

Overview: Consultation on Proposal for New Placement Criteria for Residential Provision in Surrey's Maintained Special Schools

Why there needs to be new criteria:

Surrey is intending to change the placement criteria for residential provision at Surrey's maintained special schools because there has been a change in the law.

What the law says:

The Children and Families Act (2014) reformed legislation relating to children and young people with special educational needs and disabilities (SEND). Part 3 of the Children and Families Act, the Special Educational Needs and Disability (SEND) Code of Practice¹, is statutory guidance for organisations that work with and support children and young people with special educational needs and disabilities. It sets out duties, policies and procedures and associated regulations, and it applies to England. All local authority services must 'have regard' to the Code including:

- education
- social care
- health
- any relevant housing, employment and other services.

Education, health and care needs assessment:

A local authority must conduct an assessment of education, health and care (EHC) needs and prepare an EHC plan where, despite appropriate assessment and provision, the child or young person is not progressing, or not progressing sufficiently well. The local authority should consider what further provision may be needed.

Education, health and care plans (SEND Code of Practice, 9.69):

EHC plans must specify how services will be delivered as part of a whole package and explain how, together, the services will deliver the "best possible educational and other outcomes" across education, health and social care, including progress towards a successful transition to adult life, for the child or young person.

Within an EHC Plan, the special educational provision required should detail:

1. Any appropriate facilities, equipment, staffing and curriculum
2. Any appropriate modifications to National Curriculum (NC)
3. Appropriate exclusions from NC or course studied post 16 and the alternative provision substituted for this
4. If applicable, where residential accommodation required and how the provision will support achievement of the outcomes.
5. Where there is a personal budget, the outcomes it is supporting.

(Chapter 9 of the SEND Code of Practice provides further information on EHC Plans)

It is the fourth point that necessitates the proposed changes to the existing criteria for residential placement as the current situation in Surrey does not comply with this new legislation.

¹ <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

How the changes will happen:

The proposal is to introduce a new set of criteria and a new process for making decisions about residential placements. The proposed new criteria are:

- A residential placement may be agreed if the child or young person by reason of their assessed needs requires the support arrangements provided by a residential place to make sufficient educational progress. This includes progress in their wider development and social needs to make a successful transition to adult life.
- A residential placement may also be agreed if the distance between the current school and home is such that travel times are unsustainable.

In addition to these new criteria, it is proposed to integrate the decision-making process with the current Education Health and Care Plan process which would bring Surrey's process into line with that followed by other Local Authorities and complies with the new legislation. It is intended that there will be a transition period from the old to the new criteria to allow for families and schools to make any necessary adjustments.

Consultation about the changes has already started:

Three stakeholder engagements groups were established to have initial discussions about the review before going out to wider consultation.

- Residential heads group (a pre-existing group)
- Residential review group
- Parent carer panel

The membership of these groups comprise headteachers of the schools concerned, parents, Family Voice Surrey, Surrey County Council representatives and health partners to ensure all views are heard in a fair and transparent way.

What will happens next:

After the public consultation has closed and the results are compiled, a report will go to the SEND Governance Board. From there, recommendations will go to SCC Cabinet and a statement will be published following their decision.

What will happen after the decision:

Those who apply for a residential placement will have their needs assessed in the context of the new criteria. Surrey County Council is committed to ensuring that all children and young people with SEND receive the support that is outlined in their EHC Plan.

The impact on children currently in residential provision:

Following the decision about placement criteria, it is proposed that there will be a grace period of one school year before those children and young people who already have a residential placement have their needs re-assessed in the context of the new criteria.

Background to Consultation

For more detail on some of these issues, see the accompanying document 'Background to Consultation.'

Special educational needs and disability code of practice: 0 to 25 years
www.gov.uk/government/publications/send-code-of-practice-0-to-25

A parent version of the above resource is available at:
<https://www.gov.uk/government/publications/send-guide-for-parents-and-carers>