

changes to the funding of Special Educational Needs and Disability (SEND) provision: views of lead members

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Executive summary

Introduction

Special educational needs and disability (SEND) were the focus of the 2011 Green Paper: *Support and Aspiration: a New Approach to Special Educational Needs and Disability. A Consultation* (DfE, 2011b).

The Local Government Association commissioned this research to gather the views of lead members for children's services on the implications of the changes proposed in the 2011 Green Paper (DfE 2011b). Specifically, the research looked at the proposed introduction of the Education, Health and Care Plan and personal budgets for children and young people with SEND.

The project also gathered lead members' views on some of the proposed changes to school funding recently outlined by the Department for Education (DfE, 2011a and DfE, 2012a). In particular, views on changes related to children and young people with high needs and changes to the way special schools are funded.

Lead members were consulted through round table events and individual interviews in February and March 2012. In total, nineteen lead members took part. At the time of the sessions, the Green Paper proposals were still at consultation stage.

Key findings

In principle, lead members welcomed the Education Health and Care Plan as a replacement for the statement of SEN. They highlighted a number of practical issues that would need to be resolved including funding and ensuring that all agencies are engaged with this way of working. Particular elements of the Plan that were welcomed included: closer multi-agency/partnership working; the introduction of a single assessment; having a system covering birth to 25; and single case conferences attended by representatives from all relevant agencies.

Lead members were generally in favour of personal budgets, although there tended to be more questions than answers about how they would be implemented. Areas for clarification included: what is in scope and out of scope for personal budgets; whether personal budgets would take the form of a 'menu' of services or direct payments; and how personal budgets would be calculated and funded.

Lead members felt that it would be important to learn from similar initiatives such as the implementation of personal budgets for disabled adults and from other multi-agency initiatives such as the Common Assessment Framework (CAF) and the accompanying 'team around the child' approach. Although generally in favour of the changes, some lead members felt that increased personalisation would make planning provision more difficult for LAs.

There was a general view that parents would have a stronger role in the new system; overall this was perceived to be a good thing, although lead members clearly felt that there remained an important role for professionals to guide and support parents and families.

Lead members felt that it would also be important, where possible, to include the child or young person's viewpoint, and for them to be encouraged and supported to articulate their preferences for support.

Lead members also talked about the impact of the increase in the number of academies and free schools in their areas on supporting children and young people with SEND. In some LAs, difficulties had arisen relating to strategic planning of provision for this group of children and young people due to the reduction in the influence of LAs in academies and free schools.

The current review of school funding (DfE, 2011a and DfE, 2012a) asks whether mainstream and special schools should be brought in line in a 'by pupils' model; that is that both types of school are funded

according to the number of pupils they have enrolled. The lead members consulted were generally not in favour of changing the funding model for special schools to one based on the number of pupils. They were concerned that this change would negatively impact the sustainability of the provision offered by special schools. In particular, they cited the difficulty of maintaining and replacing specialised support (including staff, equipment and the adapted environment).

Conclusion

Lead members consulted during the course of this project generally felt that the ambitions of the SEND Green Paper were good. They had concerns, however, about how the Education, Health and Care Plan and personal budgets would work in practice and were therefore keen to learn from the pathfinder LAs currently 'testing out' the Green Paper proposals. Funding of the changes was an issue highlighted again and again by lead members.

1 Introduction

Special educational needs and disability (SEND) were the focus of the 2011 Green Paper: *Support and Aspiration: a New Approach to Special Educational Needs and Disability. A Consultation* (DfE, 2011b).

One of the main areas of focus of the Green Paper was 'to support better life outcomes for young people'. In order to do this, the Green Paper proposed a new approach to the identification and assessment of special educational needs (SEN) through the introduction of the 'Education, Health and Care Plan' as a replacement to the current statutory SEN assessment and statement.

The Education, Health and Care Plan would replace the statement of SEN, but retain the same statutory protection that the statement currently provides for parents and families. The aim of introducing the Plan is to bring together the services working with families and to ensure that there is clarity and commitment from all agencies involved.

The system for children and young people with SEND currently changes at age 16, when young people move from one set of funding systems and processes to another. The Green Paper further proposes the removal of this transition point, moving to a 'birth to 25 system', supported by an overarching Education, Health and Care Plan.

Another key ambition of the Green Paper is to give parents more control over the support for their child; one of the proposals to enable this is the option of parents having more control over funding for their child's needs through 'personal budgets'. The Green Paper proposes that children and young people with an Education, Health and Care Plan would be entitled to a personal budget to include funding for education and health support and social care, but also recognises that families will need some additional help if they are to be responsible for this budget. It recommends that key workers be trained to help families understand what is available and how to agree the right support for their child.

The current review of, and ongoing consultation on, school funding (DfE, 2011a and DfE, 2012a) also has implications for children and young people with SEND. Proposals include the possible introduction of a funding block for pupils with high needs, to be managed by each LA, whilst the consultation examines whether the future funding of special schools should continue to be based on a set number of places, or change to be based on the number of pupils attending the school.

The Local Government Association commissioned this research to gather the views of lead members for children's services on the implications of the above proposed changes to SEND provision. As the elected officials with political responsibility for provision for children and young people with SEN and/or a disability in their area, their views are of paramount importance. In particular, the project aims to explore how lead members believe the proposed changes might work in practice, and to examine their views on the likely impacts of personal budgets.

Since the round table events and interviews were carried out, the Government has published their response to the Green Paper consultation (DfE, 2012b). The document (published in May 2012) explains that:

We intend to introduce legislation through a Children and Families Bill in this session of Parliament to implement the changes to the law required for our Green Paper reforms.

(DfE, 2012b, para. 4, p.5)

The reforms include the ambition for closer joint working of education, health and social care in relation to children and young people with SEND, and the right of families with an Education, Health and Care Plan to have a personal budget.

2 Method

Four regional round table events were held around England. All lead members for children's services in England were invited to participate. Thirteen attended the four sessions which comprised an informal focus group discussion between lead members, led by an NFER researcher. In order to reach more lead members, telephone interviews were offered to those who had expressed an interest in participating but who could not attend any of the sessions; a further six lead members took part in these. The round table events and interviews were carried out in February and March 2012.

The Department for Education has asked 20 pathfinder LAs to test and work through some of the proposed changes from the 2011 SEND Green Paper, including personal budgets. Consequently some or all of the issues identified in this report (particularly those discussed in Chapter 4) are likely to be explored during that process. Two of the lead members that participated represented pathfinder LAs, and several other lead members reported close working with other pathfinder LAs. However, in both cases the lead members felt that it was too early to be able to report findings from the progress of the pathfinders.

Throughout this report, we use the same terminology/ definitions as those used in the Green Paper, that is:

Unless otherwise stated, we refer to disabled children and young people and children and young people with SEN or with a learning difficulty aged birth to 19 years old, or up to 25 years old if they have a learning difficulty assessment. Where we refer to young people with SEN in the document, this includes young people aged 16 to 25 with learning difficulties and disabilities.

(DfE, 2011b, para. 31, p.19)

The findings from the round table discussions and interviews are presented below. At the time of the sessions, the Green Paper proposals were still at consultation stage and consequently many of the points raised by lead members related to areas in the Green Paper that needed further clarification. The paper published in May 2012 by the Department for Education (DfE) outlining progress and next steps for the Green Paper proposals (DfE, 2012b) addresses many of the questions raised by the lead members and where relevant these have been interwoven throughout the report.

3 The Education, Health and Care Plan

There was general agreement among the participating lead members that the principle of the Education, Health and Care Plan was a good one. Despite this, there were some reservations regarding the implementation of the changes. In particular, several lead members felt that the 'devil [would be] in the detail' and that how the Plan would look and work in practice needed further development. Overall, however, lead members felt that the proposed Plan would be an improvement on the current process of the statement of SEN.

Particular elements of the Plan that were welcomed included:

- closer multi-agency/partnership working
- the introduction of a single assessment
- single case conferences attended by representatives from all relevant agencies.

Almost all of the lead members involved in the focus groups and telephone interviews identified the focus on better partnership working as a particular positive for families. They felt that learning from recent initiatives such as the Common Assessment Framework (CAF), which encourages early intervention and multi-agency working, would be key to implementing the proposed changes.

Furthermore, several lead members highlighted that one of the difficulties with the current statement of SEN was that there was a perception that families felt that obtaining the statement was the 'end point'. These lead members felt that the Education, Health and Care Plan would bring the family into the process and keep them involved after the assessment had been carried out and a diagnosis and plan of support had been agreed.

Lead members felt that it would also be important, where possible, to include the child or young person's viewpoint, and for them to be encouraged and supported to articulate their preferences for support.

The proposed move to a system covering the complete age range from birth to 25 was also welcomed, with lead members feeling that the main benefit of this would be to remove the transition point that currently exists in the system at 16. This was likened to a 'cliff edge' by one lead member, as children and families had to adapt to new support systems, some of which were not always in place. There was a general belief that the move to a single system from birth to 25 would encourage a holistic approach and better, more consistent multi-agency working.

Lead members did, however, feel that the introduction of the Plan would not be without its challenges. While many lead members felt that colleagues in education and social care were already working well together, there was a common view that it would be more difficult to engage health colleagues in these changes. This partly reflected the perceived level of involvement of health colleagues in current processes, but also related to the ongoing changes being proposed for the NHS by central government. Other potential challenges identified by lead members included the sharing of data and the different legislation that different agencies have to work to.

Finally, there was a further question over where the funding for changes would come from. Lead members wondered if this would come from the respective agency budgets (that is, education, health or social care), or if the budgets would come from elsewhere. This issue is discussed in further detail in Chapter 4 below.

The single assessment process and Education Health and Care Plan remain key features of the reforms set out in the response to the Green Paper consultation (DfE, 2012b). The pathfinder LAs continue to test these approaches, and interim evaluation reports of their progress are due to be published by autumn 2012; the final evaluation report is due in 2013.

4 Personal budgets

On the whole, lead members welcomed personal budgets for children and young people with SEND. Many of their LAs had already been involved in other personal budget initiatives.

In outlining the proposal for personal budgets, the Green Paper presents four likely benefits:

- giving families greater control over how the money is spent on their child
- leading to greater innovation of services within the sector
- enabling better use of resources
- improving family engagement and relationships with professionals across the sectors.

Lead members generally agreed that the first benefit (giving families greater control) would be realised by the introduction of personal budgets, although several wondered how the system would support both giving families greater control and enabling better use of resources.

One of the focus groups felt that, rather than innovation increasing within the sector, there would be innovation from families and young people who would be thinking creatively how best to meet their needs. There was general agreement that the proposed changes would improve relationships between families and professionals, although lead members felt that this was more likely to be as a result of the Education, Health and Care Plan rather than personal budgets.

Although lead members were in favour of the introduction of personal budgets, the discussions about their introduction tended to produce more questions than answers. The issues identified by key members are listed below.

Responsibility for the Education, Health and Care Plan and personal budget

Most of the participating lead members identified this as an issue. They felt that clarity was needed about who would 'own and manage' the Plan and assessment. The Green Paper proposes that parents are more involved in the Plan than they previously have been in the statement, but lead members wondered whether parents would 'own' the Plan and personal budget, or whether these would sit within a particular agency or within the LA.

One of the focus groups felt that parents should be able to decide whether they wanted to use a personal budget or not. The Department for Education (2012b) has since confirmed that personal budgets will be optional for families, and that there will be support available for families that wish to take up a personal budget.

Anticipated levels of parent engagement with the changes and with personal budgets, and suggestions about the type of support that should be provided will be discussed further in Chapter 6.

The key worker

Lead members also had questions over the key worker role. The Green Paper proposed that families be supported by key workers, but was not explicit about who these key workers would be or which agencies they would come from.

The lead members felt that the key worker, whose role they thought would be similar to that of the Lead Professional in the CAF process, should be from the agency most involved with a child or young person's case. Lead members also felt that the key worker could be employed by the LA and still provide an independent viewpoint – providing the single assessment produced as part of the Education, Health and Care Plan was sufficiently detailed in setting out

the required support for the child. This detail would be required to create the 'roadmap' to enable the key worker to help families along.

Lead members further queried whether key workers would be paid from within the young person's personal budget, or if the agency or LA would be expected to cover the costs of the key worker.

The response to the Green Paper consultation (DfE, 2012b) retained the concept of a key worker, and stated that the Early Support Trust and National Children's Bureau have been commissioned to develop training for key workers.

Key workers and support for parents are discussed further in Chapter 6.

'Menus' or direct payments

On the whole lead members favoured using 'menus' of services for families to choose from rather than direct payments (giving the money directly to families to spend). They felt that the menu approach would be most manageable, both for families and for services, and identified that this approach had been used in other personal budget schemes with some success.

One of the focus groups, in particular, felt that direct payments would lead to families being bombarded with information from providers which could be overwhelming.

In their response to the Green Paper, the Department for Education (2012b) stated that the pathfinder LAs would be testing the use of direct payments for education, health and social care support as part of the piloting of personal budgets.

What is in scope and out of scope for personal budgets

Lead members had many questions about what would and would not be funded through personal budgets.

They generally agreed that transport should be paid for from personal budgets, as there was a perception that families often do not realise how expensive transport services are.

One of the focus groups felt that there should be some provision within personal budgets for young people to be able to use some of the budget for social activities which improve their independent living skills. An example was given of offering young people the opportunity to spend money on going to the cinema or bowling with their friends; activities that otherwise might be out of their reach, particularly in rural areas.

Another group felt that, if school places were not included within the scope of personal budgets, then parents might think that personal budgets would only provide limited control over the support package for their child, which might in turn affect uptake and engagement with personal budgets.

Source of funding

There was uncertainty from lead members over where the funding for the personal budgets would come from. For example, if the assessment identified the need for health input, lead members questioned whether the funding for that personal budget would be taken from central health budgets, or whether it would come from elsewhere.

Calculation of funding

Linked to the questions relating to the source of the funding for individual personal budgets, there were queries regarding how the amount of each young person's personal budget would be calculated. For example, would there be a national formula in place?

Some lead members also wondered if parents would have the option to supplement the funding with their own money if they wished, for example, through a 'top-up' process.

Quality assurance

Almost all lead members identified quality assurance as very important, both in relation to how the personal budget is spent and to the quality of the provision on offer.

Although lead members applauded the proposal to give parents more involvement in the decisions around

provision for their child, they felt that there was still an essential role for professionals to guide and advise parents on the most appropriate support available for their child. Furthermore, lead members wanted a way of ensuring that personal budgets were being used to meet young people's needs, as set out in their Education, Health and Care Plan.

Lead members also felt that it was important that the provision available is quality assured. They felt that this was vital, particularly when additional providers in the private and third/voluntary sector are entering a new market place enabled by the introduction of personal budgets.

Reviews

Three of the focus groups discussed the need for the provision selected under the personal budget to be reviewed, but questioned how often this should take place. There were further queries about when, and if, families could change their minds about the provision they had selected, and the implications this might have for sustaining services (whether provided by the LA or by providers in the private and voluntary sectors).

Lead members also queried whether families would have to use the entire personal budget each year, or whether any money not spent could be carried forward for future years.

5 Impact of proposed changes on LAs

In addition to some of the specific queries outlined in the previous section, lead members also discussed the impact of the proposed changes on LAs. In particular, they felt that the replacement of the statement of SEN with the Education, Health and Care Plan, and the introduction of personal budgets, would have implications for LA provision and planning of provision for children and young people with SEND.

Some lead members, although they could see the benefits for young people and their families of increased personalisation, felt that this would make planning provision more difficult for LAs. They pointed out that individual commissioning via personal budgets would reduce the scope for economies of scale when commissioning resources. There was also discussion about whether some services should be regarded as vital and therefore be protected so that they remain sustainable.

Two of the focus groups questioned whether agencies and LAs have the skills and capacity to run single assessments (as proposed by the Education, Health and Care Plans). The assessment was felt to be key to guiding the use and implementation of a personal budget. Consequently lead members felt that having the right people running the assessments would be essential.

One of the focus groups felt that the introduction of the Education, Health and Care Plan would improve the focus of assessments, as there was a perception that current assessments for statements of SEN are influenced by available provision. There was a view that personal budgets would change this dynamic and lead to assessments more closely based on need, which would then be met by buying support, as appropriate, from providers.

Lead members felt that it would be important to learn from other schemes such as the implementation of personal budgets for disabled adults and from other multi-agency initiatives such as the CAF and the accompanying 'team around the child' approach. One of the focus groups also highlighted that the new Education, Health and Care Plans would need to work alongside other plans, such as those in place for looked-after children and child protection plans. A few lead members felt that a slow and staggered roll-out of changes would be best, in order for LAs and agencies to iron out emerging issues. Lead members also said that they would welcome the opportunity to learn from the experiences of pathfinder LAs.

The response to the Green Paper consultation (DfE, 2012b) recognised that LAs are working within a changing environment. The paper explained that some action research is being carried out with LAs to explore their role in education (including how they work with academies and free schools), and this is due to be published in 2012.

6 Impact on families

There was a general view that parents would have a stronger role in the new system; overall this was perceived to be a good thing, although lead members clearly felt that there remained an important role for professionals to guide and support parents and families, as discussed above. While parents are likely to know their child best, lead members felt that parents would not always know what the most appropriate support for their child would be, or the best way to meet the child's needs.

Not all lead members interviewed or taking part in the focus groups knew how families and parents in their area felt about the proposed Green Paper changes. That said, those that were aware of parental views said that, generally, parents in their LA welcomed the Green Paper proposals (also see George *et al.*, 2011).

In general, based on their experience of talking to parents of children and young people with SEND, lead members felt that there would be varying levels of parental engagement with the changes, depending on parental education and/or confidence and their experience of the system to date.

They suggested, for example, that confident parents who understand their rights and typically hold a professional job (lawyer, teacher, etc.) would be more likely to welcome the opportunity to take on the responsibility of being more involved in deciding on their child's care than those parents who are less confident, less well informed of their rights and who feel intimidated by the current system. Lead members thought that this latter group of parents might be likely to be more wary of taking on the additional responsibility and would perhaps not want the additional pressure that would bring.

Lead members also identified groups of parents that they thought would be less likely to engage with the new system, less likely to understand the changes being introduced and consequently less likely to want to take on the additional parental responsibility the proposed changes bring with them. These included parents that do not access the system currently (such

as Roma families); those who associate a diagnosis of SEN with a stigma; or those who need additional support to engage in the current system (such as parents with English as an additional language (EAL) or parents with a learning difficulty or disability themselves).

Lead members' general perception was also that those parents who are happy with the current provision for their child, that is happy with the status quo, would not necessarily want to change how their child's care was assessed or managed should the proposed changes be introduced. Conversely, those parents who are not happy or satisfied with their child's current provision were perceived as perhaps being more keen to adopt Education, Health and Care Plans and personal budgets, as they might view the plans as having the potential to offer them an advantage because of the additional input the changes would afford them.

These different ways of thinking about how these different groups of parents might receive and react to the changes proposed by the Green Paper set the context for how lead members felt support should be provided to families, as discussed in the next section.

Support needed for parents

As mentioned in Chapters 1 and 4, the Green Paper proposes that key workers be trained to support families to use the Education, Health and Care Plan and personal budgets. In light of the different groups of parents posited by lead members, they felt that the advice and support provided (for example, by key workers) would need to be carefully tailored to families and that less confident parents, for example, would need more support than others.

However, there was general agreement that the advice and support should be:

- impartial
- objective
- professional
- empathetic
- personalised.

Most importantly, any support and advice provided should aim to help families understand their options within the system and enable them to articulate their choices. As mentioned above, some lead members thought that in some situations families could be bombarded by information and marketing information from different providers vying for business. Consequently these lead members felt that families would need support to not only navigate the system, but also to navigate the providers.

Furthermore, lead members felt that families would need to be supported to be able to understand what they can and cannot afford within the personal budget available to their child.

7 Impact of academies and free schools on commissioning

In addition to exploring the views of lead members on the changes proposed by the Green Paper, the focus groups and interviews asked lead members about the impact of the recent increase in academies and free schools, as this is another factor which might impact on how LAs meet the needs of children and young people with SEND in their area.

Although academies and free schools are outside LA control, responsibility for meeting the needs of young people with SEND remains with the LA. Several lead members reported that it had become more difficult to support children and young people with SEND since the number of academies had increased in their area. Lead members reported a similar issue in free schools, although to a lesser extent as there were fewer free schools than academies. This was due to a reduction in LAs' influence in these schools. In particular, the difficulty was reported to be around strategic planning of provision for children and young people with SEND.

However, this was not the case for everyone; where there were agreements in place with good and close relationships between academies and the LA this was perceived to be less of a problem.

Several lead members expressed a concern that the main drivers for academies and free schools are performance and budget. They provided anecdotal examples of academies employing 'selective admissions' (for example, excluding pupils with SEND or discouraging pupils with SEND from applying) because of their emphasis on performance.

A particular concern for all of the lead members was that of accountability relating to how school budgets for SEND were spent by academies and free schools. Some of the focus groups felt that there was not currently a mechanism in place to ensure that the money allocated for SEND support was actually spent on SEND in academies.

8 Changes to funding model

Special schools are currently funded on a 'by place' basis in contrast to the mainstream model which is funded on a 'by pupil' basis. The current review of school funding (DfE, 2011a and DfE, 2012a) asks whether mainstream and special schools should be brought in line in a 'by pupils' model; that is, that both types of school are funded according to the number of pupils they have enrolled.

The research question on the potential impact of such changes to the funding model for special schools was introduced at a late stage in the project, which meant that the first two focus groups had already taken place. The discussion which follows is consequently based on a smaller number of responses. The focus groups took place before the Department for Education published the second consultation document about school funding on 26 March 2012.

The lead members consulted were generally not in favour of changing the funding model for special schools to one based on the number of pupils. They were concerned that this change would negatively impact the sustainability of the provision offered by special schools. In particular, they cited the difficulty of maintaining and replacing specialised support (including staff, equipment and the adapted environment).

In addition, lead members felt that it was difficult to plan and predict the levels of demand for specialist support due to varying levels of incidence of particular needs over time. Furthermore, family mobility between areas can also vary considerably in a way that is not easy to predict and consequently impacts on resource planning.

For these reasons, lead members felt that special schools needed to be protected by the retention of the current funding model which allows some surplus capacity to exist in special schools. They felt that this helps to ensure that special schools are sustainable and viable for future intakes. Lead members believed

that there are other ways of ensuring that any 'spare' capacity in special schools is used. Examples were provided of how special schools support pupils with SEND in the rest of the school system. For example, if special schools in one area have spare capacity, their teachers complete outreach work in mainstream schools to provide support for children and young people with SEND in other settings.

One of the focus groups also described how they felt a move to funding based on the number of pupils would change the focus for special schools, from one of improving outcomes for pupils with SEND to a focus on budget. One member of this group explained the ethos of one of their special schools, which aims to enable pupils to move to a mainstream setting if this is appropriate for the young person. The lead member feared that a 'per pupil' funding model would create a lack of incentive for headteachers to encourage this sort of ethos, as it would result in the school's funding being reduced should pupils move on to a mainstream setting.

This same lead member believed that a per pupil funding model would align special schools with mainstream schools and academies – in that they would be driven by budgets; something which the lead member felt should be avoided.

Members of this focus group also felt that changing the funding model to a per pupil system would incentivise within-LA over out-of-authority placements, even if an out-of-authority placement might be more suitable for a young person. This was thought to be a possibility where LAs wanted to retain the funding within their own LA area.

The response to the Green Paper consultation (DfE, 2012b) confirmed that the Government would be aiming to introduce the proposals described in the school funding paper (DfE, 2012a) at the beginning of the 2013/14 financial year. In particular, a 'place-plus'

approach will be used to fund children and young people with high needs as follows:

The place-plus approach will introduce a base level of funding for specialist settings catering for high needs pupils and students that will ensure that high needs education provision is funded on an equivalent basis in

mainstream and specialist settings. This will mean that there are no potential perverse incentives for commissioners to place pupils in one type of provider over another, as there are in the current funding system, which will help to improve choice for young people and their families.

(DfE, 2012a, para. 5.59b, p.81)

9 Conclusion

Lead members consulted during the course of this project generally felt that the ambitions of the SEND Green Paper were good. They had concerns, however, about how the Education, Health and Care Plan and personal budgets would work in practice and were therefore keen to learn from the pathfinder LAs currently 'testing out' the Green Paper proposals. Funding of the changes was an issue highlighted again and again by lead members.

Even without the full details of how the changes would be implemented, lead members believed that parents will have different levels of engagement with the changes and need varying levels of support, tailored to help them gain the most from the opportunity to take on more control over their child's care.

Lead members also identified that the increase in the number of academy conversions was having an impact on how LAs plan provision for children and young people with SEND. Coupled with the proposed changes in the Green Paper, lead members were concerned about how support can best be maintained for this group of vulnerable children and young people. Combined with additional uncertainty about changes to the funding model for special schools, lead members felt that any changes need to be coordinated and aligned and their likely impact communicated clearly to families and services to ensure that support reaches those most in need.

Areas for consideration

In light of the issues identified by the lead members and the current policy changes outlined by the Department for Education in 2012, the LGA may wish to consider exploring:

- ways of signposting lead members and LA staff to LAs that have implemented other personal budgets successfully
- how the lessons of the implementation and roll out of the CAF process can best be applied to the introduction of the Education, Health and Care Plan, particularly given the similarities identified between the CAF lead professional and the proposed key worker role
- ways in which the Education, Health and Care Plan can be aligned with other assessments and plans (such as CAF and the Child Protection Plan)
- how the child/young person's voice can be included in the Education, Health and Care Plan and decisions about their personal budget
- ways in which the relevant and necessary data can be shared between agencies working together on Education, Health and Care Plans
- ways of sharing best practice case studies of LAs working successfully with academies and free schools to support children and young people with SEND.

10 References

Department for Education (2012a). *School Funding Reform: Next Steps Towards a Fairer System*. London: DfE [online]. Available: <http://www.education.gov.uk/consultations/downloadableDocs/School%20funding%20reform%20-%20Next%20steps%20towards%20a%20fairer%20system%20Mar%202012%20FINAL.pdf> [27 April, 2012].

Department for Education (2012b). *Support and Aspiration: a New Approach to Special Educational Needs and Disability. Progress and Next Steps*. London: DfE [online]. Available: <http://media.education.gov.uk/assets/files/pdf/s/support%20and%20aspiration%20-%20progress%20and%20next%20steps.pdf> [15 May, 2012]

Department for Education (2011a). *Consultation on School Funding Reform: Proposals for a Fairer System*. London: DfE [online]. Available: <http://www.education.gov.uk/consultations/downloadableDocs/July%202011%20Consultation%20on%20School%20Funding%20Reform%20FINAL.pdf> [27 April, 2012].

Department for Education (2011b). *Support and Aspiration: a New Approach to Special Educational Needs and Disability. A Consultation*. London: DfE [online]. Available: <https://www.education.gov.uk/publications/eOrderingDownload/Green-Paper-SEN.pdf> [27 April, 2012].

George, N., Hetherington, M. and Sharp, C. (2011). *Local Authorities' Perceptions of How Parents and Young People with Special Educational Needs will be Affected by the 2011 Green Paper* (LG Group Research Report). Slough: NFER. Available: <http://www.nfer.ac.uk/publications/SENG01> [27 April, 2012].

Recently published reports

The Local Government Education and Children's Services Research Programme is carried out by NFER. The research projects cover topics and perspectives that are of special interest to local authorities. All the reports are published and disseminated by the NFER, with separate executive summaries. The summaries, and more information about this series, are available free of charge at: www.nfer.ac.uk/research/local-government-association/



The impact of safeguarding children peer reviews

The safeguarding peer review approach appears to be suitably flexible to allow authorities in intervention and those who are not, to achieve a successful outcome. This qualitative study included telephone interviews with LA officers, councillors and staff from partner organisations. The report explores the impact of peer reviews for LAs in intervention.

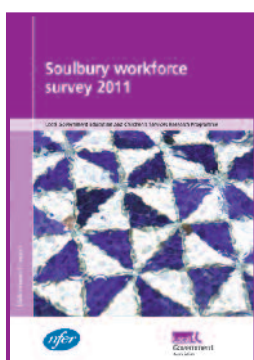
www.nfer.ac.uk/publications/LGIS01



Alternative provision for young people with special educational needs

This study explores the ways in which young people with SEN access and engage in alternative provision. Based on interviews with young people and staff from five local authority areas it explores the interface of alternative provision and SEN and illustrates effective features in commissioning, delivery and monitoring of alternative provision for this group of learners.

www.nfer.ac.uk/publications/APSN02



Soulbury workforce survey 2011

The findings from the Soulbury Workforce Survey 2011 show the current pay levels, recruitment and retention issues and characteristics of the workforce, which includes education improvement professionals, education psychologists and young people's/community service managers. The picture presented largely reflects the budgetary changes, workforce restructures and other demands on local authorities over the last two years.

www.nfer.ac.uk/publications/SCWS01

For more information, or to buy any of these publications, please contact: The Publications Unit, National Foundation for Educational Research, The Mere, Upton Park, Slough, Berkshire SL1 2DQ, tel: +44 (0)1753 637002, fax: +44 (0)1753 637280, email: book.sales@nfer.ac.uk, web: www.nfer.ac.uk/publications.

The Local Government Association commissioned this research to gather the views of lead members for children's services on the implications of some of the changes proposed in the 2011 Green Paper on special educational needs and disability (SEND). The report captures the views of lead members for children's services on:

- the Education Health and Care Plan
- personal budgets
- the impact on families and LAs
- the impact of academies and free schools
- changes to the funding model
- conclusions and areas for consideration.