

The Children and Families Bill: House of Commons second reading – SEN / disability reforms

In 2011 the government published a green paper, called *Support and aspiration*. The proposals were to create a more coherent, joined up approach to meeting the needs of children and young people with special educational needs and disabilities (SEND). The SEND clauses of the Children and Families bill are a key part of these reforms.

1 The main points in the Children and Families bill

- Stronger duties on health, social care and education to review and commission services jointly and to provide greater clarity for parents and young people about what is available (clauses 25-30);
- The potential for support through a new education, health and care (EHC) plan to continue until the age of 25. This includes the extension of support into further education, apprenticeships and potentially to young people who are not in education, employment or training (clauses 33-45); and
- The emphasis on closely involving children, young people and their families in all the decisions that affect them (clause 19).

2 Education, health and care plans – access to integrated services

2.1 Clauses 36-45 of the bill replace statements of special educational needs with education, health and care plans. The bill as currently drafted does not take forward the joined up plans set out in the green paper. Like statements, EHC plans are primarily education and schools focused

2.3 Only children and young people with significant educational needs will have a plan. Disabled children with health and social care needs, without significant educational needs, **will not be eligible**.

2.4 Most children with SEND **will not have a plan**, and it is this group schools need to focus upon.

3 The code of practice – replacing school action and school action plus

3.1 The biggest proposed change is that school action and school action plus will be replaced by

a single SEN stage.

4 'Joined up' services

4.1 Clauses 25-29 require local services to cooperate, to jointly review services, and to put in place arrangements for joint commissioning.

4.2 These clauses only require services to put in place joint arrangements for children with special educational needs. This means disabled children who do not have SEN will not be included in the joint planning and commissioning.

5 The local offer

5.1 Clause 30 requires local authorities to produce information on the education, health and care services 'it expects' to be available locally – this will be known as the 'local offer'. The intention is to give parents and young people clear information about local services and how they can access them.

5.2 Currently a local authority will only have to set out the provision 'it expects' to be available in their local offer.

6 Education, health and care plans post-16

6.1 The key difference between education, health and care plans and statements of SEN is that the new plans will extend beyond school. This means the bill will significantly improve the rights of young people to support in post-16 provision. Following pre-legislative scrutiny, the government has also extended entitlements to apprenticeships and, in specific circumstances, to young people who are not in education, employment or training.

6.2 Young people will cease to be eligible for EHC plans if they go to university. There are many benefits of EHC plans continuing into university, such as reducing the need for a further assessment and ensuring co-ordination.