



Department
for Education

Social care: guide to the 0 to 25 SEND code of practice

**Advice for social care practitioners and
commissioners**

September 2014

Contents

Foreword	3
About this guide	4
Principles underpinning the Code of Practice	6
Providing impartial information, advice and support	7
Working together across education, health and care for joint outcomes	8
The Local Offer	10
Preparing for adulthood from the earliest years	11
Education, Health and Care needs assessments and plans	13
Children and young people in specific circumstances	15
Resolving disagreements	16
Useful resources	18

Foreword

Our vision for children and young people with special educational needs and disabilities is the same as for all children and young people – that they achieve well in their early years, at school and in college and make a good transition to adulthood, to lead contented and fulfilled lives.

This hasn't always been the case. The reforms introduced by the Children and Families Act 2014 aim to change this, with a focus on greater co-operation between education, health and social care and a greater focus on the outcomes which will make a real difference to how a child or young person lives their life.



For too long, we have struggled to include social care as a key partner in the SEN and disability system. These reforms aim to change that by bringing a holistic approach to supporting children and young people with SEN or disabilities and their families. The right social care can be vital in supporting children and young people to perform well at school, and to build the best foundations for their lives.

Social care professionals will already be participating in arrangements similar to those in this guide involving close working with education and health colleagues, early intervention and integrated approaches to supporting the most seriously ill children in our society facilitated by the reforms in the Health and Social Care Act 2012 and the Care Act 2014. The changes being introduced by the Children and Families Act for children and young people with SEN and disabilities are intended to build on these arrangements.

This guide to the Code will help you understand what your duties are under the Children and Families Act 2014 and help you navigate the full 0-25 SEN and Disability Code of Practice. It will ensure you are doing everything you should be and everything you can, to improve outcomes for this group of children and young people.

A handwritten signature in blue ink, appearing to read 'Edward Timpson'.

EDWARD TIMPSON

Parliamentary Under-Secretary of State
for Children and Families

About this guide

This guide is for social care professionals. It is designed to help social care practitioners and commissioners understand their statutory duties under the special educational needs and disability reforms in the Children and Families Act 2014. It draws out the social care elements from the statutory 0-25 SEND Code of Practice and will help you navigate the full document.

The document is not a substitute for the Code of Practice and has no statutory basis. It highlights the main duties to which social care professionals must have regard and gives links to the relevant sections of the Code. It is important that professionals familiarise themselves with the full version of the statutory guidance in addition to reading this guide.

Expiry or review date

This advice will be kept under review and updated when necessary.

Context

The [Children and Families Act 2014](#) provides, from September 2014, for:

- a clear, transparent 'local offer' of services across education, health and social care with children, young people and parents involved in preparing and reviewing it
- services across education, health and care to be jointly commissioned
- Education, Health and Care (EHC) plans to replace statements and Learning Difficulty Assessments (LDAs) with the option of a personal budget for families and young people who want one
- new statutory rights for young people in further education, including the right to request a particular institution is named in their EHC plan and the right to appeal to the First-tier Tribunal (SEN and Disability), and
- a stronger focus on preparing for adulthood including better planning for transition into paid employment and independent living and between children's and adults services.

A child or young person has a special educational need if they have a learning difficulty or disability which calls for special educational provision to be made for him or her. Children and young people who have SEN may also have a disability under the [Equality Act 2010](#). Schools, early years providers, colleges, local authorities, Clinical Commissioning Groups and other public bodies have duties under the Equality Act 2010 towards disabled people (see paragraphs xviii to xxiii, Introduction, [0-25 SEND Code of Practice](#)).

More information on the background to the SEN and disability reforms is given in the Introduction to the [0-25 SEND Code of Practice](#).

Social work professionals assess needs and commission and deliver services for children and young people with SEN or disabilities and their families from the early years, throughout their school and college years and in the transition to adulthood. Local authorities have a statutory duty to safeguard and promote the welfare of 'children in need' in their area, including disabled children, by providing appropriate services to them. Services for disabled children will typically include short breaks for parent carers, equipment or adaptations to the home, and support for parents from social workers, for example in support of parenting capacity.

This guide highlights key areas of the Special Educational Needs Code of Practice that are relevant to social work professionals in their work.

The SEN and disability reforms in the Children and Families Act link to:

- [The Children Act 1989](#), section 17 of which requires local authorities to safeguard and promote the welfare of 'children in need' in their area, including disabled children, by providing appropriate services for them
- The Chronically Sick and Disabled Person's Act (CSPDA) 1970, section 2 of which requires local authorities, where they are undertaking an assessment of a child under section 17 of the Children Act 1989, to consider whether it is necessary to provide support of the type referred to in section 2 of the CSPDA 1970. If a local authority decide that such support is needed it must arrange for that support to be provided under [Section 2 of the CSDPA 1970](#) (not section 17 of the Children Act 1989)
- The Health and Social Care Act 2012, which requires Health and Wellbeing Boards to develop Joint Strategic Needs Assessments and Joint Health and Wellbeing Strategies, both of which support prevention, identification, assessment and early intervention and a joined up approach from those providing services.
- The Care Act 2014, which requires, from April 2015, local authorities to promote the integration of care and support with health services. Local authorities must ensure the provision of preventative services, the diversity and quality of care and support services for adults, and the provision of information and advice on care and support locally.
- Working Together to Safeguard Children 2013, which provides guidance on inter-agency working to safeguard and promote the welfare of children, including a focus on taking account of the needs and views of children, providing help early, information sharing, the roles of partner agencies and local protocols for assessments.

Principles underpinning the Code of Practice

The Code of Practice gives guidance to professionals in their work with children and young people who have SEN or disabilities and supports them in:

- taking into account the views of children, young people and families
- enabling children, young people and parents to participate in decision-making
- collaborating with partners in education, health and social care to provide support
- identifying children and young people's needs
- making high quality provision to meet the needs of children and young people
- focusing on inclusive practice and removing barriers to learning
- helping children and young people to prepare for adulthood

More information on the principles that underpin the Children and Families Act and the guidance is given in Chapter 1, Principles, in the [0-25 SEND Code of Practice](#).

Providing impartial information, advice and support

Local authorities must provide parents, children and young people with information, and advice in relation to SEN and disability. Advice should be free, accurate, confidential and accessible. It should be impartial and provided at arm's length from the local authority.

Local authorities must arrange for children and young people with SEN or disabilities, and their parents, to be provided with information and advice about matters relating to their SEN or disabilities. This includes matters relating to health and social care and information, advice and support on the take-up and management of Personal Budgets.

The joint commissioning arrangements that LAs and CCGs must have for commissioning education, health and care provision for children and young people who have SEN or are disabled (see [Working together across education, health and care for joint outcomes](#)) must include arrangements for considering and agreeing what information and advice about the education, health and social care provision to be provided, by whom and how it is to be provided. They should also take into account the availability of other information services in their area (including SEND information and advice services, known currently as SEN Parent Partnership Services and the Family Information Service) and how those services will work together.

The Code of Practice encourages a key working approach to working with children, young people and parents so that they have a single point of contact and help in the coordination of services and support. Key working may be provided by statutory services or the voluntary, community, private or independent sectors. Social workers can act as key workers in some cases.

Further information about local information and advice services can be found in Chapter 2, Impartial information, advice and support, in the [0-25 SEND Code of Practice](#).

Working together across education, health and care for joint outcomes

Local authorities must look to ensure integration between educational provision and training provision, health and social care provision where this would promote wellbeing and improve the quality of provision for disabled young people and those with SEN. This requires close co-operation with education, health and social care partners to research, plan and commission services.

Integrated services, joint planning and commissioning

The integration and joint commissioning duties require co-operation between local health bodies and local authorities on planning, commissioning and reviewing local services. Information about social care provision for children and young people who are disabled or have SEN must be included in the local authority's Local Offer (see below).

Joint commissioning arrangements will include arrangements for:

- securing EHC needs assessments
- securing the social care provision specified in EHC plans, and
- agreeing Personal Budgets

Young people and parents of children who have EHC plans have the right to request a Personal Budget, which may contain elements of education, health and social care funding.

Children's social care

Where a child or young person has been assessed as having social care needs in relation to their SEN or disabilities social care teams:

- should provide early years providers, schools and colleges with a contact for social care advice on children and young people with SEN and disabilities
- must secure social care provision under the Chronically Sick and Disabled Persons Act (CSDPA) 1970 which has been assessed as being necessary to support a child or young person's SEN and which is specified in their EHC plan
- must contribute to reviews of children and young people with EHC plans where there are social care needs
- should make sure that for looked after children and care leavers the arrangements for assessing and meeting their needs across education, health and social care are co-ordinated effectively within the process of care and pathway planning, and that there is liaison with the Virtual School Head (VSH) for looked after children

(See also [Children and Young People in Specific Circumstances](#).)

Adult social care

Young people with SEN or disabilities turning 18 may become eligible for adult social care services, regardless of whether they have an EHC plan or whether they have been receiving services from children's social care.

For those already receiving support from children's services, local authorities must continue to provide children's services until adult provision has started or a decision is made that the young person's needs do not meet the eligibility criteria for adult care and support following an assessment. Children's services must not be discontinued simply because a young person has reached their 18th birthday (see [Preparing for Adulthood from the earliest years](#)).

Supporting carers

Local authorities should consider ways of supporting carers. This can include any services assessed under an early help assessment and/or under Section 17 or Section 47 of the Children Act 1989 or eligible needs identified by assessments under adult care provisions. Parent carers of disabled often have significant needs for support to enable them to support their children effectively and have a right to an assessment of their needs from the local authority. Social care services play an important role in helping to meet those needs. Relevant services may include short breaks. The Local Offer must provide details of groups who can support parent carers of disabled children and how to contact them.

More information about joint commissioning and integrating services is given in Chapter 3, Working together across education, health and care for joint outcomes, in the [0-25 SEND Code of Practice](#).

The Local Offer

Local authorities must publish a Local Offer, setting out in one place information about provision they expect to be available across education, health and social care for children and young people in their area who have SEN or are disabled, including those who do not have Education, Health and Care (EHC) plans.

The Local Offer has two key purposes:

- To provide clear, comprehensive, accessible and up-to-date information about the available provision and how to access it, and
- To make provision more responsive to local needs and aspirations by directly involving disabled children and those with SEN and their parents, and disabled young people and those with SEN, and service providers in its development and review

Social care and the Local Offer

The Local Offer must include information about social care services supporting children and young people with SEN or disabilities. This should include information on childcare; leisure activities; support for young people when moving between social care services for children to social care services for adults, including information on how and when the transfer is made, and support for young people in living independently and finding appropriate accommodation and employment.

Local authorities must provide a range of short breaks for disabled children, young people and their families and publish a statement giving details of the local range of services and how they can be accessed, including any eligibility criteria. This should be a core part of the Local Offer along with details of the support groups and others who can support parent carers of disabled children and how to contact them.

Under the [Care Act 2014](#) local authorities must, from April 2015, provide an information and advice service on the adult care and support system. This should include information on types of care and support, local provision and how to access it and how to raise concerns. Local authorities must make clear in their Local Offer where this information can be found.

Further information can be found in Chapter 4, The Local Offer, in the [0-25 SEND Code of Practice](#).

Preparing for adulthood from the earliest years

Everyone working with children and young people who have special educational needs or are disabled should support them to prepare for adult life and help them to go on and achieve the best possible outcomes in education, employment, independent living, health and community participation.

Preparing for adulthood should form part of the planning for all children and young people with SEN and disabilities from the earliest years. As children develop, and increasingly form their own views, they should be involved more closely in decisions about their own future.

After compulsory school age (the end of the academic year in which they turn 16) the right to make requests and decisions under the Children and Families Act 2014 applies to them directly, rather than to their parents. Parents, or other family members, can continue to support young people in making decisions, or act on their behalf, provided that the young person is happy for them to do so, and it is likely that parents will remain closely involved in the great majority of cases. The fact that the Children and Families Act 2014 gives rights directly to young people from the end of compulsory school age does not necessitate any change to a local authority's safeguarding policy.

Transition to adult social care

Young people turning 18 who have SEN, or their carers, may become eligible for adult care services, regardless of whether they have an EHC plan or whether they have been receiving care services under section 17 of the [The Children Act 1989](#).

Under the [Care Act 2014](#) (from April 2015) the local authority must carry out an adult care transition assessment where there is significant benefit to a young person or their carer in doing so and they are likely to have needs for care or support after turning 18. Local authorities must continue to provide a young person with children's services until they reach a conclusion about their situation as an adult, so that there is no gap in provision. The local authority can also decide to continue to provide care and support from children's services under section 17 of the Children Act 1989 for a young person with an EHC plan after the young person has turned 18.

Transition assessments for young people with EHC plans

For a young person with an EHC plan, the local authority should ensure that the transition to adult care and support is well planned and integrated with annual reviews of the EHC plans, which must include provision to assist in preparing for adulthood from Year 9 (age 13 to 14). Transition assessments for adult care and support must involve the young person and anyone else they want to involve in the assessment and include the outcomes, views and wishes that matter to the young person, much of which will already

be set out in their EHC plan. Where a young person's needs are not eligible for adult services, local authorities must provide information and advice about how those needs may be met and the provision and support that young people can access in their local area.

EHC plans and statutory care and support plans

Under the Care Act 2014 (from April 2015), local authorities must put in place a statutory care and support plan for young people with eligible needs for adult care and support and must meet the needs of the young person set out in their care and support plan.

Where young people aged 18 or over continue to have EHC plans, and are receiving care and support, this will be provided under the Care Act 2014. The statutory adult care and support plan should form the 'care' element of the young person's EHC plan.

While the care part of the EHC plan should meet the requirements of the Care Act 2014 and a copy should be kept by adult services, it is the EHC plan that should be the overarching plan that is used with these young people to ensure they receive the support they need to enable them to achieve the outcomes in their plan. (see [Education, Health and Care needs assessments and plans](#)).

When a young person's EHC plan comes to an end and a care and support plan is in place, this will remain as the young person's statutory plan for care and support. Local authorities should review the provision of adult care and support at this point as the young person's circumstances will be changing significantly as they leave the formal education and training system.

Where a safeguarding issue arises for someone over 18 with an EHC plan, the matter should be dealt with as a matter of course by the adult safeguarding team. They should involve the local authority's child safeguarding colleagues where appropriate as well as any relevant partners (for example, the police or NHS) or other persons relevant to the case. The same approach should apply for complaints or appeals.

Where a transition assessment identifies needs that are likely to be eligible, local authorities should consider providing an indicative Personal Budget so that young people have an idea of how much their care and support will cost when they enter the adult system. This is particularly important if young people with EHC plans are already exercising their statutory right to a Personal Budget as any adult with eligible needs will have a care and support plan which must include a Personal Budget.

Further information can be found in Chapter 8, Preparing for adulthood from the earliest years, in the [0-25 SEND Code of Practice](#).

Education, Health and Care needs assessments and plans

Most children and young people with SEN will have their needs met by their mainstream school or college. Some may require an EHC needs assessment in order for the local authority to decide whether it is necessary for it to make provision through an EHC plan.

The purpose of an EHC plan is to make special educational provision for the child or young person, to secure the best possible outcomes for them across education, health and social care and as they get older help prepare them for adult life.

EHC needs assessments

Social care professionals, foster carers and others, can bring to the attention of a local authority a child or young person they believe has or probably has SEN, particularly where they think an EHC needs assessment may be necessary.

Where a local authority decides to carry out an EHC needs assessment it must gather advice from relevant professionals about the child or young person's education, health and care needs, desired outcomes and provision that may be required to meet identified needs and achieve desired outcomes. This must include social care advice and information including, if appropriate, children in need or child protection assessments, information about a looked after child's care plan or adult social care assessments or Early Help Assessments. Social care and other professionals must provide their advice within 6 weeks of being requested to do so by the local authority.

EHC needs assessments should be combined with social care assessments under Section 17 of the Children Act 1989 where appropriate. For all children who have social care plans the social worker should co-ordinate any outward facing plan with other professionals. Where there are specific child protection concerns resulting in action under Section 47 of the Children Act, careful consideration should be given to how closely the assessment processes across education, health and care can be integrated, in order to ensure that the needs of vulnerable children are put first.

EHC plans

Where, having carried out an EHC needs assessment, a local authority decides to make and maintain an EHC plan it must specify appropriate provision to meet the child or young person's needs.

For social care provision specified in the plan, existing duties on social care services to assess and provide for the needs of disabled children and young people under the Children Act 1989 continue to apply. Where the local authority decides it is necessary to make provision for a disabled child or young person under 18 through Section 2 of the Chronically Sick and Disabled Person Act (CSDPA) 1970, the local authority must identify

which provision is made under section 2 of the CSDPA and must specify that provision in section H1 of the EHC plan. It must also secure that provision because under Section 2 of the CSDPA there is a duty to provide the services assessed by the local authority as being needed. Other social care provision, including any adult social care provision for a young person over 18, should be included in section H2 of the plan.

EHC plans must be reviewed at least once a year. EHC plan reviews should be synchronised with social care plan reviews where appropriate, and must always meet the needs of the individual child. Social care professionals must co-operate with local authorities during reviews.

Personal Budgets

The parents of children with EHC plans and young people with such plans have a right to request a Personal Budget for their support, which can include funding from education, health and social care. However, the scope of that budget will vary depending on the needs of the individual, the eligibility criteria for the different components and the mechanism for delivery. A Personal Budget can also be made as part of the care and support plan for people over 18 with eligible care and support needs, or where the local authority decides to meet needs.

Further information is given in Chapter 9, Education, Health and Care needs assessments and plans, in the [0-25 SEND Code of Practice](#).

Children and young people in specific circumstances

There are particular groups of children and young people whose circumstances require additional consideration by those who work with them and support their SEN.

Looked after children

Where a looked after child is being assessed for SEN it is vital to take account of information set out in their Care Plan and Personal Education Plan. SEN professionals must work closely with other relevant professionals involved in the child's life as a consequence of his/her being looked after, including their social worker, the Virtual School Head and Designated Teacher in the child's school, to ensure that the child's EHC plan works in harmony with his/her Care Plan and adds to, but does not duplicate, information about how education, health and care needs will be met. It is essential to involve the child, their carers and, where appropriate, their parents in the planning process. When referencing information contained within the Care Plan only information relevant to meeting the child's SEN should be included in the EHC plan.

It is important to ensure the annual review of an EHC plan coincides with one of the child's Care Plan reviews. This could be done as part of the review of a child's Personal Education Plan which feeds into the review of the wider Care Plan. Social workers and SEN teams will need to work closely together to ensure that transitions from being looked after to returning home are managed effectively, to ensure continuing provision.

Care leavers

Local authorities continue to have responsibilities to provide a Personal Adviser and to prepare a Pathway Plan for care leavers to ensure they are provided with the right kind of personal support, for example by signposting them to services and providing advice. The Pathway Plan plots transition from care to adulthood for care leavers up to the age of 25 if they remain in education and/or training or are not in employment, education or training and plan to return to education and/or training. In reviewing their arrangements for EHC needs assessment and EHC plan development local authorities should ensure good advanced planning involving the young person and Personal Adviser.

Further information is given in Chapter 10, Children and young people in specific circumstances, in the [0-25 SEND Code of Practice](#).

Resolving disagreements

Local authorities must make arrangements for independent disagreement resolution and mediation arrangements across special educational provision, health and social care provision.

Local authorities must make known to parents of children with SEN and young people with SEN the possibility of resolving disagreements across education, health and social care through disagreement resolution and mediation procedures. Details must be published in their Local Offer. Education, health and social care providers should also have complaints procedures which should also be made known to parents and young people along with information about appealing to the First-tier Tribunal (SEN and Disability).

Disagreement resolution arrangements

If a parent or young person disagrees with the local authority about social care issues during an EHC assessment, while an EHC plan is being drawn up or reviews or reassessments are taking place or while waiting for a Tribunal appeal hearing they can seek to use the local authority's disagreement resolution arrangements. Disagreement resolution arrangements can be used at any time if both parties agree. Social care professionals may be invited to attend disagreement resolution and their attendance is voluntary.

Mediation

Mediation arrangements are specifically linked to decisions about EHC needs assessments and plans. Parents and young people can go to mediation about the social care elements of the EHC assessment and plan and must tell the local authority about the matters on which they wish to go to mediation. The local authority must arrange for mediation between them and the parent or young person and ensure that it is carried out by an independent person. Social care professionals invited to mediation must attend and should be sufficiently senior to be able to make decisions during a mediation session.

Complaints

A parent or young person who is unhappy with the way in which they or their family has been treated by social care services, including during EHC needs assessments and the drawing up of plans, has the right to make a formal complaint under the 'Local Authority Complaints Procedure'. They can write to either the Director of Children's Services or the Designated Complaints Officer for the local authority concerned. The authority must then consider the complaint, appointing at least one person independent of the local authority to take part in dealing with the issues raised and provide the complainant with a written

response within 28 days. Parents and young people who wish to complain about the way in which their concerns about the social care elements of EHC plans have been dealt with can use these complaint procedures whether they go to mediation about the social care elements of the plan or not.

Young people aged 18 and over can complain under regulations which prescribe:

- a procedure before investigation, and
- an investigation and response process

The provider must acknowledge the complaint within three days and they must offer the complainant the opportunity to discuss the timing and procedure for resolving the complaint. Once that has been agreed, the complaint must be investigated and, as soon as possible after completing the investigation, a written report must be sent to the complainant explaining how the complaint has been considered, the conclusions of the report and any remedial action which has been taken or is proposed to be taken.

A complainant who is dissatisfied with the outcome of this process can also take their case to the Local Government Ombudsman.

From 2016 there will also be a new system for appealing local authority decisions made under part 1 of the Care Act. This will be detailed in future updates to Statutory Guidance on the Care Act 2014.

Further information is given in Chapter 11, Resolving disagreements, in the [0-25 SEND Code of Practice](#).

Useful resources

Legislation and statutory guidance

[0-25 Special Educational Needs and Disability Code of Practice](#)

[Care Act 2014](#)

[Children Act 1989 Guidance and Regulations Volume 2 \(Care Planning, Placement and Case Review\)](#)

[Children Act 1989 Guidance and Regulations Volume 3 \(Planning Transition to Adulthood for Care Leavers\)](#)

[Children and Families Act 2014](#)

[Chronically Sick and Disabled Persons Act 1970](#)

[Education Act 1996](#)

[Equality Act 2010](#)

[Special Educational Needs \(Personal Budgets\) Regulations 2014](#)

[Special Educational Needs and Disability Regulations 2014](#)

Other Government information

[Bullying guidance](#)

[Mental Health and Behaviour in Schools Guidance](#)

[Pathfinder information packs](#)

[Preparing for Adulthood](#)

[Social Care for Deafblind Children and Adults guidance 2009 \(DoH\)](#)

[Working Together to Safeguard Children 2013](#)

Best practice examples/websites

[Autism Education Trust](#)

[Communication Trust](#)

[Contact a Family](#)

[Council for Disabled Children](#)

[Dyslexia SpLD Trust](#)

[Family Fund Trust](#)

[I CAN – the children’s communications charity](#)

[MindEd](#)

[National Sensory Impairment Partnership](#)



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Reference: DFE-00557-2014



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