



National Network of Parent Carer Forums

'Our Strength Is Our Shared Experience'

## Consultation Responses to the Code of Practice

### Changes made during the passage of Children and Families Bill

1. Does the Code clearly reflect the changes made to the consultation draft to take account of the amendments to the Children and Families Bill to include disabled children and young people in the provisions on identifying children and young people, integrating education, health and care provision, joint commissioning, the local offer and providing information and advice? (Chapters 1, 2, 3 and 4)
  - Yes
  - No
  - Not Sure
  - *No Response*

**Comments:** We have indicated "not sure" when a better response would have been "in part" but as this was not an option we have ticked "not sure". The NNPCF welcomes the inclusion of children and young people with disabilities in the Children and Families Act. The specific section on Disabled Children and Young people is helpful and the regular recognition of the role of the Equality Act throughout the document is important. The development of the principles chapter is positive.

With regard to integrating education, health and care provision we would prefer to see 1.22 titled 'The Integration of Education, Health and Social Care Services' since the use of the phrase 'Collaboration between....' does not full capture the need to full alignment of assessments and joint planning that is actually needed to deliver truly improved outcome for children and young people with SEND and their families. Sec 3.1 refers to the duty to 'ensure integration' and consistency in terminology is important. We are disappointed that the joint commissioning cycle still shows parent groups, children and young people etc. on the outside of the cycle rather than as an integral part of the process pg.28. It must be made clear that when talking about 'joint' action that means that parent carers and young people (as well as others usually perceived as being on the outside of the circle) are included in this action. Amending this would reflect the whole ethos of the reforms, which is children, young people and families at the centre.

We are concerned by the phrase 'LA's must work to integrate educational provision and training provision with health and social care provision where they think that this will promote the wellbeing.....'3.12 Who will ensure the quality of this judgement and what

factors will influence this decision? It would be preferable for the statement to be 'LA's must work to integrate educational provision and training provision with health and social care provision where this will promote the wellbeing.....' The information around the role of schools and other educational settings in working together for joint outcomes is weak and would benefit for further detail being provided.

In section 3.65 there is no sense of how educational setting should work collaboratively with health and social care in planning provision to meet the identified need of a local community. The role of Ofsted in the accountability of educational setting in delivering appropriate outcomes for young people with SEN and disabilities is not clear and we would welcome clarity on this. We are very disappointed that there is no reference to 'co production' in this section or indeed other sections of the Code, when referencing involving parent carers and young people in strategic decision making. We understand that there are concerns about ensuring that the Code is jargon free but feel that no other phrase capture the joint decision making and shared responsibility as well as 'co-production' and that the Code in terms of parent participation is considerably weakened without it. The Code has lost that important sense of professionals, parent carers and young people working together side by side to secure a shared vision. The over reliance on words such as 'consult', 'involve' and 'secure feedback' does nothing to recognise the considerable amount of work done by Parent Carer Forums, Pathfinders and the Department to secure the cultural change that is essential to the success of these reforms and which is captured by the term 'co-production'. Does not reflect strongly enough in our opinion the need to work in participation or co production with parent carers and young people, and we feel this ambiguity will allow those who prefer not to work in this way to work in a more tokenistic consultative way rather than striving to achieve the cultural change that is essential to the success of the reforms, and which is captured by the term co-production. We are pleased to see however that there are regular references to the important role of Parent Carer Forums in these early chapters.

In section 1.13 we request that the text is amended to show that 'Parent Carer Forums are representative local groups of parent and carers of children and young people with 'special educational needs' and disabilities.....' This is a more accurate representation of the range of families that Forums represent. We would also request that the word 'alongside' in this sentence is replaced by 'strategically with' to fully represent our role. The NNPCF is very aware that the transfer of rights to young people at the age of 16 is an area that has caused some considerable anxiety for parent. In the main this is because due to poor experiences of the current system, parents find it difficult to trust that the system will support their child appropriately. We can see that there have been considerable efforts made to make it clear that the transfer of rights at 16 should not mean that parents and families are automatically excluded from decision making and that the capacity of the young person to make decision will be taken into account. We are concerned however that in Chapter 7 Further Education the need to still include families in discussions will still be key in all but very few cases. There is a clear requirement that when assessing, planning and reviewing support the young person should be fully involved but it is not clear that families in most cases will still be providing a huge amount of support to young people with SEN and disabilities and that it will be key to include them in discussions unless there is a clear and specific reason not to.

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2. Does the Code clearly reflect the changes made to the consultation draft to take account of the amendments to the Children and Families Bill to include children and young people in the local authority duties to provide information and advice? (Chapter 2)

- Yes
- No
- Not Sure
- *No Response*

**Comments:** We welcome the clear message that parents and young people should be involved in the design and commissioning of services providing information, advice and support (sec 2.6). As above we believe that the word 'involve' however is open to interpretation and should be replaced by text that ensure that this service is co-produced with parents and young people. In 2.8 the guidance on what principles should be taken into account is helpful but we are concerned that final bullet point will create on going confusion between the role of IASS and those groups, such as Parent Carer Forums, who support the strategic engagement of parents. We would suggest that this bullet point is re phrased to say 'Staff providing information, advice and support should work with their local Parent Carer Forum and other representative groups, to support the views and experiences of children, young people and parents informing policy and practice.'

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3. Does the Code clearly reflect the changes made to the consultation draft to take account of the amendments to the Children and Families Bill to provide for local authorities to set out what action they intend to take in response to comments from children, young people and parents on the local offer? (Chapter 4)

- Yes
- No
- Not Sure
- *No Response*

**Comments:** We are very pleased to see that there is reference to children, young people and parents co-producing the Local Offer with Local Authorities. Sections 4.9 and 4.10 give a good sense of that shared responsibility and decision making referred to earlier in this document and we would like to see this used as a model for references to working with children, young people or parents throughout the Code. We understand that the duty to publish the Local Offer lies with the Local Authority and that other bodies covering education, health and social care should co-operate in this it would be helpful to clarify that children, young people and parents should be partners in delivering all aspects of the Local Offer including the creation of school offers. The requirements on publishing comments about the Local Offer are clear.

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4. Does the Code clearly reflect the changes made to the consultation draft to take account of the amendments to the Children and Families Bill to clarify when health and social care is to be treated as special educational provision? (Chapters 4 and 9)

- Yes
- No
- Not Sure
- *No Response*

**Comments:** See below

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5. Does the Code clearly reflect the changes made to the consultation draft to take account of the amendments to the Children and Families Bill to require local authorities to include the social care services they must deliver under the Chronically Sick and Disabled person's Act 1970 in Educational Health and Care (EHC) plans? (Chapter 9)

- Yes
- No
- Not Sure
- *No Response*

**Comments:** There appears to be some mixed messages about the integration of social care in EHC plans with there being both an emphasis on ensuring that young people are supported to 'achieve their ambitions and the best possible educational and other outcomes' and an emphasis on only recording social care needs which result in the young person having SEN. One of the main areas of concern for families was the considerable pressure they are put under by the existing system which often consists of a mass of un-coordinated assessments and professionals who do not talk to each other. There must be absolute clarity about the need to align all assessments, seeing the child and young person as a whole and the need to reduce the totally un-necessarily large administrative and co-ordination burden on families. It is particularly unclear how the provision of short breaks and other services (and subsequent plans) to children in need that may be provided under s.17 of the Children Act or s.2 of the Chronically Sick and Disabled Persons Act should be integrated into the new process. It is likely to be detrimental to the families of children and young people who have the most complex needs if this does not happen.

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6. Does the Code clearly reflect the changes made to the consultation draft to take account of the amendments to the Children and Families Bill to clarify the duties on local authorities in respect of young people over 18 with SEN. These are to consider whether a young person requires additional time, in comparison to the majority of others of the same age who do not have SEN, to complete his or her education or training, and to have regard to whether educational or training outcomes specified in an EHC plan have been achieved when considering whether or not to cease to maintain the plan? (Chapters 8 and 9)

- Yes
- No
- Not Sure
- *No Response*

**Comments:** As mentioned previously we feel that the message about the important ongoing role of parents and family in supporting young people into adulthood needs to be stronger. In 9.150 for example 'where appropriate' is open to interpretation and it would be preferable for it to say 'unless there is a specific reason not to'. In 8.3 it should reference 'representative groups such as Parent Carer Forums' when discussing involving parents in strategic planning for best outcomes in adult life. The presentation of the duties in respect of young people over the 18 is clear but we think two changes could be made. Firstly the must in 9.148 should not be bolded because in all other circumstances in the document that means something should happen whereas this means something will not happen. Also the focus should not be solely on the completion of previously identified targets but on the capacity to continue to learn and progress.

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7. Does the Code clearly reflect the changes made to the consultation draft to take account of the amendments to the Children and Families Bill to include young offenders in assessment and planning duties that are broadly similar to those for other children and young people? (Chapter 10)

- Yes
- No
- Not Sure
- *No Response*

**Comments:** No comments

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8. Does the Code clearly reflect the changes made to the consultation draft to take account of the amendments to the Children and Families Bill to extend disagreement resolution arrangements and mediation to health and social care as well as education? (Chapter 11)

- Yes
- No
- Not Sure
- *No Response*

**Comments:** This section gives us some concern in that it does not, in our opinion, provide the clarity needed. It is unclear how the IASS will link to the disagreement resolution services that Local Authorities must provide (sec 11.6). Does the disagreement resolution service provide the same service in part as the Parent Partnership Service currently does? Where do the systems and processes diverge? The role of resolving disagreements between LA's and health commissioning bodies also seems quite specialised and it difficult to envisage the type of service that will be able to deliver support across the four types of disagreement detailed in 11.8. We appreciate that it is difficult to keep complex processes clear, but feel it is important for everyone involved that this chapter is clear, and understandable.

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#### Clarity, layout and accessibility of the Code

##### Background:

The consultation asked respondents whether the draft Code of Practice was clearly written and easy to understand and whether it was clear from the structure where to find information needed. While there was considerable support for the format and layout, there was also significant comment as follows:

- a need for easier navigation, with paragraph numbers and key information highlighted
- a call for more illustrative examples of professional best practice and case studies
- a need for greater accessibility for children, young people and parents
- a clear demand for guidance materials tailored to specific audiences
- a need to explain the statutory duties more clearly.

The Code has been revised as follows:

- each chapter starts with a summary of what it covers and sets out the relevant legislation
- the key principles which apply across the Code, such as involving children, young people and parents and references to Equality legislation have been moved to an early chapter which focuses on principles

- content for early years, schools and further education has been moved into separate chapters, with an additional chapter focused on preparing for adulthood
  - supplementary guides will also be produced for young people and also for parents setting out what the Code means for them and other web-based guides will highlight the key parts of the Code, relevant to different groups of professionals who need to have regard to it
  - sources of good practice will also be referenced for practitioners.
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9. Do changes to the Code, and the plans to produce supplementary materials, address the responses to the main consultation on clarity, layout and accessibility?

- Yes
- No
- Not Sure
- *No Response*

**Comments:** The layout of the code is much improved. The detailed index at the beginning is very helpful as are the summaries at the beginning of each chapter. The proposed supplementary materials are welcomed.