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Den Christine,

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THE CHILDREN AND FAMILIES BILL

I am pleased to be writing to you today as the Government has now published the Children and Families Bill, which includes measures on adoption and care as well as special educational needs. I want to share more detail about the Government's response to the select committee's report and what happens next on the Bill and the local SEN pathfinders.

The process of pre-legislative scrutiny has been very constructive and helpful in shaping the Bill. I have written to the Committee to thank them for their work and to explain how we are responding to their recommendations. As well as the report from the Select Committee, I considered very carefully the detailed evidence submitted to them. I know many of the organisations you are involved with played a part in that and I'm grateful for the significant time and trouble you took to share your views and experience. We have made changes to the draft SEN provisions as a result.

When I wrote to you last, I made clear my commitment to maintaining essential protections and entitlements for parent-carers, children and young people in the Bill. That has now been done, including the inclusion of an explicit right to request an assessment. You'll see that we have included provision for the new SEN Code of Practice to be consulted upon and approved by Parliament.

We have made a number of other changes:

- **Advice information and support:** We want to make sure families and young people have better access to advice, information and support

and that different agencies in education, health and social care co-ordinate the information and advice that they provide so that it is focused on the family and young people's needs rather than organisational structures. While I don't intend to mandate a particular approach I will expect local authorities to look carefully at how they make the assessment process accessible and enable families to fully engage and get the right plan for them. We will also require local authorities to include details of this support as part of their local offer. We have made provision in the Bill for joint commissioning arrangements and regulations on assessments to include such support. This should make it easier for families and young people to navigate the system and get the help they need more quickly. We'll say more about how this would work in the new Code of Practice.

- These legislative changes to improve advice, information and support are accompanied by our on-going work with the Early Support Trust, the National Parent Partnership Network and the National Network of Parent Carer Forums. The Trust, for example, has demonstrated the impact that well-coordinated family focused services can have. It is working closely with the pathfinders and has already trained more than 1,000 keyworkers. The involvement of organisations like the ES Trust, NPPN, NNPCF and CDC is helping to ensure that the legislative framework translates into real change for families and we will particularly need your help with delivering the joined up approach to information and advice outlined above.
- **Mediation:** We have replaced the proposal for compulsory mediation with an arrangement for parents and young people to consider mediation. They will not be compelled to take it up if they do not wish to do so. Our aim continues to be to save families the stress of the appeal process whilst maintaining their right to register an appeal.
- **Involvement of children, young people and their parent-carers:** The Bill now sets out some key principles for the SEN provisions which place involvement of children, young people and their parent-carers, at the heart of legislation, including assessments and the local offer. Regulations and advice on the local offer will stress the importance of involving children, young people and parents in reviewing as well as developing the local offer and we have included a requirement for local authorities to publish comments they receive and their response. We will provide a common basis for local offers in regulations to help ensure consistency. We have included a requirement on local authorities to consult children, young people and parents when they are reviewing their special educational provision and social care provision; and we will highlight the key role of Parent Carer Forums in this. Local Authorities will also be required to consult parents and young people about the content and preparation of the Plan and in reviews and reassessments.

- **Choice of school or college:** In addition to schools, Academies, Free Schools and FE Colleges, young people and parents of children with EHC Plans will be able to express a preference to attend a Non-maintained Special School, Independent Specialist College or Independent School for SEN in the same way as they can now for maintained schools.
- **Maintaining a Plan:** For young people, we have made provision for those on Apprenticeships to have Education, Health and Care Plans and for Plans to be maintained for those still subject to Raising the Participation Age who are not in education, employment or training (NEET); 19-25 year olds who become NEET must have their Plans reviewed and, where re-engagement in education is the right option, the plan would be maintained.
- **19-25:** We have amended the legislation to enable the Regulations and Code of Practice to provide greater clarity about how the system will work in practice for young people aged 19-25.
- **Youth justice:** Youth Offending Teams (YOTs) will be brought into the cooperation duties and in the list of bodies that local authorities must consult when they review their special educational provision. This means that YOTs will be involved when local authorities are drawing up education health and care plans for young people who are at risk of offending, or have been in custody or received community sentences. It will also make information sharing easier when a young person enters custody and enable local authorities to ensure their local offer includes support for those children and young people with SEN who are at risk of offending or who have returned from time in custody.

Cross Government commitment:

There is strong commitment across Government for these reforms, not least from the Department of Health. The National Health Service has an important role to play in improving planning, commissioning and providing services for disabled children and young people and those with special educational needs. Our reforms include specific requirements on local authorities and local health agencies to plan and commission services together and promote integrated services. I am working closely with my colleagues in the Ministerial team at Department of Health to improve commissioning and delivery of services and redress.

Disabled Children and Young People

I have considered very carefully the Select Committee's recommendation that disabled children and young people without special educational needs should be included in the scope of the legislation. I know this is something that a number of organisations wanted us to take forward. I haven't done this for a number of reasons. The scope of the legislation is wide and will encompass most disabled children. Disabled children and young people without special

educational needs such as those with medical conditions, have important protections in other legislation and support through other routes. All disabled children and young people up the age of 17 are eligible for an assessment under the Children Act 1989. The 2010 Equality Act also places duties on schools, colleges and LAs to support disabled children and young people. From September 2012 schools have also been required, as part of reasonable adjustments, to provide auxiliary aids and services. And under the draft Care and Support Bill, disabled young people who are aged 18, or have their needs met by adult social care services, would have a statutory Care Plan. Some pathfinder authorities have developed non-statutory plans for disabled children and young people without SEN to reflect the best practice of EHCPs and we will make available the learning from these approaches. But I don't consider that it would be appropriate to widen the scope of the Bill and make that a requirement.

Pathfinders

The work of pathfinders who are leading the way on our reforms remains vital. Pathfinder learning will inform the crucial details of guidance and regulations and help all local areas to prepare for implementation of the reforms. That is why I announced the extension of the pathfinder programme to September 2014. Pathfinders have made significant progress since the programme was launched in 2011, developing new innovative approaches which put families and young people at the centre. I know that people are keen to know more about what the pathfinders are learning and we will be providing regular updates and examples of pathfinder progress as the Bill progresses, in addition to what is already available online. I have set out some examples of what pathfinders have achieved and indicated further learning and evaluation that will be available later in 2013 as an annex to this letter.

I hope this letter keeps you up to date. I share your ambition for improving the life chances of children and young people and support for families. I look forward to us continuing to work together over the coming months as the Bill goes through Parliament, as we develop the regulations and the Code of Practice and as local areas develop their services building on the work of the pathfinders. Together we can make sure that these reforms make a real difference.

*Yours ever,
Edward.*

EDWARD TIMPSON MP

Pathfinder update

The pathfinder programme is central to **informing new legislation on SEN**. The Children and Families Bill has been revised to reflect pathfinder learning as well as feedback from pre-legislative scrutiny. For example, pathfinders' experience of person centred planning, with a clear focus on outcomes, has influenced the clauses on assessment and Education, Health and Care Plans, ensuring that parents' and young people's views and aspirations are taken into account at all stages of the process. A new clause setting out the general principles that apply throughout the SEN provisions has been added at the beginning of part three of the Bill.

Examples of pathfinder learning and case studies, including from the areas mentioned below, are available on the SEND pathfinder website www.sendpathfinder.co.uk/foodforthought.

Pathfinders have made good progress in setting up **partnerships involving education, health and care services**, with families fully involved at all levels. A number of pathfinders have implemented joint commissioning approaches, to ensure a co-ordinated approach to providing services. In Bromley for example, the Children and Young People Services and Adult Services have been integrated to become the Education and Care Services with a single commissioning division.

All pathfinders are actively developing their **local offer**, with a focus on involving parents and young people fully in drawing up the offer and ensuring it meets their needs. The SE7 pathfinder has worked closely with families to develop a draft framework for the local offer, available at <http://www.se7pathfinder.co.uk/se7-local-offer>. We expect pathfinders to publish their initial draft local offers by the spring, and progressively develop them over the course of 2013 to describe how to access the full range of services for children and young people with SEN.

Pathfinders have made very good progress in developing their assessment and planning pathway with families and young people and shaping the **Education, Health and Care Plan**. Families have welcomed the opportunity to help design an EHCP which tells the child or young person's story, and clearly sets out their needs, aspirations, the outcomes they want to achieve, and how services will work together with families to provide services. By the middle of January, almost 300 families and young people had completed EHCPs, with almost 600 families and young people actively testing assessment and planning processes.

All pathfinders are testing person centred planning and keyworking approaches, to ensure that families and young people get the support they need, co-ordinated across services. A range of agencies and organisations, including from the voluntary and community sector, are involved in supporting families. In Calderdale, the draft plan was developed by parents and practitioners from health, education and social care. It is designed to focus on what children or young people feel is working or not working well for them and

on what they themselves want to achieve. There is a strong emphasis on developing links with the local community and on building family resilience. Families are working together in groups to develop their individual plans, helping to develop peer support, with group sessions facilitated by person centred planners, who are also parents of disabled children.

Work is progressing rapidly to develop approaches to offer **personal budgets** to families and young people, exploring those areas where families most value having the control over personal budgets across education, health and social care. By January, ten pathfinder local authorities were reporting the use of personal budgets including an educational element for families and young people with EHCPs. Other pathfinders who are already offering personal budgets for health and social care are working with families to extend these to education. A group of pathfinders is accelerating testing on personal budgets including the use of educational direct payments, to provide additional learning.

Twelve of the 20 pathfinders are focussing specifically on supporting **preparation for adulthood**. They are undertaking work with mainstream colleges and independent specialist providers to develop more flexible packages for young people that prepare them for further learning and employment. For example, the Manchester pathfinder is exploring how the new schools funding arrangements and personal budgets can help develop more creative and flexible routes into employment and independent living, supported by additional work undertaken with colleges, Independent Specialist Providers and DWP.

Next steps

As the Bill passes through Parliament in 2013, pathfinder learning and evaluation will inform debates on the clauses of the Bill, draft Regulations and the new SEN Code of Practice. Learning will be proactively shared with non-pathfinder areas. Learning and evaluation includes:

- **By the end of February, DfE will publish headline evaluation results from a telephone survey of over 60 pathfinder families with completed EHCPs**, covering satisfaction and feedback. The report will be available at <http://www.education.gov.uk/childrenandyoungpeople/send/b0075291/green-paper/pathfinders>. This will inform Commons Committee stage of the Children and Families Bill.
- **By the end of February**, new case studies will be published which demonstrate pathfinder progress across the range of Green Paper reforms, including the local offer, assessment and plan, personal budgets and preparing for adulthood. They will be available on the pathfinder website www.sendpathfinder.co.uk/foodforthought. The case studies will inform Commons Committee stage of the Children and Families Bill. Further case studies will be published later in 2013.
- **From April, 9-15 'pathfinder champions' will begin their work to**

support non-pathfinders in preparing to implement the reforms.

These champion areas are being selected in January and February drawn from those pathfinders who are best able to share their experiences to support change. Their work will be informed by a set of principles of emerging practice, which describe ways of working that pathfinders and DfE delivery partners have fed back are the most effective practical steps to implement the reforms.

- **By September, DfE will publish the pathfinder second interim evaluation report** – with full qualitative and quantitative analysis of the experience of the first cohort of families based on home interviews, a staff survey, case studies and an indicative assessment of costs of reform. This will inform scrutiny of the Bill.
- **An extension of the existing pathfinder evaluation with DfE.** This will allow the independent evaluation (led by SQW) more time to establish the longer term outcomes and impact on families participating in the programme and will give us a better assessment of the cost effectiveness of the new approaches. Further reports will be published by DfE in 2014 and 2015 to provide evidence to support implementation in all areas.

The pathfinders continue to provide invaluable learning on how we can best implement the vision outlined in the 2011 Green Paper, and I am very grateful for the commitment of all those involved. I look forward to seeing their work continue, and welcome comments from everyone involved on how we can make the most of their work.