

**Department for Education
Update**

**Learning Disabilities Programme Board Meeting
7 March 2013**

Overview

The Children and Families Bill, introduced on 4 February, takes forward the Government's commitment to improve services for those vulnerable children and support families. The Bill can be found at: <http://tinyurl.com/abn5ewc>.

It underpins wider reforms to ensure that all children and young people can succeed, no matter what their background. The Bill proposes to reform the systems for adoption, looked after children, family justice and special educational needs. It will encourage growth in the childcare sector, introduce a new system of shared parental leave and ensure children in England have a strong advocate for their rights.

SEN Elements of the Bill (Including LLDD) Key Points

- Too many children and young people don't get the support they need, their families have to battle for services; and support doesn't focus sufficiently on helping children and young people to achieve their goals, including, paid employment and independent living.
- That's why we're reforming the special needs system to:
 - Replace the separate SEN statements and Learning Difficulty Assessments (LDA) with a new birth-to-25 Education, Health and Care Plan (EHCP); giving new rights and protections to 16-25 year olds in further education and training, including the right to appeal to the first tier tribunal; and offering families personal budgets to give them more control over their support;
 - Improve cooperation between all the services that support children and their families, in particular, local authorities and health authorities, so that they work together to provide the right support when it is needed and,
 - Make sure local authorities involve children, young people and parents in reviewing and developing provision and publish a clear and transparent 'local offer' of support across education, health and social care.
- While some support is already available, the Government believes there are still too many young people with special educational needs who do less well than their peers, and risk falling into long-term unemployment or not to achieve their full potential. The Government has set out a vision for a new system where children and young people's needs are picked up early, where support is put in place quickly by staff who have the right knowledge, understanding and skills, and where young people and their families have greater choice and control over their support.

What the SEN elements of the Bill do:

- Young people in further education and training aged 16-25 will, for the first time, get rights and protections comparable to those in school including the right to request a college and to appeal to the First Tier Tribunal.
- local authorities and health services will plan and commission education, health and social care services jointly;
- local authorities will publish in one place a clear and easy to understand 'local offer' of education, health and social care services to support children and young people with SEN and their families;
- local authorities will co-operate with a wide range of partners, including schools, Academies, colleges, other local authorities and services responsible for providing health and social care in carrying out the duties in the Bill and will involve parents, children and young people in reviewing their provision;
- statements and learning difficulty assessments will be replaced by a new birth to 25 Education, Health and Care Plan. This will be delivered by one streamlined assessment

process integrating education, health and care services and involving children, young people and their parents. It will co-ordinate the support for children and young people across these areas and focuses on the individuals aspirations and outcomes including, as they get older, preparation for adulthood;

- parents and young people will be encouraged to consider mediation to resolve disagreements before they register a Tribunal appeal and for the first time, young people in further education will be able to appeal to the First-tier Tribunal; parents and young people with an Education, Health and Care Plan will have the offer of a personal budget, extending choice and control over their support;
- parents and young people with Education, Health and Care Plans will have a greater range of schools and colleges including Independent Specialist Providers (ISPs) for which they can express a preference.
- Every family with an EHC Plan will have the right to a personal budget. Personal budgets will enable parents and young people to have a much greater say in the way they get support, and give them a clear role in designing a personalised package of support. Evidence from the UK and internationally shows that where personal budgets work well they give families more flexibility, choice and control

Overarching principle following pre-legislative scrutiny

- Ministers have been clear that they are committed to ensuring that existing protections and entitlements are at least maintained and this has been clarified in the Bill.
- The Bill also sets out key principles for the SEN provisions which place involvement of children, young people, and their parents-carers at the heart of legislation, including assessments and the local offer.

Specific post 16 changes made to the bill following pre-legislative scrutiny

- Young people will be able to express a preference to attend an Independent Specialist Provider and that institution must admit them (unless it is unsuitable for their education or support needs or affects the efficient education of others or the efficient use of resources where other suitable provision is available).
- We have amended the bill to ensure that young people on apprenticeships can have an EHC plan where appropriate.
- Local authorities will be expected to maintain EHCP for young people who become NEET while of compulsory participation age (i.e. 16 and 17 year olds).
- Authorities will be able to review the EHC plan of a 19-25 year old who becomes NEET and, where re-engagement in education is the right option, continue to maintain it; and,
- We've included Youth Offending Teams (YOTs) in the cooperation duties so there are clear two-way duties to YOTs to work with local authorities.