

WIRRAL COUNCIL

CHILDREN AND YOUNG PEOPLE'S OVERVIEW AND SCRUTINY

20TH SEPTEMBER 2011

SUBJECT:	THE GOVERNMENT'S GREEN PAPER ON SPECIAL EDUCATIONAL NEEDS AND DISABILITY (SEND)
WARD/S AFFECTED:	ALL
REPORT OF:	INTERIM DIRECTOR OF CHILDREN'S SERVICES
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR ANN MCLACHLAN
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

- 1.1 This report outlines the Government's Green Paper that is about all the children and young people who are disabled, or identified as having a special educational need. It is about their families and ways of supporting them, and about the training and support required by professionals who work with them need in order to improve outcomes. It's title is **'Support and aspiration: A new approach to special educational needs and disability'**.
- 1.2 The consultation period ended on 30th June 2011. It was an open consultation and views were welcomed from both individuals and organisations. Wirral LA contributed to the consultation through the Merseyside Learn Together Partnership which did a joint response. Following consideration of the consultation responses, the Government intends to publish its response later this year. This may involve proposed legislative changes beginning in the following year.

2.0 RECOMMENDATION/S

- 2.1 Members are requested to note the Government's intention to radically change the current framework, and the work undertaken by Officers preparing for possible changes.

3.0 REASON/S FOR RECOMMENDATION/S

- 3.1 Members have a responsibility to assure themselves that the council is taking appropriate action in addressing potential changes to the current legal framework surrounding SEND that imposes statutory duties on local authorities. These statutory duties include responsibilities to arrange a continuum of provision to be made available locally, to meet children and young people's special educational needs and disabilities, to manage the assessment process for children and young people with the greatest needs, and for arranging any individual provision that is identified after assessment.

4.0 BACKGROUND AND KEY ISSUES

- 4.1 The current framework stems from a report on Special Educational Needs by Baroness Warnock in 1978, and subsequent law and guidance, most notably the 1996 Education Act and the SEN Code of Practice (2001).
- 4.2 The case for change is longstanding and has widespread support; it is overly bureaucratic, too often experienced by parents as adversarial, with widespread variations between schools and local authorities about identification and provision. There is an over-identification of SEN in schools and too little training for staff in all settings.
- 4.3 The consultation's major proposals include: a new education, health and social care plan to replace statements of special educational needs that could apply to young people until they are 25 years of age, a new approach to identifying special needs, a local offer to be published of all services available, greater independence of the assessment process, parents to have the option of a personal budget by 2014, and parents to have greater choice of schools. The intention is to radically change the system to support better life outcomes, give parents more confidence by giving them control, and transfer power to front line staff and local communities.
- 4.4 The consultation is very wide-ranging and has 59 questions covering early identification, work with health and social care, matters of finance, post 16 opportunities, personal budgets, etc. The breadth of questions is to capture views and ideas that will provide new, long-term arrangements. The Department for Education (DfE) invited respondents to contribute to those parts of the consultation of particular interest, and not to feel obliged to answer all the questions. The Green Paper is consistent with recent changes to the education landscape that envisages greater choice for parents, autonomy for professionals, changes driven by local settings, schools and communities, with less paperwork and devolved funding and sharper accountability.
- 4.5 The Government is working with some local authorities about funding arrangements. Local authorities have also been invited to work as 'pathfinders' to pilot some of the new proposed arrangements or innovative ways of working. The Government is keen to invite pathfinder applications from groups of authorities and especially where support is evident from local Primary Care Trusts. Pathfinder applications were invited in July 2011 with the deadline for applications the middle of August 2011. Successful applicants could receive up to £150,000 over two years to support pilots and must also observe existing legal arrangements. Successful applicants will be notified by the middle of September 2011.

5.0 RELEVANT RISKS

- 5.1 Currently there are none. But some changes have been very clearly signalled, such as the publishing of a local offer and working with reductions in statutory timescales to complete statutory assessments, and the Authority must begin work to make sure that we can implement them.

6.0 OTHER OPTIONS CONSIDERED

6.1 Merseyside Learning Together Partnership (LTP) of nine local authorities has put in a bid as a joint pathfinder. Strategic leads for SEN have worked together, in a very short time scale, on this joint bid. Individual authorities identified areas that each proposed working on so that we can learn from each other and extend the SEN 'footprint' across the region. On Wirral we want to work on the new single plan for the youngest children with the most complex needs. This would mean closer collaborative interventionist working with families and with colleagues in health and social care.

7.0 CONSULTATION

7.1 A number of events have taken place to raise awareness and contribute to consultation responses. These include officer presentations to Wirral Governors' Forum, Schools' Forum, and Wirral Family Forum. Officers also worked with the Family Forum on their response to the consultation. A number of Wirral Officers attended a regional event organised by the Department for Education (DfE). Wirral's Association of Special School Headteachers invited a senior DfE advisor to a conference to help inform their response. Officers have also contributed to local consultations about SEN funding, and regional consultations about 16 plus provision and funding. A number of Wirral SEN officers and professionals produced a response that is attached as Appendix 1. SEN leads from the Merseyside LTP collaborated on a joint response that is attached as Appendix 2.

8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

8.1 The Green Paper expresses a strong intention for this sector to become involved in perhaps managing part of the SEN processes, such as assessment, mediation and providing key workers, and looks forward with interest to their responses to the consultation.

9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

9.1 The new framework that is to be developed could have major implications in these areas but the nature of these will become clearer when the Government publishes its next steps.

10.0 LEGAL IMPLICATIONS

10.1 The Government has signalled that any legislative changes may start to take effect in 2013. Again, their precise nature is not yet known. It is likely that local authorities will retain statutory duties in regard to arranging and financing provision and transport.

11.0 EQUALITIES IMPLICATIONS

11.1 Not yet known.

12.0 CARBON REDUCTION IMPLICATIONS

12.1 Not yet known.

13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

13.1 There are no building planning implications.

13.2 The Green Paper considers the Joint Strategic Needs Analysis (JNSA) the key tool for local authorities to use to help with the strategic planning of provision and services.

REPORT AUTHOR: Paul Ashcroft
Strategic Service Manager (SEN)
telephone: (0151 666 4337)
email: paulashcroft@wirral.gov.uk

APPENDICES

1. Wirral Officers Consultation response.
2. Merseyside LTP Consultation response.

REFERENCE MATERIAL

SUBJECT HISTORY (last 3 years)

Council Meeting	Date