

Special Needs and the Local Offer

Fiona Nicholson, November 2013

<http://edyourself.org/localoffer.pdf> via <http://edyourself.org/articles/localoffer.php>

Please check the web page for updated information

The Local Offer is set out in [Clause 30 of the Children and Families Bill](#) and [associated regulations](#). Many questions remain as to how it will work in practice. DfE will not prescribe basic minimum requirements for what must be offered; instead the draft regulations stipulate that the LA must publish information about what it expects to be on offer, which is not the same.

The purpose of the local offer is to enable parents and young people to see more clearly what [specialist, targeted and universal services](#) are available in their area and how to access them. The offer will include provision from birth to 25, across education, health and social care and should be developed in conjunction with children and young people, parents and carers, and local services, including schools, colleges, health and social care agencies.

Click [here](#) to read Chapter 5 (12 pages) of the draft SEN Code of Practice published for consultation on October 4th. Chapter 5 is all about the local offer.

See also <http://edyourself.org/articles/seninchildrenfamiliesbill.php> <http://edyourself.org/articles/newcode.php><http://ehe-sen.org.uk/>

Local Offer Discussed in Parliament

2nd Reading House of Lords July 2nd 2013

B Hughes B Sharp B Tyler B Howe B Wilkins B Jones L Patel L Touhig L Low all voiced substantial concerns about the Local Offer:

"The Government do not want to specify what should be in a local offer, so parents face the same postcode lottery as they do now"; "Clause 30 would be strengthened by a legal duty to provide what is set out in the local offer, which would enable parents and young people to challenge local authorities";

"Local authorities need to be under more of an obligation to identify the needs that exist in their area and ensure that they have the services in place to meet those needs. The Bill needs to be strengthened to ensure that children and young people and their families can hold local agencies to account for the delivery of those services."

<http://www.parliament.uk/business/publications/hansard/lords/by-date/#session=73895&year=2013&month=6&day=2>

Report June 11th 2013

<http://www.publications.parliament.uk/pa/cm201314/cmhansrd/chan15.pdf>

Minister Ed Timpson reiterating that the local offer will solve problems currently experienced by families of children with SEN and disabilities

Debate on clause 30 in the Public Bill Committee March 21st 2013

<http://www.publications.parliament.uk/pa/cm201213/cmpublic/childrenandfamilies/130321/pm/130321s01.htm#1303221000482>

Robert Buckland:

"The national framework would not be about minimum standards; I do not believe that we should approach the matter from that angle at all, and I share the Government's concerns that having minimum standards could lead to a race to the bottom.

My amendment is designed not to be prescriptive in that sense, but to create a consistent approach to how a local offer will be drawn up, in a way that allows flexibility from local authority area to local authority area while giving people who are setting out their local offer a benchmark from which to work. It is not dissimilar from the situation where the National Institute for Health and Clinical Excellence will issue guidelines to assist local commissioners in setting up health services."

Sharon Hodgson:

"Ian N's comments on the public reading page summed up our concerns exactly: "There should be a national offer, setting out basic minimum requirements that every child can expect to get." Especially in these times of austerity, if a Minister says to councils and to commissioning groups, "You need to list everything that a child with additional needs might expect to receive in your area, but we're not going to say what the bare minimum for that is," what do we think will happen?

My answer is: the same thing that, to a lesser degree, happens now. Some councils will make their offers as bad as they can get away with; they will look to undercut their neighbours and others around the country to discourage families from moving to their area to get better provision for their child, or encourage families with high-needs children to go elsewhere.

At best, we would be moving from an unwritten postcode lottery to a written one; at worst, we would be encouraging a race to the bottom. Neither outcome benefits anyone."

Oral evidence session Public Bill Committee March 5th 2013

<http://www.publications.parliament.uk/pa/cm201213/cmpublic/childrenandfamilies/130305/pm/130305s01.htm#13030571000460> **Srabani Sen, chief executive of Contact a Family:**

The second area in which we think we need some strong amendments is the local offer. We are delighted with the concept of the local offer, and certainly, in our dialogue with Government, we have been talking very much about how we can ensure that we achieve the right outcomes for those children who are not covered by an education, health and care plan.

However, if you look at the wording of the Bill, it could well be interpreted, and is set out, as simply a duty to publish information about local services. There is nothing about how you make sure that you have a needs-based assessment of what the population in your area needs, how you make sure that the local offer actually delivers on the outcomes defined, or how you hold local authorities to account for those. Those are probably the two areas on which we would want most amendments.

Second Reading Children and Families Bill February 2013

http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm130225/debtext/130225-0002.htm#130225-0002.htm_spmi0

Stephen Twigg: "We share the Select Committee's concerns about local offers. Of course, we welcome parents having more information about the services available in their area, but we will be seeking amendments to toughen up local offers to prevent this reform from simply exacerbating the postcode lottery that we know already exists."

Education Committee Report December 20th 2012

<http://www.publications.parliament.uk/pa/cm201213/cmselect/cmeduc/631/63109.htm>

Pre-legislative scrutiny Local Offer **136.**

The Local Offer is therefore of crucial importance in outlining what is ordinarily available in schools and what will be provided as additional above and beyond this." **"140.**

Brian Lamb further suggested that "as there is no legal protection for children who do not receive an Education, Health and Care Plan, it is fundamental to the success of the local offer that there is a legal duty to provide what is set out in the Offer". **[178]**

This was backed up in oral evidence by parents and young people who linked a legal duty to deliver to setting national minimum standards or requirements for Local Offers." **"142.**

With regards to setting minimum standards in Local Offers, the draft legislation states that "regulations may make provision about the information to be included in an authority's local offer". The Minister explained "we are proposing that in the Code of Practice there are key areas that a local offer should cover in the right circumstances, but we do not want to be prescriptive about the local offer. It should be developed locally". **[182]"**

Draft Regulation Local Offer Published October 2013

<https://www.education.gov.uk/consultations/downloadableDocs/Special%20Educational%20Needs%20-%20local%20offer%20regulations.pdf>

Summary Special Educational Needs (Local Offer) Regulations 2014 Clause 30

Information to be included in the local offer

A local authority must include information about the following when it publishes its local offer:

Special educational provision which the local authority expects to be available in its area for children and young people for whom it is responsible by early years providers; maintained schools; academies; non-maintained special schools; post-16 institutions; pupil referral units; and "persons commissioned by the local authority to support children and young people with special educational needs.

Special educational provision the local authority expects to be made outside of its area for children and young people with special educational needs for whom the local authority is responsible.

Special educational provision provided by mainstream schools; mainstream post-16 institutions; special schools and special post-16 institutions; the special educational provision secured by the local authority in mainstream schools; mainstream post-16 institutions; pupil referral units and alternative provision Academies; and the arrangements the local authority has for funding children and young people with special educational needs.

Arrangements for identifying special educational needs of children and young people; consulting with parents and young people; securing the services, provision and equipment required by children and young people with special educational needs; and supporting children and young people with special educational needs in moving between phases of education, and in preparing for adulthood.

Schools' etc approach to teaching children and young people with SEN; how they adapt the curriculum and the learning environment; the additional learning support available; how the progress towards outcomes will be assessed and reviewed; how the effectiveness of special educational provision will be assessed and evaluated; how facilities that are available can be accessed; what activities are available in addition to the curriculum; what support is available; how expertise in supporting children and young people with special educational needs is secured for teaching staff; how the emotional and social development of children and young people with special educational needs will be supported and improved; and where further information can be obtained.

Special educational provision the local authority expects to be made for young people on apprenticeships; by providers of training; provision available to assist in preparing children and young people for adulthood and independent living.

Health care provision for children and young people with special educational needs, including speech and language and other therapies, including any criteria that must be satisfied before this provision can be provided; services relating to mental health, including any criteria that must be satisfied before this provision can be provided; and services for relevant early years providers, schools and post-16 institutions to assist them in supporting children and young people with medical conditions.

Health care provision for children and young people with special educational needs and their families including, services provided in accordance with section 17 of the Children Act 1989 ["children in need"]; support arrangements for transition to adult services; support to assist with independent living.

Transport for children and young people with SEN to get to and from school or other educational institution including specialist transport; free or subsidised transport; support for the cost of transport

Parent carer forums; support groups for SEN; childcare for children with SEN; leisure activities for children with SEN; further sources of information and support.

Complaints procedure; criteria that must be satisfied before any provision or service set out in the local offer can be provided; how to request an EHC needs assessment; arrangements for notifying parents and young people of their right to appeal a decision of the local authority to the Tribunal; arrangements for mediation and resolution of disagreements

The local authority must consult with the following when preparing and reviewing its local offer:

children with SEN and their parents; young people with SEN; schools and non-maintained special schools; academies and post-16 institutions; PRUs; children's centres; early years providers; youth offending teams; people who make special educational provision or provide advice in relation to provision; people who assist with preparation for independent living; LA officers responsible for education and training; social services; and such other persons as the LA thinks appropriate.

The LA must also consult the National Health Service Commissioning Board; a clinical commissioning group; a local NHS trust or NHS foundation trust; a local Health Board; a local health and wellbeing board

The LA must also consult any such bodies not in the area but which the local authority thinks are or are likely to either be attended by children or young people for whom it is responsible or have functions in relation to children or young people for whom it is responsible.

The LA must consult children, parents and young people about the services children and young people with special educational needs require; how the information in the local offer is to be set out when published; how the information in the local offer will be available for those people without access to the Internet; how the information in the local offer will be available to those with a disability which prevents them from accessing the information on the Internet; how they can provide comments on the local offer.

The LA must seek comments from children, parents and young people on the content of its local offer, including the quality of the provision available and any provision that is not available; the accessibility of the information contained in its local offer; and how the local offer has been developed or reviewed, including how families have been involved in the development and review of the local offer. The LA must publish comments received and its response to those comments on its website at least annually.

The LA must publish its local offer by placing it on their website; publish its arrangements for enabling people without access to the Internet; and enabling different groups, including people with a disability, to obtain a copy of the offer.

Useful Links

<http://www.adcs.org.uk/download/cib/CIB%20LGA%20SEND%20Networks%20April%202013%20v%2011%204%2013.xlsx> April 2013 contacts spreadsheet for LA Pathfinders by region, including Pathfinder Champions.

http://www.sendpathfinder.co.uk/files/page/504989/3_SEND_Pathfinder_Information_Pack_Version_1_Local_Offer.pdf June 13th 2013, 15 pages. Accessed via <http://www.sendpathfinder.co.uk/infopacks/>
<https://www.gov.uk/government/publications/impact-evaluation-of-the-send-pathfinder-programme> October 2013 Pathfinder update.

<https://www.gov.uk/government/publications/evaluation-of-the-send-pathfinder-programme-process-and-implementation> June 2013 Pathfinder update. Includes rare examples of Direct Payments
<http://edyourself.org/articles/sengpfoi.php> Delays in recruiting families for Pathfinder Pilots (My FOIs Spring 2012)

<http://www.sendpathfinder.co.uk/pftestingareas/localoffer/> Mott MacDonald overview + links to relevant documents, supported by learning from pathfinders such as the Principles of Emerging Practice for Special Educational Needs and Disability. Also has links to pathfinder examples and case studies, event write ups and additional resources. The Department for Education and Department of Health have appointed Mott MacDonald as [the pathfinder support team](#).

<http://www.preparingforadulthood.org.uk/resources/pfa-resources/local-offer> useful starting page with links to local offer/service directory for Hertfordshire, Manchester, Medway, Nottinghamshire, Northamptonshire and Leicester, Oldham, South East seven, Trafford and Wigan. (Couple of broken links to Mott MacDonald)

http://www.sendpathfinder.co.uk/files/page/503452/SE7_Local_Offer_Guidance_v12_1_.pdf January 2013 18 pages SE7 Draft Principles for Local Offer

http://www.preparingforadulthood.org.uk/media/280787/local_offer_adobe.pdf Principles of Emerging Practice for Special Educational Needs and Disability May 2013 4 pages, accessed via <http://www.preparingforadulthood.org.uk/resources/pfa-resources/local-offer>

<http://www.education.gov.uk/a00221161/children-families-bill> DfE web page on the Children and Families Bill includes useful links to draft regulations, Minister's letters, policy statements, draft Code of Practice etc

<http://www.pointoldham.co.uk/consultation/oldham-pathfinder/local-offer.html> Oldham Local Offer project + consultation (includes useful links)

<http://www.ican2.org.uk/offer.html> Telford and Wrekin Local Offer

<http://www.medway.gov.uk/educationandlearning/earlyyearsandchildcare/shortbreaksservices/aboutmedwayslocaloffer.aspx> Medway Local Offer ("a minimum level of short breaks and support" + "information, advice and guidance as needed")

http://www.rochdale.gov.uk/schools_and_children/special_educational_needs/send_-_pathfinder/send_-_the_local_offer.aspx Rochdale Local Offer (including diagram)

<http://www.wiltshire.gov.uk/healthandsocialcare/transformingserviceschildrenadults/wiltshirelocaloffer.htm> Wiltshire Local Offer

http://www.royalgreenwich.gov.uk/downloads/file/1673/special_educational_needs_and_disabilities_local_offer-draft_statement Greenwich Local Offer: includes explanation of specialist, targeted and universal services.

<http://www.hertsdirect.org/services/healthsoc/childfam/specialneeds/educ/send/> Hertfordshire Pathfinder Conference July 3rd 2013

"Previous representation from health...has been disappointing. The statutory duty on health colleagues to contribute to the EHC plan will remain as in the current education statementing process. The programme has identified that it is not feasible to have a single EHC assessment and therefore health colleagues, like other members of the children's workforce, are working towards implementing a more person-centred approach in their assessments and reports to inform the EHC plan."

Read more here <http://www.hertsdirect.org/docs/pdf/f/faqehb.pdf>