



Partnership Commissioning Unit

Commissioning services on behalf of:
NHS Hambleton, Richmondshire and Whitby CCG
NHS Harrogate and Rural District CCG
NHS Scarborough and Ryedale CCG
NHS Vale of York CCG

Report Title:	Implementation of special educational needs and disabilities reform (SEND) (Children and Families Act 2014)
Report From:	Helen Billson, Senior Commissioning Specialist, Children, Young People and Maternity
Report Status:	Open
Action Required:	For information and assurance

1. Introduction

- 1.1 The purpose of this paper is to provide an update to the Governing Body in relation to the Children and Families Act 2014, part 3 and to bring attention to the Ofsted and Care Quality Commission (CQC) framework for the impending local area inspection of special educational needs and disabilities and progress to date.
- 1.2 The reforms are focussed on enabling children and young people with special educational needs and disabilities to achieve the best they can with an emphasis on outcomes rather than processes. This is to be achieved by greater co-operation between education, health and social care working together.
- 1.3 The majority of statutory duties rest at a local level, predominantly with Local Authorities but also with Clinical Commissioning Groups (CCGs).
- 1.4 When Ofsted surveyed Local Authorities, they found that overall there had been a good start in getting ready to implement the reforms. Most were prepared in some areas however some important elements of the reforms were insufficiently, or only partly, developed. Therefore the Department for Education (DfE) asked Ofsted and the CQC to inspect local areas on their effectiveness in fulfilling their new duties. These inspections were expected to commence in early 2016.

2. Local Update

- 2.1 The Partnership Commissioning Unit (PCU) has been working on behalf of the 4 North Yorkshire and York CCGs to liaise with partners and providers to ensure CCGs and health providers are working towards their statutory obligations.

- 2.2 The PCU have been acting as a conduit between commissioners, Local Authority and locally commissioned providers. This includes, but not limited to, setting out key changes in relation to historic Designated Medical Officers (DMO), Clinical Leads (Designated Clinical Officers) and processes for Education, Health and Care Plans (EHCP) through a Local Agreement. A Local Agreement, containing the key requirements of the Act and Code of practice, was agreed by CCGs in December 2014, who agreed to ensure that this was applied to all relevant provider contracts.
- 2.3 The PCU have held a series of meetings with providers to discuss their mobilisation in relation to the Act. Any specific provider issues are to be followed up with CCG contracting support where required. Links have been made into North Yorkshire County Council (NYCC) work streams as well as strategic and quality assurance groups.
- 2.4 Progress has been made in relation to the Local Offer, the joint commissioning project, developing stronger partnerships between health and Local Authority and the development of the Local Agreement.
- 2.5 The DfE published a framework for the local area review, the intention of which is that an independent inspection would show how the SEND system is performing, which parts are working well and less well and whether outcomes are improving for children and young people (Appendix 1). The PCU are linking with the Local Authority to review progress and improvements in advance of these inspections.
- 2.6 The PCU commissioned an internal audit, the objective of which was to provide assurance on progress made against actions and the effectiveness of arrangements put in place to implement CCGs' statutory duties contained in the Act. The outcome of the audit offered an opinion of significant assurance; it also contained a schedule of findings and recommendations which the PCU are leading on behalf of CCGs.
- 2.7 Since November 2015 there have been regular CCG meetings which serve to provide timely update and progress with the reforms arising from the Act itself. Named CCG Governing Body and Operational leads have been identified.
- 2.8 Locally a child/young person centred network of support has been developed to support the reforms. This newly established group includes, or will include, representation from; service users, Clinical Leads (CL), Designated Medical Officers (DMO), PCU and Local Authority (Appendix 2). The network and the DMOs will provide a level of assurance to CCGs going forwards. Various models of DMOs are emerging across the country. The locally agreed model, as set out in the Local Agreement has been scrutinised by, amongst others, the Department for Education (DfE). This model is supported by CCGs and will be reviewed in line with the Local Agreement.

3. Next Steps

- 3.1 The PCU to continue to work in partnership to ensure the reforms are progressed in line with the Act.
- 3.2 The PCU to work with partner agencies to ensure preparedness for an Ofsted/CQC local area inspection.

4. Recommendations

The Governing Body is asked to:

- 4.1 Note the update contained within this paper.
- 4.2 Note the outcome of the local internal audit
- 4.3 Note the planned Ofsted/CQC Local Area review which is expected early 2016.

Appendix 1

<https://www.gov.uk/government/publications/local-area-send-inspection-framework>

<https://www.gov.uk/government/publications/local-area-send-inspection-guidance-for-inspectors>

Appendix 2

A Child/Young Person Centred Network of Support