

SEND | Special Educational Needs & Disability

20 questions about the SEND Reforms

Support for all	
<p>If my child doesn't have a statement, how do these reforms affect my family?</p>	<p>At the heart of these reforms is a new way of working for all children and young people with SEND. Everyone working with your child will focus on life 'outcomes' rather than provision. So rather than saying 'this person has this condition so needs this support', professionals should be saying 'this person would like to achieve this, how can we work together to get there?'</p>
<p>What is changing for parents?</p>	<p>The reforms make it clear that parents should have a real say in decisions that affect their children, should have access to impartial information, advice and support and know how to challenge decisions they disagree with. Parents (along with children and young people) must be involved in developing the Local Offer and services for children and young people with SEND.</p>
<p>What will change for schools, colleges and educational settings?</p>	<p>Schools will continue to work with children and young people with Special Educational Needs and/or Disabilities to help them reach their full potential. They will now be required to work more closely with parents, publish a report about how they support children and young people with SEND and will no longer be using School Action or School Action Plus (more about this below). Schools also have an increased responsibility for identifying SEN.</p>
<p>What is happening with School Action and School Action Plus?</p>	<p>School Action and School Action Plus are being replaced by the Graduated Response (also known as SEN Support). The Graduated Response consists of a cycle of action – Assess, Plan, Do, Review. After assessment, if a school decides to provide a pupil with SEN support parents must be formally notified. Schools should talk to parents regularly (at least three</p>

	times a year) to set clear outcomes and review progress towards them.
What will be on the Local Offer	The Local Offer will include information about services available for children and young people with SEND in Hertfordshire and how they can be accessed. It will include information about schools, health, social care and support organisations. The Local Offer will be available online but people that do not use the internet will be supported to access information.
How can we make use of the Local Offer	The Local Offer can help families to find out about services and plan what support they would like to access. Not everything on the Local Offer will be available to all people. Parents, young people and professionals may all wish to use the Local Offer to help inform the best support available to meet the needs.
What are the statutory requirements for schools and settings to publish their Local Offer?	Schools are required to publish an SEN Information Report (School Offer) that outlines how they support children and young people with SEND. This applies to: <ul style="list-style-type: none"> • maintained schools, including provision made available in any separate unit • academies, including provision made available in any separate unit • non-maintained special schools.
Education, Health and Care (EHC) Planning & Personal Budgets	
Will the criteria for EHC Plans be different to the Statement?	The current Hertfordshire guidance for statutory assessments still applies and is being updated. It will also be reviewed in the year ahead in response to the requirements of the new code of practice.
Will all children with an extra support need require an EHC plan?	Only a small number of children or young people with Special Educational Needs and/or a Disability will require an EHC plan. Most children or young people should receive their educational support from their school or educational setting, from specific funds allocated by the authority. If the child or young person's need is not related to their

	<p>education they will not need an EHC plan. You will still be able to apply directly to Social Care and Health services where an EHC is not needed.</p>
<p>What will happen to children / young people that currently have a statement or an LDA?</p>	<p>The Code of Practice is clear that no child or young person should lose their statement and not have it replaced with an EHC plan simply because the system is changing. The timescales set by the Department for Education say that all young people with an LDA who need an EHC plan should have one by September 2016 and all children with statements who need an EHC plan should have one by April 2018. The conversion from a statement to an EHCP will link in with your statement annual review and will happen at key transition points. You can find out what year your conversion will take place through this document.</p>
<p>The new law says that Young People over the age of 16 can apply for an EHC plan independently of parents and must be consulted on their provision – does that mean that parents won't be consulted and how can we be sure that the young person has capacity to make decisions?</p>	<p>Young people will have new rights to take some decisions for themselves, but this does not mean that parents will be excluded. Parents will continue to be involved, particularly where the young person is 16 or 17. The right of young people to make a decision is subject to their capacity to do so as set out in the Mental Capacity Act 2005. The underlying principle of the Act is to ensure that those who lack capacity are empowered to make as many decisions for themselves as possible and that any decision made or action taken on their behalf is done so in their best interests. Decisions about mental capacity are made on an individual basis, and may vary according to the nature of the decision.</p>
<p>How will Education, Health and Care work together to decide provision on EHC plans?</p>	<p>Local authorities and health bodies must have arrangements in place to plan and commission education, health and social care services jointly for children and young people with SEN or disabilities. To support this, applications for EHC plans are reviewed at a multi agency panel. The panel decides if an assessment will go ahead. Although professionals may work together to produce reports it is not likely that all professionals will attend EHC meetings.</p>

<p>How often will the plan be reviewed, and who will review?</p>	<p>The EHC plan must be reviewed on an annual basis but parts of the plan may need to be reviewed more regularly. At the annual review new outcomes will be identified in line with progress and development. It is our expectation that schools and settings will be responsible for calling and running reviews as in the current system. What will be different is the focus of the information that professionals provide and the way that the meeting is held. Schools will be responsible for ensuring that meetings happen in a person centred way.</p>
<p>How does the EHC assessment fit in with other assessments such as the CAF?</p>	<p>Most other assessments will remain in place and not be affected by the EHC plan. It is very possible that a child may benefit from a CAF or C&F assessment but not require an EHC Plan. Where a school or setting is trading with Youth Connexions a PfA plan may be requested to support the young person.</p>
<p>Who can apply for a personal budget?</p>	<p>Personal Budgets are available to children and young people who have an Education, Health and Care plan.</p> <p>Personal budgets may be allocated when a child or young person has complex support needs which cannot be met without specialist services.</p>
<p>What services are included in the personal budget?</p>	<p>Currently Hertfordshire are offering personal budgets for some elements of social care. This will continue to be developed over time and provision may include options in Health and Education. Although school places will never be available as part of a personal budget.</p>
<p>How will personal budgets be funded?</p>	<p>Personal budgets are funded using the money that the council and NHS use to pay for services now. There is no new money.</p>
<p>How will personal budgets be managed?</p>	<p>A personal budget can be used either to ask the council to arrange services or can be made as a direct payment. If a direct payment is chosen this can be a one off or paid monthly. You can discuss this with your plan coordinator or a support broker who will be available to help you plan.</p>

Other

How would disagreements be handled?

It is always best to talk about disagreements at the earliest possible stage, involving parents, school based staff and other relevant professionals. As part of the new Code of Practice dispute resolution and mediation services must be available for parents and for young people to help resolve disagreements whether they have an EHC plan or not. These services are free of charge for parents, and for young people who wish to use them. Attending Dispute resolution is voluntary, and can only take place if all the parties agree to attend.

All the parties talk together to understand each other's point of view and work towards a shared agreement on the issues.

Where an application for an EHC assessment has been made or agreed, or an EHCP is in place, parents, or young people with SEND may also choose to use the independent mediation service. The new code of practice requires that the option of using mediation has been considered prior to appealing to tribunal.

KIDS Mediation Service will provide this service for residents of Hertfordshire to ensure independence from Hertfordshire County Council, schools and colleges, and Social care and Health services. The service is free of charge and confidential.

What support will be available for people involved in these reforms?

Hertfordshire County Council and our partners will continue to organise training sessions for parents and professionals throughout the year. In addition to this we are working on E-Learning modules, animations and information documents. Information about events and new documents will be available on Herts Grid for Learning and on Herts Direct.