

# What you need to know about Special Educational Needs and Disabilities Reforms 0-25 Children and Families Act 2014



A booklet for parents, carers and professionals

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# Welcome

Stockton-on-Tees Borough Council's vision is that:

'Every single child in the Borough is important to us. So we are determined to give each and every one of them as many opportunities as we can to help them be the very best they can be in life'.

The Council is committed to making sure that all children with special educational needs or disabilities have their needs met.

We are working in partnership with parents and carers to put in place changes introduced by the 2014 Special Educational Needs reforms and this booklet is for any family or individual who wants to find out more about how those reforms might affect them. It has been co-produced by the Council and Stockton United for Change, Stockton's Parent Carer Forum.

The booklet has information about changes in the law and also how the Council is implementing these changes.

Every child or young person is likely to take a different pathway and we hope the information in this booklet will help everyone through the journey.



Director of Children, Education and Social Care

## Stockton's Local Offer



The Local Offer website gives useful information about support available for children, young people and adults up to 25 years old with Special Educational Needs and Disabilities (SEND 0-25). It includes information about what support is available and what parents, carers and young people might expect from school/education setting, the local authority, the health services and other local services.

The website can be viewed at [www.stockton.gov.uk/localoffer](http://www.stockton.gov.uk/localoffer)

The work of developing and improving the Local Offer is on-going - we know we have much more work to do. Views and feedback are always welcome throughout the development of the local offer website. Let us know your thoughts at [www.stockton.gov.uk/localoffer](http://www.stockton.gov.uk/localoffer) under the 'Contact and feedback' tab.

# Stockton United for Change Parent/Carer Forum



Other parents and carers can be the best people to talk to. Stockton United for Change are a group of Stockton parents and carers of children/young people with Special Educational Needs and disabilities aged 0-25 (SEND 0-25). They are able to signpost based on their experiences. They also work alongside the local authority, education, health service and other service providers to make sure the provision they plan, commission and deliver meet the needs of children and families. They do this through active parent participation and ensuring parents have a voice.

[www.stocktonunitedforchange.co.uk](http://www.stocktonunitedforchange.co.uk)

## SEND Information, Advice and Support Service (formerly Parent Partnership Service)

Stockton's Special Educational Needs and Disability Information, Advice and Support Service (SENDIASS) is a free, impartial and confidential service. They provide advice, information and support on all matters relating to special educational needs and disabilities (SEND) to:

Parents/carers of children and young people with SEN or disability  
Young people up to the age of 25 with SEN or a disability

### We can provide support in a variety of ways:

- By telephone or email
- Individual casework
- Help with writing letters, reports and filling in forms
- Help with preparing and supporting at meetings
- Support during an Education, Health and Care (EHC) assessment
- Access to Independent Support during the transfer of a Statement of SEN to an EHC Plan
- Support during the transfer of a Statement of SEN to an EHC Plan
- Advice on school based support for children and young people with SEND who do not have an EHC Plan in place
- Advice on local policy and practice including the Local Offer, Personal Budgets, the law on SEN and Disability, Health and Social Care
- Support in resolving disagreements

**CONTACT DETAILS ARE ON THE BACK PAGE OF THIS BOOKLET**

# What's Changing?

This page gives an overview of the way the new law works.

## Children and Families Act 2014

This is now the law that governs the way in which decisions on support for children and young people with Special Educational Needs and Disabilities (SEND) are made. It has led to the SEND Reforms.

It particularly gives new timescales for processes and decisions. It also states that Education, Health and Social Care should work together as appropriate for the child or young person.

The legal document can be found here:

<http://www.legislation.gov.uk/ukpga/2014/6/part/3>

## Code of Practice

This is a large government document that tells councils, schools and everyone how the SEND Reforms are implemented. There are new procedures - and the emphasis is on Person Centred Planning, with the outcomes for the child or young person being at the centre of the decision-making (see p.9 of this booklet).

A copy of the Code of Practice can be found here: <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

## SEND Reforms

These are the changes that have resulted from the Children and Families Act 2014. Stockton-on-Tees Borough Council are working with parents young people and professionals to bring in the changes in a co-ordinated and supportive way. As these changes take place, your child or young person should still have the support they need for their education.

The legal documents are long and complex, but are useful in giving very precise information. The Guide for Parents/Carers is a good place to start. The Government's Guide for Parents/Carers is available from their website:

<https://www.gov.uk/government/publications/send-guide-for-parents-and-carers>

Links to the government documents and Stockton-on-Tees Borough Council policies are on the Local Offer.

# Special Educational Needs (SEN) Support



All children and young people are entitled to an education that enables them to make progress so that they:

- Achieve their best
- Become confident individuals living fulfilling lives
- Make a successful transition into adulthood

High quality teaching that is differentiated and personalised will meet the needs of the majority of children and young people.

Some children and young people need educational provision which is additional to, or different from this, because they have special educational needs (SEN). This is known as special educational provision.

Some children and young people with SEN can have learning difficulties or disabilities that make it harder for them to learn than most children and young people of the same age. They may need extra or different help.

Most children and young people with SEN will have their needs met in local mainstream early years settings, schools or colleges. These children and young people will be supported through the graduated approach known as SEN Support.

Schools and other education settings will have more information on their website - You can find out more at [www.stockton.gov.uk/localoffer](http://www.stockton.gov.uk/localoffer)



# Education Health and Care (EHC) Assessments

Most children and young people with special educational needs (SEN) will have their needs met in local mainstream early years settings, schools or colleges. These children and young people will be supported through the graduated approach known as SEN Support (see page 6).

Children and young people with more complex needs may need more detailed assessment and may need an Education Health and Care (EHC) Plan. The EHC Plan will replace statements of special educational needs and Learning Difficulty Assessments (LDAs).

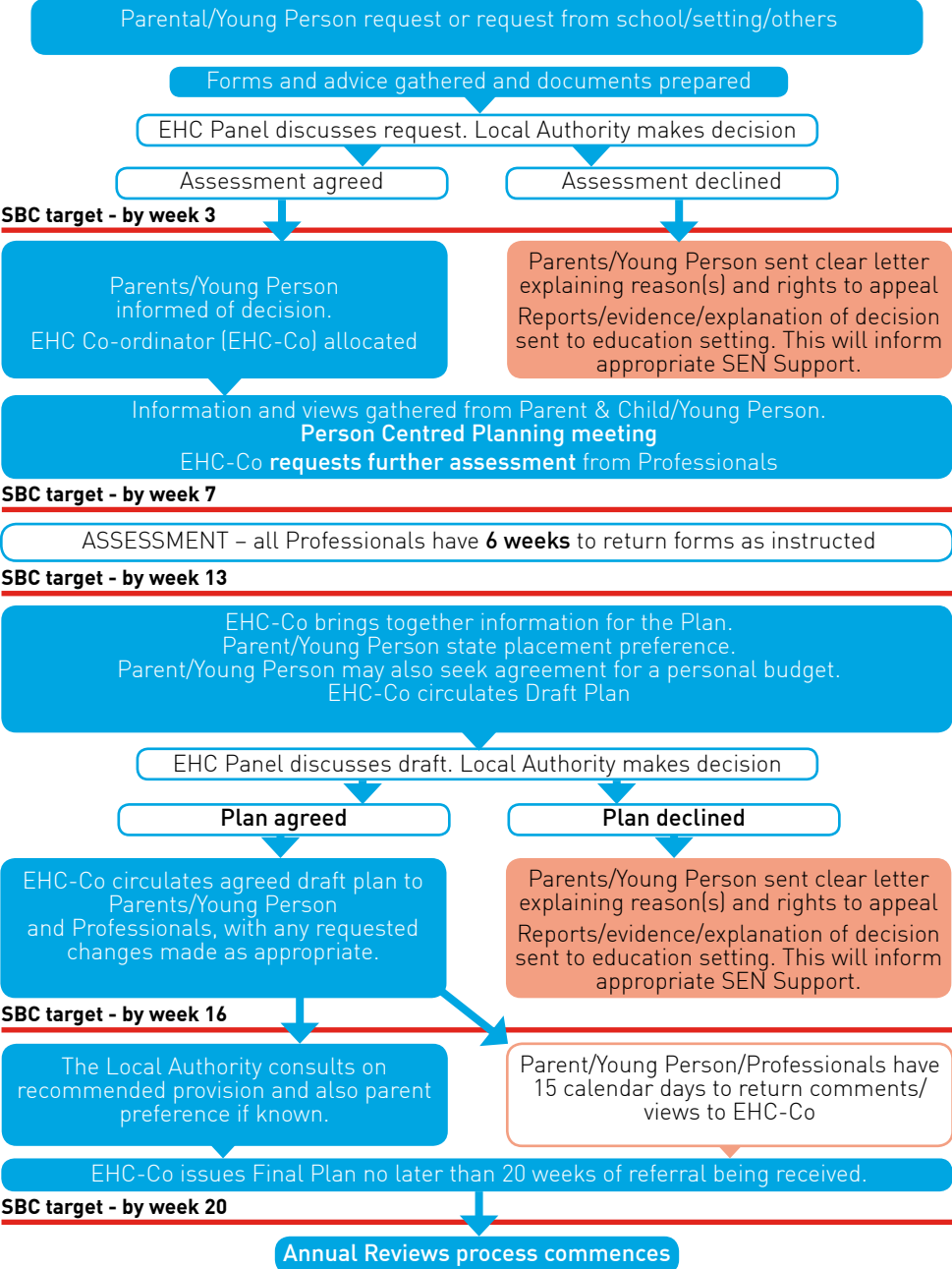
An assessment might be needed in order for the Local Authority to decide whether it needs to make provision in accordance with an EHC Plan. This Plan would then outline the specialist help that cannot be met from the resources normally available to mainstream schools and other education.

An EHC assessment may not always mean a child or young person receives an EHC Plan but it can provide extra information to help the education provider meet their needs.

- We would not necessarily expect a child or young person to need an EHC assessment or an EHC Plan to receive high needs top up funding in mainstream education including further education.
- We would also not necessarily expect them to need an EHC assessment or EHC Plan to access a place in one of Stockton-on-Tees' additionally resourced provisions in mainstream schools.
- A child or young person will need an EHC assessment and an EHC Plan if it is anticipated that they need to attend a special school or specialist setting (for example the Early Support Nursery). We will however consider each child or young person individually when making a decision about an EHC assessment or an EHC Plan.

The process for requesting and carrying out an EHC assessment and decisions about an Education, Health and Care Plan can be found on the Local Offer website [www.stockton.gov.uk/local\\_offer](http://www.stockton.gov.uk/local_offer)

# 20 week process Education Health and Care (EHC) Assessment





# Person Centred Planning

If an EHC assessment goes ahead, it will be co-ordinated by an Education Health and Care Plan Co-ordinator. This will be a named person from the Local Authority to guide everyone involved through the process.

The assessment will take a person centred approach. This means that the child or young person is at the centre of the decision making process.

There will be meetings to which parents/carers, the child or young person will be invited, as well as relevant people working with the family.

Throughout the process there will be opportunities for parents/carers, the child or young person to contribute their views.



Person Centred Planning discovers and acts on what is important to a person. It is a process for continual listening and learning, focussing on what are important to someone now and in the future, and acting on this in alliance with their family and their friends.

# Support available to families through SEND reforms



## SEND Reform Person Centred Planning

### Independent Support Advisors

Pathfinders...SEND Information, Advice and Support...Independent Supporters/Aspire PCS...Mediation...Conflict Resolution

### Support from Professionals

e.g. Education Psychologist, Health Visitor, Social Worker, SEN Officers, Youth Direction, CAMHS

### Service Providers

Stockton Borough Council

- Education funding
- Social Care funding

NHS Joint Commissioning

Voluntary and Community Sector

### Education Setting

SEN Support

Special Educational Needs Co-ordinator (SENCo)

Parent Support Adviser (PSA)

### Funding

Parents should be clear about costs and funding.

With an EHC Plan, families and the Local Authority may decide that a Personal Budget is appropriate

### Stockton's Local Offer

Stockton's Local Offer is the website with comprehensive information.

There are also some useful contacts at the end of this leaflet

### Participation and Consultation

Stockton United for Change Parent/Carer Forum



# FAQs

## The Process

### What does an EHCP Co-ordinator do?

Their job is to make sure that the process is followed and they will also write up information provided by families and professionals. They will be able to answer your questions about the process. They are not there to make decisions or give advice, but to bring all the information together so that the Local Authority can make the decision.

### What is the EHC Panel?

This consists of representatives from Education, Social Care and Health. They consider all the information brought to them and to advise the Local Authority in making a decision about whether to proceed with an EHC assessment or Plan.

### What happens if I am on holiday?

The 20 week timescale is now the law, and this means that the Co-ordinator needs to keep everything moving forward. If part of the process happens when you are away, the Co-ordinator will update you on your return.

### What happens if I am not happy with the EHC Plan?

If a draft Plan is agreed, then you have 15 calendar days to comment and give your views. These can be incorporated into the final Plan. If you disagree with aspects of the final Plan, there are certain things that you can appeal. There is more information on what happens if you do not agree on p17 and on the Local Offer.

### What happens if an EHC Plan is not agreed?

You will be told the reasons for the decision. The information gathered during the assessment will be available so that the appropriate support for your child can be put in place. If you disagree with the decision then there is an opportunity to appeal and this will also be explained to you.



# FAQs

## Person Centred Planning meeting

### Who will be at the meeting?

This will usually be you, your child/young person, the EHC Co-ordinator and any other professionals involved.

### Who can attend the meeting?

You can request for anyone to attend that you think will help the process, or who will support you.

### When and where will the meeting take place?

The place and time needs to be suitable for you and also practical for everyone. The Co-ordinator will help to ensure this.

### What can I bring to the meeting?

You can bring anything that will help you in the discussion. This could be information, reports, examples, photos - anything really.

### What decisions will be made at the meeting?

Decisions about what to do next, and what additional information is needed. Decisions about whether to agree a Plan will not be made - the Local Authority does this.

### What happens after the meeting?

The Co-ordinator will make sure that everything is done that has been agreed - this may include more assessment and information from professionals.



# Personal Budgets

A child or young person with an EHC Plan may be eligible to access a Personal Budget. The EHC Plan should be clear about the amount of money available to be spent by the child/young person.

Personal Budgets are a new option for families - they do not represent additional funding, but could allow a family to have more control over how the funding is used. They can provide parents, carers and the young person with the decision-making power to select their own services. This more direct control of the resources may enable families to find solutions and support that work better for them. The funding may be used to purchase support, services and equipment.

Not everyone will want a personal budget and there is no statutory requirement for parents/carers or a young person to have one.

The family might discuss a Personal Budget at any time. However it can only be spent on anything that helps to meet the agreed outcomes of the EHC Plan. This means that a decision to allocate a Personal Budget would usually be made when the EHC Plan is being drawn up, or at the annual review.

In some circumstances, usually identified through the assessment process, the choice of taking a personal budget as a direct payment may not be available. This could be in relation to safeguarding concerns and/or issues around consent.



# Where the money comes from

A personal budget may be from one or a combination of the following funding sources.

A personal **Special Education Needs (SEN)** budget is the sum of money made available by the Council when it is clear that without this additional funding it would not be possible to meet the individual's learning support needs.

A personal **Social Care** budget is the sum of money made available by the Council if a child or young person (up to 25 years old) is assessed by Social Care as needing additional and individual support at home and when out and about in the local and wider community.

A personal **Health** budget refers to the budget made available by the Clinical Commissioning Group (CCG) should a child or young person (up to 25 years old) have health needs relating to an illness, disability or an accident which cannot be met by the existing services from Health.

If a Personal Budget is agreed for parts of the Education Health and Care Plan (EHC Plan) then these can be put together into one budget. For instance if a budget is not agreed from Health, but is agreed from Education and Social Care, then these amounts can be put together into one Personal Budget. Usually the family will discuss this with the EHC Plan Co-ordinator.



# How a Personal Budget might work:

There are 4 ways that a personal budget can be delivered.

1. Notional budget – No money changes hands. Services are arranged on the family's behalf by the local authority or health service.
2. Direct Payment – Money is paid directly to the young person/family and they pay for their agreed support.
3. Third party arrangement – A third party organisation, trust or nominated person holds the money and pays for agreed services on behalf of the young person.
4. A combination of the above.

In all cases the availability of a personal budget will be based on the support a child or young person (up to 25 years old) needs in order for them to achieve their agreed outcomes/support needs as specified in their EHC Plan.

Please note if a direct payment is requested and used to employ staff directly (i.e. a Personal Assistant) then the recipient will be responsible as an employer to abide by the current employment laws.

Personal budgets are well established in Adult Services and many disabled children in Stockton-on-Tees access some or all of their social care packages via direct payments. Personal health budgets for children and personal budgets for SEN Support are new developments.



# What happens if I do not agree?

The new processes, which focus on making decisions through a person centred approach, should help to avoid disagreements. However if they do occur, the Local Authority and other services have procedures for resolving disagreements and complaints.

The SEND Code of Practice gives guidance regarding Disagreement Resolution and Mediation.

**Disagreement Resolution** is normally used early in the process and can be used whether the child or young person has an EHC assessment, EHC Plan or not.

In Stockton-on-Tees, Chapel Mediation Service provides an independent disagreement resolution service to parents and young people. The service can be contacted directly by telephone 01833 630306.

Parents and young people can use the complaints procedure instead of, or in addition to disagreement resolution.

**Mediation** is a different process to Disagreement Resolution.

Mediation arrangements are specifically linked to decisions about EHC assessment and plans. Parents and young people who wish to appeal to Tribunal may only do so after they have contacted an independent mediation adviser and discussed whether mediation might be a suitable way of resolving the disagreement.

The Mediation Service must be independent of Local Authorities and health commissioners and provided by trained mediators. In Stockton-on-Tees, Mediation is provided to parents and young people by Chapel Mediation Service. The service can be contacted directly by telephone 01833 630306.

More information can be found on the Local Offer and through the SEND Information, Advice and Support Service (SEND IASS).



# Stockton-on-Tees Borough Council Disability Register

Registration is entirely voluntary, but the more information the Local Authority can gather about the needs of disabled children and young people, the better we can plan for services in your area.

The 'disability register' is for anyone aged 0 to 17 who:

- Has a learning difficulty, mental health, medical condition or a physical disability which substantially limits or prevent them from living and developing as other children of a similar age
- And lives in the Borough of Stockton-on-Tees

The form is available on the Local Offer or via the Council Family Information Service.

[www.stocktoninformationdirectory.org](http://www.stocktoninformationdirectory.org)

It asks for straight forward information about the child and family, the education setting, the kind of special need/disability, and the services currently received.


If you do register, the Local Authority will be able to keep you informed, and will send you a quarterly newsletter.





# Useful Contacts for more information on SEND reforms

## SEND Information, Advice and Support Officer (formerly Parent Partnership Officer)


 01642 527158


 SENDIASS@stockton.gov.uk


## Aspire (independent support)

### Aspire Personalised Care Solutions


Rivergreen Centre, Aykley Heads, Durham DH1 5TS


 0191 3837430 / 0191 3837431


 enquiries@aspirepcs.com

 www.aspirepcs.com


## Stockton Borough Council


 01642 527225

 fis@stockton.gov.uk

 www.stockton.gov.uk

## Stockton United for Change - parent/carer forum

 07935 447375

 info@stocktonunitedforchange.co.uk


 www.stocktonunitedforchange.co.uk


## Local Offer


 www.stockton.gov.uk/local offer

## Individual education providers - contact your school/college


## Youth Direction

 01642 677600

 youthdirection@stockton.gov.uk

 www.stockton.gov.uk/childrenandyoungpeople/youthdirect

## Department for Education

 www.gov.uk/government/organisations/department-for-education

## Council for Disabled Children

 www.councilfordisabledchildren.org.uk

## Contact a Family

 www.cafamily.org.uk

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Stockton-on-Tees  
BOROUGH COUNCIL

Children and Young People

Big plans for the young people of our Borough