what we want to achieve for our young people with SEND and how. They have proved a catalyst to forge stronger and more collaborative working between education, health and social care which will continue to develop and evolve.’

‘The local offer development is providing a powerful opportunity to gain feedback and analyse customer experience of services and change practice and services.’

Communication and participation in decision making

15. Although most local authorities were communicating the changes well to most partners, in some areas inspectors found parents and carers of disabled children and those with special educational needs who were

unaware of aspects of the reforms and others who were unsure about how the local authority was involving them, or would be involving them, in implementing the reforms. In other instances, they did not know how the local authority identified needs or monitored outcomes. A few parents who were not members of a 'working group' told inspectors that the needs of their children were not being represented adequately.

16. A few headteachers, in different local areas, spoke of their awareness of headteacher 'working groups' but said that they had no direct involvement in, or significant understanding of, the work being done by the local authority.
17. A few of the local authorities had formally sought the views of disabled children and young people and those who had special educational needs. In a further few areas, children and young people had been made aware of the changes by their college or school. However, local authorities were generally unconvincing about how they were enabling children and young people to contribute to strategic decision making about how needs in their area should be met.

Notes

The survey was carried out by Her Majesty's Inspectors (HMI) from Ofsted and Children's Service Inspectors from the Care Quality Commission, together with a small group of headteachers of special schools and principals of general further education (GFE) colleges and specialist colleges.

Thirty local authorities were requested to complete a self-evaluation questionnaire about their readiness to implement the reforms. The local authorities were selected from across England and included shire counties, unitary authorities and London boroughs. Ten were selected from the 31 Pathfinder authorities that have been developing aspects of the proposals in the Green Paper that preceded the Children and Families Act, 2014.⁴

The self-evaluation questionnaire was constructed following consultation with a wide range of groups representing local authorities, health services, and schools and colleges, and organisations supporting disabled young people and those who have special educational needs. It was designed to examine what was needed for an effective system to meet the aims of the reforms. Responses in the questionnaire were qualitative open-ended answers; no statistical data was collected. The local authorities completed their self-evaluations between March and May 2014. Some survey responses included direct feedback from representatives from clinical commissioning groups (CCGs). It is not possible to state the precise number of

⁴ *Support and aspiration: a new approach to special educational needs and disability – progress and next steps*, Department for Education, May 2012; www.gov.uk/government/publications/support-and-aspiration-a-new-approach-to-special-educational-needs-and-disability-progress-and-next-steps.

responses to different questions since the self-evaluation was completed to varying degrees of detail.

The responses were supported by inspectors' discussions with the local authorities, and meetings with headteachers, principals and senior leaders from 32 special schools, 27 GFE and specialist colleges. Discussions also took place with small groups of children and young people who attended most of these establishments, as well as with parents and carers. The focus with the providers and with parents was to consider the extent to which the local authority was working in partnership with them and how well they understood their area's developments. The meetings with parents and carers were facilitated by the National Parent Carer Forum Network and the Parent Partnership Network. The local authority visits, including the meetings with parents and carers and the visits to schools and colleges, took place in April and May 2014.

Further information

Other publications

Support and aspiration: a new approach to special educational needs and disability – progress and next steps, Department for Education, 2012;

www.gov.uk/government/publications/support-and-aspiration-a-new-approach-to-special-educational-needs-and-disability-progress-and-next-steps

The Children and Families Act 2014

www.legislation.gov.uk/ukpga/2014/6/contents/enacted

SEND code of practice: 0 to 25 years, Department for Education, 2014;

www.gov.uk/government/publications/send-code-of-practice-0-to-25

Annex A: Schools and colleges visited

Schools	
Applefields School	York
Ash Field School	Leicester
Ashgate Croft School	Derbyshire
Belmont School	Gloucestershire
Bridge School	Suffolk
Castlefield School	Manchester
Cavendish School	Halton
Cloughwood Academy	Cheshire West and Chester
Cuckmere House	East Sussex
Dame Hannah Rogers School	Devon
Downs View School	Brighton and Hove
Elm Court School	Lambeth
Glyne Gap Academy	East Sussex
Highfield School	Cambridgeshire
Lansdowne School	Lambeth
Manor High School	Trafford
Mayfield School	Torbay
Meadow High School	Hillingdon
Melland Academy	Manchester
Northcott School	Kingston upon Hull
Northgate School	Northamptonshire

Oak Wood Academy	Warwickshire
Pace	Sheffield
Riverside School	Bromley
Riverside School	East Riding
Rowdeford School	Wiltshire
St Nicholas School	Wiltshire
St Piers School	Surrey
Severndale Academy	Shropshire
Springwell Dene School	Sunderland
Tweendykes School	Kingston upon Hull
Westminster School	Sandwell
Colleges	
Askham Bryan College	York
Bromley College	Bromley
Brooklands College	Surrey
Cambridgeshire Regional College	Cambridgeshire
Chesterfield College	Derbyshire
City College	Brighton and Hove
City of Sunderland College	Sunderland
Derwen College	Shropshire
East Riding College	East Riding
ESPA	Sunderland
Freemans College	Sheffield
Hartbury College	Gloucestershire

Lambeth College	Lambeth
Leicester College	Leicester
Mid-Cheshire College	Cheshire West and Chester
Nash College	Bromley
National Star College	Gloucestershire
North Warwickshire College	Warwickshire
Riverside College	Halton
Sheffield College	Sheffield
South Devon College	Torbay
South Essex College	Southend
The Orpheus Centre	Surrey
Trafford College	Trafford
Tresham College	Northamptonshire
Uxbridge College	Hillingdon
West Suffolk College	Suffolk

Annex B: Local areas visited

Brighton and Hove
Bromley
Cambridgeshire
Cheshire West and Chester
Derbyshire
Devon
East Riding
East Sussex
Gloucestershire
Hackney
Halton
Hillingdon
Kingston upon Hull
Lambeth
Leicester
Luton
Manchester
Northamptonshire
Sandwell
Sheffield
Southend on Sea
Shropshire

Sunderland
Suffolk
Surrey
Torbay
Trafford
Warwickshire
Wiltshire
York

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