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To: CCG Accountable Officers:

As you will know The Children and Families Act came into force on September 2014. I therefore thought it would be helpful to write and make you aware of CCG's legal obligation following the new Act, as referred to in the attached Annex.

There is a pressing need to improve the experience of children and young people with special educational needs and disabilities (SEND) and their families and to ensure that they get the support they need, focusing on relevant outcomes that matter to them. The reform aims to improve outcomes for these young people from birth to 25 supported by more joined up approaches across education, health and care.

The new legislation resonates with the NHS Mandate which contains a specific objective on supporting children and young people with SEND.

The NHS England CCG Assurance Framework 2015/2016 was published on 26 March 2015 and will be followed in July 2015 by the Operational Guidance providing the detail for CCGs. Within the Operational Guidance there will be specific reference to the way in which CCGs are progressing with the implementation of the SEND Reforms. This is to ensure that there is formal assurance in relation to the SEND agenda and the responsibility of CCGs to take responsibility to deliver at a local level.

I know there are some real challenges about meeting some of the new obligations, including for example:

- transition between paediatric and adult services and implementing Education, Health and Care (EHC) plans for young people over the age of 18;
- establishing joint commissioning arrangements;
- meeting the medical needs of pupils in schools;
- the role of the Designated Medical/Clinical Officer,
- working within the 20 week timeframe for EHC assessments;
- an understanding of what the reforms mean for specific professions.

To help support CCGs with this challenge, NHS England have been working with partners across the health and care and education sectors to develop the following resources:

- NHS England, The Department of Health and the Department for Education have been working with the Royal Colleges to ensure information and support is available for health professionals. They have published a guide for health professionals to help them access the statutory Code of Practice and understand what is required. This can be found at:

<https://www.gov.uk/government/publications/send-guide-for-health-professionals>.

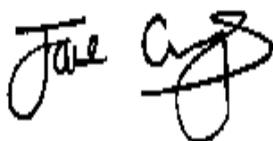
- In addition, NHS England has been working with The Council for Disabled Children to produce a resource for the NHS, detailing the specific components of the Act. This can be found here: www.councilfordisabledchildren.org.uk/makingithappen

We will continue to work closely with The Royal College of Paediatrics & Child Health, Department of Health, the Department for Education, charities and other key relevant organisations to support the implementation of the SEND Reforms.

Your professional leadership, expertise and understanding of local issues are important to the successful implementation of these reforms and I would ask that you work your relevant teams responsible for implementation of SEND reforms to ensure the information in this letter is well understood and that local plans are clear.

If you need any professional support to assist you in understanding what is required, Angela Horsley, the Senior Nurse for Children and Young people in NHS England's Nursing Directorate is available to provide clarity about policy and to share good practice from other parts of the country. angela.Horsley@nhs.net

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jane Cummings', with a stylized flourish at the end.

Jane Cummings
Chief Nursing Officer
NHS England

CCGs – your checklist for successful special educational needs and disability (SEND) implementation

Legal Duty Children & Families Act	What	How?
Identification (s 23)	<p>Section 23 of the Children and Families Act places health bodies under a duty to identify children under compulsory school age with SEND and to inform the child’s parents. They must also inform the local authority (LA).</p> <p>Each CCG should have a designated medical officer / clinical officer to support the CCG in meeting its statutory responsibilities in relation to SEN.</p>	<p>Children and Families Act, section 23</p> <p>SEN Code of Practice</p>
Local Offer	<p>The CCG must work with the local authority to develop a local offer which is accessible and has been co-produced with children and young people with SEND and their parents and partners across education, health and care. It should cover the support available for those with and without EHC plans.</p>	<p>Local offer information pack and resources</p>
Joint Commissioning Arrangements	<p>The CCG must participate in joint arrangements with the LA for considering and agreeing for children with SEN or disability:</p> <ul style="list-style-type: none"> what education, health and care provision is to be secured and by whom; what advice and information is to be provided about education, health and care provision, and how; how complaints about education, health and care provision may be made and are to be dealt with; procedures for ensuring that disputes between the parties to the joint commissioning arrangements are resolved quickly. 	<p>Children and Families Act 2014, section 26</p> <p>SEN Code of Practice</p> <p>EHC plan regulations</p> <p>Joint commissioning info pack and resources</p>

<p>EHC assessment and planning</p>	<p>Each CCG should work with the LA in undertaking assessments and developing an EHC plan for children with SEN.</p> <p>CCGs must ensure that commissioned services are mobilised to participate in the development of EHC plans. The CCG as commissioner will often have a limited involvement in the process (as this will be led by clinicians from the services they commission) but must ensure that there is sufficient oversight to provide assurance that the needs of children with SEN are being met in line with their statutory responsibility. CCGs must ensure that health professionals are sharing information and providing clinical assessments as necessary, as part of the co-ordinated assessment process.</p>	<p>EHC plans information pack Example of EHC plan from Portsmouth CDC checklist for EHC plans and example plans</p>
<p>Health care provision</p>	<p>The health care provision specified in section G of the EHC plan must be agreed by the CCG (or where relevant, NHS England) and any health care provision should be agreed in time to be included in the draft EHC plan sent to the child's parent or to the young person. As part of the joint commissioning arrangements, partners must have clear disagreement resolution procedures where there is disagreement on the services to be included in the plan.</p>	<p>Children and Families Act, section 23 SEN Code of Practice</p>
<p>Mediation: health care issues</p>	<p>Health partners must participate in mediation when asked to do so</p>	<p>Children and Families Act Section 53</p>