

The Children and Families Act 2014: SEN and Disability – Decision Making and the Law Workshops

January and February 2017

Resource list

In January and February 2017, workshops were held in all 9 regions to assist Local Authorities (LAs) in interpreting and applying the legal requirements of the Children and Families Act 2014 to some of the key decision points. These were led by the DfE SEND Adviser team and IPSEA, facilitated by Mott MacDonald. A summary of the resources that were either used or referred to across the workshops have been included in the table below.

All the resources can be downloaded from the following webpage: <http://www.sendpathfinder.co.uk/send-decision-making-and-the-law-workshops>

Index	Resource	Description	Link
1	Resource list	Index of all resources available including a description of content and a link to download the document.	Not applicable (current document)
2	Presentation slides	SEND Decision Making and the Law workshop presentation slides.	www.mottmac.com/download/file/127/23590/02send-decision-making-and-the-law-workshops2017presentation-slidesfor-websitepdf
Case studies used during table discussions at workshops			
<i>Please note that these are case summaries, and have been developed solely as a training tool for the purposes of the DfE/IPSEA SEND decision making and the law workshops delivered in January and February 2017.</i>			
3	Case study 1: refusal to assess - background	Background information detailing a refusal to assess case study which was used for activities described on page 17 of the presentation slides.	https://www.mottmac.com/download/file/127/23591/03case-study-1---refusal-to-assess-backgroundpdf



4	Case study 1: refusal to assess - decision	Details of the decision made for case study 1 which was used for activities described on page 17 of the presentation slides.	https://www.mottmac.com/download/file/127/23592/04case-study-1---refusal-to-assess-decisionpdf
5	Case study 2: refusal to issue a plan - background	Background information detailing a refusal to issue a plan case study which was used for activities described on page 30 of the presentation slides.	https://www.mottmac.com/download/file/127/23593/05case-study-2---refusal-to-issue-a-plan-backgroundpdf
6	Case study 2: refusal to issue a plan - decision	Details of the decision made for case study 2 which was used for activities described on page 30 of the presentation slides.	https://www.mottmac.com/download/file/127/23594/06case-study-2---refusal-to-issue-a-plan-decisionpdf
Additional resources referred to during workshops			
7	Summary table of cases	A full list of all cases referred to in the presentation slides with links to further information.	https://www.mottmac.com/download/file/127/23598/07table-with-links-to-casesend-decision-making-and-the-law-workshoppdf
8	The Children and Families Act 2014, part 3	Part 3 of the Children and Families Act 2014 entitled <i>Children and Young People in England with Special Educational Needs and Disabilities</i> . Part 3 places duties on local authorities and other services in relation to both disabled children and young people and those with SEN.	http://www.legislation.gov.uk/ukpga/2014/6/part/3/enacted
9	Special Educational Needs and Disability Regulations 2014	The main set of Regulations underpinning the Children & Families Act 2014.	http://www.legislation.gov.uk/uksi/2014/1530/pdfs/uksi_20141530_en.pdf
10	Special Educational Needs and Disability Code of Practice 2015	Statutory guidance for organisations which work with and support children and young people who have special educational needs or disabilities.	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf
11	Equality Act 2010	The Equality Act 2010 is the law that prohibits discrimination (unfair treatment) and helps achieve equal opportunities in the workplace and in wider society. It sets out the specific legal meaning of a 'disability' as 'A physical or mental	http://www.legislation.gov.uk/ukpga/2010/15/contents

		impairment which has a substantial and long term adverse effect on your ability to carry out normal day to day activities'.	
12	NHS Standard Contract 2017/18 and 2018/19 Service Conditions	The NHS Standard Contract is mandated by NHS England for use by commissioners for all contracts for healthcare services other than primary care. The Contract has been updated from the 2016/17 version to the 2017/18 – 2018/19 version. It includes in paragraph 10.5 the following statement “Where a Local Authority requests the cooperation of the Provider in securing an Education, Health and Care Needs Assessment, the Provider must use all reasonable endeavours to comply with that request within 6 weeks of the date on which it receives it.”	https://www.england.nhs.uk/wp-content/uploads/2016/11/2-service-conditions-fl.pdf
13	Education Health and Care Plans: examples of good practice	A guide produced by the Council for Disabled Children to support the development of skills in writing good quality EHC plans that meet both the letter and the spirit of the Children and Families Act 2014. It includes ‘top tips’ as well as excerpts from real EHC plans.	https://councilfordisabledchildren.org.uk/help-resources/resources/education-health-and-care-plans-examples-good-practice

14	The role of social care in implementing the Children and Families Act 2014	<p>A guide produced by the Council for Disabled Children and provides:</p> <ul style="list-style-type: none"> • An overview of the legal framework for social care for children and young people who are disabled or have SEN and their families, including changes introduced by the Children and Families Act 2014 and the Care Act 2014. It provides information for strategic leaders and managers to support effective planning and decision making. • Information specifically for frontline managers and social workers to help them put the legal framework into practice. It includes resources that can be used locally for training and development. 	<p>https://councilfordisabledchildren.org.uk/sites/default/files/field/attachemnt/socialcare_implementationofcfa2014_online.pdf</p>
15	Identifying the social care needs of disabled children and young people and those with SEN as part of Education, Health and Care Needs Assessments (May 2016)	<p>This briefing was developed by the Council for Disabled Children and is aimed at social care teams, disabled children’s teams, and special educational needs and disability teams, particularly those responsible for EHC needs assessments. It is designed to help those coordinating EHC assessments to gather information which will support the provision of meaningful social care advice, particularly where a child or young person is not known to a social work team.</p>	<p>https://councilfordisabledchildren.org.uk/sites/default/files/field/attachemnt/Identifying%20the%20social%20care%20needs_0.pdf</p>
16	Education Health and Care Plan Workshop materials (Spring 2016)	<p>In early spring 2016, workshops were held in all nine regions to support local areas with producing quality Education, Health and Care (EHC) Plans. These were delivered by the DfE SEND Adviser team, facilitated by Mott MacDonald. The resources from these workshops can be used by local authorities</p>	<p>http://www.sendpathfinder.co.uk/education-health-and-care-plan-workshops</p>

		and other partners to train colleagues and disseminate this learning.	
17	DfE Factsheet and FAQ on EHC plan eligibility for 19-25 year olds	<p>Factsheet produced by Department for Education on EHC plan eligibility for 19-25 year olds. It covers the following items:</p> <ul style="list-style-type: none"> • Managing 19- to 25-year-olds' EHC plans • Education, training and benefits • Funding • Considering health and social care needs • Including young people in decision-making 	https://www.gov.uk/government/publications/send-19-to-25-year-olds-entitlement-to-ehc-plans/send-19-to-25-year-olds-entitlement-to-ehc-plans
18	DfE SEN2 Data (2015)	<p>Statistics and analysis produced by Department for Education on statements of special educational needs (SEN) and education, health and care (EHC) plans in England. This statistical first release (SFR) publishes data from the annual SEN2 data survey return, which is mandatory for local authorities to complete. This data was referred to in the presentation slides on pages 14-16.</p>	https://www.gov.uk/government/statistics/statements-of-sen-and-ehc-plans-england-2015
19	IPSEA Website	<p>The IPSEA website contains information, advice and guidance, as well as a range of free resources which are available to download.</p>	https://www.ipsea.org.uk/home

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