


Date:	14 th December 2017
Meeting:	Governing Body
Item Number:	Item 12.1
Public/Private:	Public <input checked="" type="checkbox"/> Private <input type="checkbox"/>

Report Title:
Update on the Implementation of the Special Educational Needs and Disability Reforms (SEND)

Author: <i>(Name, Title)</i>	Helena Dent Senior Commissioning Manager – Children & Maternity Tara Harness – Designated Clinical Officer
GB Lead: <i>(Name, Title)</i>	Dr Margaret Sanderson
Director approval/signature (MUST BE SIGNED) Date:	Richard Young  4.12.17

Decisions to be made:
For the CCG Governing Body to be cited on the CCG Statutory Responsibilities for SEND and be updated on local progress.

Continue to improve the quality of services	<input checked="" type="checkbox"/>	Improve patient experience	<input checked="" type="checkbox"/>
Reduced unwarranted variations in services	<input type="checkbox"/>	Reduce the inequalities gap in North Lincolnshire	<input checked="" type="checkbox"/>
Deliver the best outcomes for every patient	<input checked="" type="checkbox"/>	Statutory/Regulatory	<input checked="" type="checkbox"/>

Executive Summary (Question, Options, Recommendations):
<p>The Children and Families Act 2014 became statute on 1 September 2014 and reformed the process by which Local authorities, NHS and partners assess and support children and young people with a special educational need and disability (SEND). This paper explains to the Governing Body the CCGs statutory responsibilities for children and young people with SEND, provides an update on the work completed to date in meeting these statutory duties, describes the CCG expectations of engagement within any OFSTED/CQC inspection, informs the CCG of the outcome of a recent peer review inspection and describes role of the designated clinical officer.</p> <p>The Governing Body is asked to:</p> <ul style="list-style-type: none"> Note the progress made in delivering the reforms and next steps Receive a further update as soon as is practicable.

Equality Impact	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Sustainability	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Risk	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Legal	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Finance	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

<i>Patient, Public, Clinical and Stakeholder Engagement to date</i>									
	<i>N/A</i>	<i>Y</i>	<i>N</i>	<i>Date</i>		<i>N/A</i>	<i>Y</i>	<i>N</i>	<i>Date</i>
Patient:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Clinical:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Public:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

1 Introduction

1.1 Purpose of the Paper

1.1.1 The Children and Families Act 2014 became statute on the 1st September 2014, which reformed the process by which Local authorities, NHS and partners assess and support children and young people with a special educational need and disability. This paper explains to the Governing Body the; CCGs Statutory Responsibilities for children and young people with SEND, provides an update on the work completed to-date in meeting the meeting these duties, informs the governing body SEND Ofsted/CQC inspection process, updates the governing body on the outcomes of a recent peer review inspection and describes the role of the Designated Clinical Officer (DCO) role within the CCG.

2 Background Information

2.1 CCG Statutory Responsibilities in respect to Children and Young People with Special Education Needs and Disability.

2.1.1 The revised Children and Families Act 2014 became statute on 1 September 2014 which reformed the process by which Local authorities, NHS and partners assess and support children and young people with a special educational need and disability. The main changes included:

- Changes to the statutory assessment process
- The introduction of Education and Health Care (EHC) Plans to replace SEN statements
- The publication of an online Local Offer provision
(<http://www.northlincslocaloffer.com/s4s/WhereILive/Council?pagelD=827&lockLA=True>)
- Developing joint commissioning arrangements for children and young people 0-25 years old with an SEN or disability between statutory commissioners
- Strengthening parental rights and decision making

2.1.2 Within the act the CCG is mandated to cooperate with the Local Authority in commissioning integrated, personalised services and to assist within the designing the Local Offer. Thereby, the CCG has a duty to ensure that clinicians and providers:

- Support the identification of children and young people with SEND
- Respond to requests for advice for an Education Health Care (EHC) plan within required time limits
- Make available health care provision specified in the EHC plan as per their commissioning role
- Contribute to regular reviews of children and young people with EHC plans
- Contribute to the Local Offer to include information about health care provision
- Establish a Designated Clinical / Medical Officer (DMO) function
- Support the development of joint commissioning arrangements for this population.

3 Discussion of Issues

3.1 CCG Responsibilities for SEND and Role of the Designated Clinical Officer (DCO)

3.1.1 Key within the delivery of the CCG's responsibilities within SEND is the Designated Clinical Officer (DCO) role, which for North Lincolnshire CCG is fulfilled by the Children's Continuing Care Nurse. The responsibilities of the role are identified within Box 1 and involve key tasks including; the notification of providers of requested Education Health Care Plans (EHCP), the quality assurance of submitted provider reports and the agreement of health objectives. Once an outcome is agreed and published within an EHC Plan, if the objective is under the health element of the plan, it is legally the CCG responsibility to ensure provision.

Box 1 - Key Responsibilities of the role (Council for Disabled Children)

- 1. Oversight across all health professionals delivering healthcare to individual disabled children, young people and those with special educational needs. This may include a focus on:**
 - Processes for identification of disabled children and young people and those with special educational needs, particularly pre-school children
 - The process for securing health assessment and key principles for health advice in EHC Plans
 - Oversight and assurance of health provision specified in EHC Plans
 - Provision of information and advice in the Local Offer on available health services for children and young people with SEND and disability, their parents and those who may care for them or want to refer them for assessment
 - The assessment of health needs and provision of services to young offenders with EHC plans
 - Working with schools to support pupils with medical conditions

- 2. Coordination to ensure:**
 - All health services are reflected in the Local Offer and that health providers are cooperating with the local authority in its development/review
 - A clear process for mediation arrangements regarding the health element of EHC plans
 - Coordination of EHC assessments with other key health assessments E.g Children's Continuing Care Assessments, Looked-After Children's Health Assessment

- 3. Strategic contribution to the development of:**
 - A joint commissioning strategy that works towards the integration of services to improve outcomes
 - A participation and engagement strategy with children and young people with SEN and disability and their families

- 3.1.3 To further support CCGs in progressing against their statutory duties, The Council for Disabled Children (CDC) was commissioned to develop an audit tool for CCG's to record how they are delivering their statutory duties in line with the SEND reforms; this has been completed for North Lincolnshire was submitted to NHS England in February 2017. The Audit highlighted that the CCG is compliant with the majority of its responsibilities and identified some areas for further developments required, moving forward, including the importance of raising the profile of SEND requirements within the CCG, and developing a more robust process to measure the experiences and outcomes of children with SEND – all of which are being worked towards.



Copy of Copy of
CCG Audit Tool.xlsx

3.2 Ofsted/ CQC Inspection Process and Outcomes of Peer Review

- 3.2.1 All local areas are subject to a joint Ofsted / CQC inspection for SEND. The inspection is led by one of Her Majesty's Inspectors from Ofsted, with a team of inspectors including an Ofsted Inspector and Children's Services Inspectors from the Care Quality Commission. Local inspections will be unannounced, for which five working days' notice will be provided. Inspectors will speak with children and young people who have SEN and/or disabilities, parents and carers, local authority and National Health Service (NHS) officers. Furthermore, the team of inspectors will visit a range of providers and speak to leaders, staff and governors about how they were implementing the SEN reforms and review a range of information about the performance of the local area, including the local area's self-evaluation. Inspectors will meet with leaders from the local area for health, social care and education, including the Chief Operating Officer of the CCG.
- 3.2.2 A SEND Inspection Readiness Group has been established by the Local Authority which the CCG and all providers are invited to attend to jointly prepare. The CCG is represented at a variety of inspection readiness groups, and in order to provide overarching governance to SEND, in North Lincolnshire, a SEND Standards Board has been developed, in which the CCG Chief Officer is a core member. All providers have been briefed and the CCG has a contact flowchart to ensure the relevant people are informed on notification of the inspection.
- 3.2.3 In preparation for a full-unannounced inspection a peer review inspection was invited in by the local authority and took place in June 2017. The outcome of the peer review inspection was largely positive and highlighted that North Lincolnshire was an area which was demonstrating strong practice. The inspection team specifically singled out two areas for consideration going forward, these being;
- Governance arrangements for SEND – suggesting that the recently established SEND standards board needed time to embed and there was a need for all partners to be fully engaged at the same level

- The local area's response to transitions between children's and adult services – it was felt the emphasis presently should be on the continued development of the various processes and initiatives in place some of which health will have a significant role within.

3.2.4 The commentary within the post review correspondence from the peer inspectors included recognition of the fact that the CCG acknowledges the need to continue to increase and strengthen their participation within the SEND agenda. They went on to also state that there are many examples of good collaboration between the LA and CCG including that of the CCG GP Lead for children's services providing a strong clinical representation of the SEND children's agenda.

4 Finance implications

4.1 At this point in time, there are no financial implications.

5 Desired Outcome and Success Criteria

5.1 The desired outcome will be that the CCG is highlighted favourably within the Ofsted / CQC inspection and that the needs of this cohort of children and young people are met satisfactory.

6 Risks, Issues & Mitigation

6.1 Risks are mainly associated with any tribunal cases, to which parents would like to see services / outcomes within their children or young people's plans, which are not supported by practitioners or the CCG. The CCG has contributed to local authority tribunals however, have a process of utilising the IFR process for any appeals within the CCG.

7 Summary / Conclusion

7.1 The paper explains to the Governing Body how the CCG is meeting their statutory duty in respect to SEND, whilst informing the Governing Body on the national inspection process.

8 Recommendations

8.1 The Governing Body are asked to note the content of the report.