

PfA Forum - Week 3/4

EHC plans and Personal Budgets



The Preparing for Adulthood (PfA) team would like to thank everyone who posted on this week's forum. Due to the complexity of the topic we are still seeking clarity on some of the issues raised and we will be updating this FAQ as more information becomes available.

Several of the more specific questions linked to individual circumstances we will be addressing directly with those who posted them. We would advise any parents or young people who have concerns that things are not progressing in their area or would like to find out more about how to get involved to contact their local Parent Carer Forum www.nnpcf.org.uk and/or their local Parent Partnership Service www.parentpartnership.org.uk.

One of the reasons we have established this forum is to share information and direct young people, families and professionals to resources that will help them to understand the changes and to get involved in the developments in local areas. If there is anything that you feel we have not covered sufficiently or you have any further questions please contact us at info@preparingforadulthood.co.uk.

The Children and Families Bill introduces Education, Health and Care plans (EHCP), a single assessment and planning process for young people with SEN from 0-25.

The new system of assessment and planning will bring in support for young people leaving school. The existing 139A assessment (or Learning Difficulty Assessment) will be replaced with the new Education, Health and Care plans (EHCP). The new plans will offer a wider range of support and will allow young people, their families and those supporting them to focus on planning support to meet outcomes and aspirations important to the young person. The EHCP can cover further education, training, apprenticeships or when a young person is not in education, employment or training (NEET).

EHC plans can potentially continue up until the age of 25, or until a young person has achieved the outcomes set out in their plan. The EHC assessment for a plan has the same legal thresholds as currently exist for a statement of SEN.

The duties which come with the plan post 16 to ensure the best support possible is available are:

- Duty on local authority to secure the educational provision set out in EHC Plan is the same as in statement of SEN
- New duty on health commissioners to arrange any health provision specified in an EHC plan
- New duty to include social care services in an EHC plan which a child or young person is legally entitled to receive
- Parents or young people can express a preference for a particular educational institution to be named in an EHC plan and, if named, that institution must admit the child or young person.

As part of a personalised approach to supporting young people with SEND to achieve the outcomes they want they may use a personal budget. Personal budgets can create an opportunity for young people and their families to have greater flexibility, choice and control over their support.

Young people with SEND or their parent carers will have the right to request an assessment for a personal budget and can choose to take a personal budget allocated as a direct payment which they can manage and spend themselves or they can choose for it to be held by a trust or lead professional.

It is important that personal budgets are considered as part of the coordinated assessment and Education, Health and Care planning process, with a clear focus on improving outcomes for young people with SEND.

A number of national programmes provide information on personal budgets which complement and supplement the work of the pathfinders, such as:

- The Individual Budget (IB) Pilot Programme for families with disabled children - The evaluation report provides good practice examples <https://www.gov.uk/government/publications/individual-budgets-for-families-with-disabled-children>.
- The Personal health budgets (PHB) programme - The evaluation report shows that personal health budgets work best where individuals have flexibility around what they can use them for and how they are managed https://www.phbe.org.uk/about_the_evaluation.php.

Please see the SEND pathfinder information packs on EHCPs and Personal budgets here: <http://www.sendpathfinder.co.uk/infopacks/>

You can download the CDC checklist for EHC plans here: www.councilfordisabledchildren.org.uk/ehcpchecklist

You can download the Myth Buster on EHC Plans here: <http://www.councilfordisabledchildren.org.uk/media/529424/top-cf-bill-myths-ehc-plans.pdf>

For examples of good practice please see the Preparing for Adulthood website www.preparingforadulthood.org.uk and sign up for our e-bulletin www.preparingforadulthood.org.uk/ebulletin.

Q • Thinking about the remit of 0-25, have other authorities explored early help funding streams for 0-2 year olds as part of their Local Offer and as part of a graduated approach? This may then preclude the need to consider a full Education, Health & Care Plan at such an early stage.

A This is the approach most pathfinders have taken. However, we know that person-centred practice is crucial in ensuring we are supporting families to determine their own support needs and that's children's lives are seen in the round. It is therefore best to develop person-centred planning and practice from the early years and throughout the age range and to differentiate between those plans that carry additional resources and those that do not.

Q • How have Pathfinders managed the process of a young person at College or similar making their own referral to a panel for an Education, Health & Care Plan?

A We have not heard of a young person making their own referral yet, but young people and families are definitely becoming more aware of the new system and local areas and providers are putting the new system in place. The general approach is that there will be one system and referrals from young people will be treated in the same way as other referrals and that, most importantly, there is a person-centred approach.

Q • Are there comments from Pathfinders as to how the Plan was received by colleagues in Adult Services and how that stage of the process worked out?

A Where person-centred support, planning and personal budgets are in place in adult social care, the Education, Health and Care plan is being developed within a similar framework. Many areas have provided training in outcome focussed, person-centred planning for education, health and social care staff from both children and adult services. This has helped to develop a 0-25 and beyond approach to developing a Local Offer and an individual approach to planning.

Q • Based on parent carer queries we would like to ask the following: Is there going to be a legal duty on Local Authorities to transfer statements with 'lower level hours' onto an EHCP within a set time period. There are discussions that those with statements of 16+ hours will transfer over to new plans but those under these hours will have statements removed (and with them the safety net of support). We are aware that the support should be offered through schools under the new 'SEN' category and funded by schools - but this is becoming an ever-increasing source of worry for parent carers who are not receiving any clear answers, whilst some schools are reporting of decreased funding and less staff.

A An education, health and care plan is required if a child or young person has special educational needs that require support that is not normally available at school or college. Each local area will be required to make it clear what is normally available as part of the Local Offer. The Local Offer will also set out what families and young people should do if they need more support and what to do if they are not happy. Schools will be expected to use their resources to support all children in the school and to identify and support children with special educational needs. If they feel that the child or young person needs additional resources, then they can make a referral to the local authority. Local authorities are responsible for agreeing the local strategic mechanisms that will be in place to ensure that everyone understands their roles and responsibilities. We need to get better at setting long and medium term outcomes, be clear about how to support those outcomes and allocate resources accordingly.

Q • Statements that currently have no health element and are transferred to an EHCP - can a health element be added in at this point?

A Statements will be converted to education, health and care plans as part of the annual review process. If a child has health needs that are not currently recorded, this will provide the opportunity to discuss them and request any necessary assessments.

Q • How can we achieve a balance between making the plan format 'legal' and keeping it accessible, person centred and outcomes focused?

- Do any of the Pathfinders have a plan format that the government like? There are rumours going around that no plan has yet been deemed good enough by the DfE, some clarity would be much welcomed by all.

A This has been one of the main areas of support that we have been providing to local areas. From our experience it is vital to use person-centred practice when planning with children, young people and their families. We are working with young people and families and local areas to ensure that plans are outcome-focused, person-centred, accessible and satisfy all of the legal requirements. It is important to provide multi-agency training on developing education, health and care plans.

Local areas were asked to test creative and innovative ways of planning with young people and their families. Plans have been published to inspire and encourage others as they have begun to test the ideas in the Green Paper. Now that there is a legislative process the Code of Practice will need to give clear messages about plans. Mott MacDonald has published plans on the SENDPathfinder website which have been agreed with the DfE as examples of good practice.

Q • Many practitioners are not at all clear about what 'outcomes focused' means in practice and they are seeking training and guidance - is this going to be available?

A There is training available. Make sure that you are in touch with the Champion in your region www.preparingforadulthood.org.uk/what-we-do/regional-support or ask the PfA team to point you in the right direction. The legislation will require more clarity about what children and young people are working towards and what their aspirations are.

Q • We were asked the following question by a professional last week and we didn't feel that we had a good answer – "How do we make sure that the minority who choose to take up personal budgets do not reduce access to the variety of services (by reducing the overall 'pot') for those who do not choose to have a personal budget"? We had a response, but weren't confident that it was a good one!

A The resources allocated via a personal budget should be the cost of the support that has been agreed that a young person needs, whether or not it is provided in this way or through a service or a provider.

Q • The Draft Code of Practice specifies that outcomes in EHC plans should be SMART (specific, measurable, achievable, realistic, time-bound) and that a range of outcomes should be included over varying timescales. This is an aspect of the Reforms which parents particularly like rather than the often rather non-specific objectives included in a statement of SEN. As a result many of the EHC Plans I have seen contain a number of outcomes to be achieved over the next 12 months, rather like a set of annual review targets. However some of the LAs with whom we work are expressing a concern over the resource implication of this. Currently, all Statements of SEN may well be reviewed each year, but they are certainly not all amended each year, but if the EHCPs effectively include a set of annual review targets in the main body of the document then surely all EHCPs will need amending every year. Are there any Pathfinders or indeed non-Pathfinder authorities who have considered how they will address this issue?

A This is one of the main changes to the system and a challenge for local areas. It requires a streamlining of the assessment process, high quality multi-agency workforce development and a strategic approach to putting the new system in place, Experience shows that the absence of outcomes in the current system leads to a lack of preparing for adulthood and young people not achieving their aspirations. A number of approaches have been taken across the country. These include a much higher number of staff involved in supporting young people and their families to plan, Planning Live, Electronic planning e.g WIKI's. There will be reduced administration as there will no longer need to be separate processes and paperwork for annual reviews, transition plans and learning difficulty assessments and this will release some capacity to contribute to a system in which plans will be dynamic, useful and helpful to young people.

Q • I have found very few examples of Post 16 EHCPs. Does anyone have any that they would be will to share please?

A Please keep looking at the SENDPathfinder and the Preparing for Adulthood websites. Examples of plans will be published during the coming months. In the meantime, there is a lot of information on these websites about how young people over 16 and their families are planning and ensuring that the reforms are helping them to get better lives.

Q • Whilst the duty to write the EHCP remains in the hands of the LA, will the school be able to have a meaningful input into the process?

A The new system, like the current one, should be a partnership between schools and colleges, young people and families and the local authority, NHS and other services and agencies. The new approach to planning and the local offer should enable these relationships to improve. Person-centred practice should help with cultural change and lead to gathering better information about what is important to and for a young person helping to identify what support they need. The change will require every part of the system to take responsibility for genuinely improving the support that young people and their families receive.

Q • What is the timescale for the transition from statements? Particularly for those starting year 11 in September.

A The transitional arrangements will be published in the near future. It is likely that young people in year 11 will be one of the priority groups for moving from statements to plans as this is a critical year for preparing for adulthood.

Q • Will schools be able to gain support to coordinate the joint approach by education, health and care professionals?

A It is for local areas to agree which management and administration systems will put in place to implement the the SEN Reforms. Certainly schools will be expected to be full partners. The purpose of the Local Offer is to publish clear information about expectations, support and provision and schools should be fully involved in developing the offer.

- Q**
- I am just a lowly parent of a 14 year old boy with a .7 provision statement for ASD issues. I am totally unclear as to what is going to happen when the new regime starts next school year (year 10 for my son, a very important one). As mere parents, when are we going to be informed of how the changes affect our children? We have the annual statement review next month and don't want to be misled by the school about his entitlements. I would be grateful for any information!
 - I am a carer of a disabled 16 year old & I have mental health problems. I have approached my LA to try & get a personal budget for me & my son. When I make contact with my LA they ask me do I mean a direct payment. When I say no a personal budget they don't have a clue what I am talking about. If you are therefore implementing personal budgets then how am I suppose to achieve this if nobody in my LA knows what I am talking about?

A Please contact your local parent carer forum www.nnpcf.org.uk. Local areas are expected to provide information for families and your local forum should be fully involved in planning the new system. In addition, you can contact your local authority and ask who is responsible for leading on the implementation of the SEN reforms. They should be able to tell you what is happening in your local area.

If you continue to have difficulties please contact us at: info@preparingforadulthood.org.uk

- Q**
- Personal Budgets are great if you can find the right support and if the authority cannot how can we as parents and carers find them? Also the rate that companies that provides PA's are asking for per hour is a lot higher than what is being given in direct payments and parents/carers are being asked to make up the difference from the child/young person's DLA etc. if they employ them direct. However if the authority employs them then they pay whatever is asked for by the company. Will Personal Budgets address this issue?

A From September there will Personal Budgets for education, social care and some health budgets, both in children and adult services. The most important thing is to improve planning, to be clearer about young people's aspirations, what outcomes they need to achieve and how the resources will be used to support this. By looking at the whole of a young person's life and all of the resources that are available, we find that creative solutions often emerge. The approach to allocating personal budgets varies between local authorities. People who are paid to support young people need to have the skills to help them to achieve their outcomes. Some young people have developed staff specifications as part of their planning and are recruiting people to provide particular support, such as for employment. Some young people and families put some money together in order to provide support for friends to go out together.

Q • As a parent but also as a researcher into SEN, I wonder whether those who have just started college this year - 16/17 year olds - whose statements have therefore ceased to exist will now fall out of the loop in terms of getting an EHC Plan which would extend their support until the age of 25? Also, where will EHC plans start - will they be issued from September for all new diagnoses etc? And how will existing statements be changed - will they start with that Year 11 group who would otherwise lose their entitlements or will they start with 5 year olds? And how long will it all take?

A If a young person over the age of 16 had a statement and they are now at college, they will have had a learning difficulty assessment. This will need to be converted to a education, health and care plan, probably within the next two years. A young person at college can request an assessment for special educational needs. The process for introducing the new system will be that all new children to the system will receive plans and not statements. Young people with statements or learning difficulty assessments will have those converted to education, health and care plans over the next two or three years.

Q • Do any other parents worry that they will not be able to work once personal budgets come in as we'll have to spend all our time working out how to procure the right services at the right price - it's hard enough trying to work - even part time - as a parent of a disabled child at the best of times!

A It is not necessary to take a personal budget as a direct payment. The budget can be managed by a Trust, a provider or the local authority.

Q • How transparent are LAs about what disabled 18-25 year olds are entitled to from their local authorities pre and post EHC?

A The Local Offer will be where local areas set out what support is available for young people with SEN and disabilities and their families. Parent Carer forums and other representative bodies will have an important role in making sure that families are involved in developing the Local offer and that young people's experiences and the experiences of families inform commissioning. Working Together for Change is an approach used by some local areas.

Between Monday 10th and Wednesday 12th March 2014 we would like people to submit their questions on Joint Commissioning and Multi-Agency Working. To submit a question visit our forum and sign up for an account at www.preparingforadulthood.org.uk/forum.

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Thanks

We would like to say a big thank you to everyone who took the time to submit questions and answer them.

The Preparing for Adulthood programme is delivered by:

