

A briefing note on the Local Offer



The Green Paper, [Support and aspiration: A new approach to special educational needs and disability](#) and the [Next Steps document](#) signal the Government's intention to require local authorities to set out a local offer. To help with understanding of the Local Offer we have produced briefing note explaining the parts of the local offer that are current requirements; and how the local offer might develop in the future.

The purpose of the local offer is to enable parents and young people to see more clearly what services are available in their area and how to access them. The offer will include provision from birth to 25, across education, health and social care and should be developed in conjunction with children and young people, parents and carers, and local services, including schools, colleges, health and social care agencies.

There are significant potential benefits from a well-articulated, accessible, available, up-to-date and well publicised local offer. The local offer has the potential to:

- provide clarity and confidence for parents;
- support earlier intervention;
- reduce the need for assessment: a number of local authorities make a minimum level of short breaks provision readily available, and without costly assessment processes. This meets the needs of many families¹;
- identify need and gaps in provision;
- provide an evidence base for improving progress and securing better outcomes, at school and local level.

¹ Every Disabled Child Matters (2012) Short Breaks Services Statements: Commitment and Transparency

Local pathfinder authorities are testing how they might develop the local offer and this work is informing the development of legislation and future practice. Details of the work of the pathfinders on the local offer and other Green Paper reforms can be found on the [Pathfinder website](#).

The purpose of this note is to highlight:

- elements of the local offer that are current requirements;
- how current requirements link to school funding changes from April 2013 and local budget decisions being made to plan for that; and
- how the local offer might develop in the future.

Current requirements

The longer term vision for the local offer will develop as the pathfinders continue their work and work on the draft Provisions continues. But it is important to note that some requirements are already in place and can form the basis for the local offer. Local authorities are already required to publish information about a range of services that they provide or secure, including:

- information about the special educational provision made from school and local authority budgets²;
- Short Breaks Services Statements setting out the range of short breaks services available locally³;
- information about the leisure activities available locally for young people with learning difficulties⁴;
- information for parents of disabled children on childcare that is suitable for them and on other services that may be of benefit to them⁵; and

2 The Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001. SI 2218

3 Section 25 of the Children and Young Person's Act 2008 and supporting regulations;

4 Section 507B of the Education Act 1996

5 Part 1 of the Childcare Act 2006

- information about parent partnership services and dispute resolution services⁶.

Incorporating these services into a local offer starts to provide a substantial core.

Many local authorities developed a core offer under the Aiming High for Disabled Children programme. This provided a set of principles and standards for working with parents covering: the provision of information, transparency, assessment, participation, feedback⁷. These principles will also be helpful in developing the local offer.

The local offer and school funding changes

The Government is introducing a new approach to funding from April 2013 which will affect expectations about what schools contribute from their delegated budgets towards special educational provision for pupils with higher levels of need. Because of the timing of the school funding changes, they are a key focus of this note.



Mainstream schools' and Academies' delegated budgets will be based on a formula agreed, as it is now, by the Schools Forum. Under the new funding arrangements, schools will receive formula based funding for every pupil, the Age-Weighted Pupil Unit (AWPU) funding; from their AWPU funding,

schools will make their standard offer of teaching and learning for all pupils. Funding to meet pupils' special educational needs will be delegated to schools in a notional SEN budget; from their notional SEN budget schools will contribute the first £6,000 of additional support for pupils with SEN.

Local authorities are required, under existing Regulations, to set out what schools

⁶ Sections 332A and 332B of the Education Act 1996

⁷ <http://media.education.gov.uk/assets/files/pdf/n/aiming%20high%20for%20disabled%20people%20%20%20national%20core%20offer.pdf>

are expected to provide from their delegated funds (and Academies through their equivalent funding). The funding changes in April 2013 make this an important moment to review, develop and revise the agreements between schools and Academies and the local authority, and to secure the agreement of the Schools Forum. These agreements should cover both the provision which schools are expected to make from their delegated budget and, what the local authority expects to provide from its centrally held budget, known as the High Needs Block in the new funding arrangements. It is important that the respective responsibilities for provision are clearly articulated, so that parents have a clear picture of what provision they can expect their child's school to make, and what they may need to ask the local authority to provide.

Local authorities will be having parallel discussions with early years and post-16 providers, for whom young children and students with higher levels of need will also be covered by the local authority's High Needs Block. Between now and the budget decisions made this autumn is a key period in which to ensure there is a shared understanding of the provision that all the different parties are going to make.

What might be covered? Schools and Academies

For the purpose of agreements about the provision made from delegated funds for special educational provision, schools, Academies and local authorities should agree the 'additional and different' arrangements that schools are expected to make for pupils with SEN. These could relate to all aspects of school life: in the classroom, during the school day and in activities beyond the school day. They could include 'additional and different' arrangements for:

- teaching and learning;
- the way in which learning and wellbeing is assessed;
- the ways in which access to the curriculum is facilitated;

- drawing on specialist expertise, within and beyond the school;
- pastoral support;
- intervention programmes over and above high quality classroom teaching for all pupils;
- equipment that schools provide;
- staffing arrangements to promote access;
- more intensive engagement with parents and carers;
- monitoring and evaluating the impact of the 'additional and different' arrangements on progress and outcomes for pupils with SEN.



Current regulations require local authorities to outline their services including short breaks provision

As it would not be possible or sensible to record every aspect of the 'additional or different' provision made for pupils with SEN, what is recorded will necessarily be a summary and identify core provision expected in all schools. More detail of 'additional and different' provision should be set out in individual schools' SEN Policies. The shorter the document, the more important it will be for there to be a shared agreement, between schools, local authorities and parents, about what the schools element of the local offer means in practice.

When reviewing and developing agreement about the provision made from school and local authority budgets, it is important to take account of the changes in schools' duties to make reasonable adjustments for disabled pupils under the Equality Act 2010. The Government has set out its intention to commence the schools' duty to make reasonable adjustments including the provision of auxiliary aids and services by schools. The proposed date for commencement is September 2012. Aids and services

may have been thought of as special educational provision in the past and may also in future be required under the Equality Act where they might amount to a reasonable adjustment.

What might be covered? Local authorities

The current Regulations require local authorities to set out what is expected to be provided from the funding retained by the local authority. This could include arrangements made for the following, whether provided directly or secured by the local authority:

- specialist advisory services;
- resourced provision in mainstream schools;
- special schools;
- additional and different provision in early years;
- additional or different provision funded by the local authority in colleges;
- arrangements for supporting travel;
- social care services, including short breaks;
- provision made with health agencies to support learning and development;
- arrangements for monitoring and evaluating the impact of the additional and different arrangements on progress and outcomes;
- sources of information and support for families;
- complaints and appeals processes.

As well as setting out what provision is available, it is important to make it clear how additional provision is made available. Parents need to know how to access particular provision: whether through a statement (or an Education, Health and Care Plan) or

without; whether through settings, schools or colleges, or directly by parents and carers; and what criteria apply.

Looking ahead

Because of the timing of school funding changes, the main focus of this note has been on the school and local authority elements in the local offer. They provide a core around which other services can be brought together as the offer develops, as pathfinder activity develops and as the Government's plans develop.

The vision for the local offer goes wider than the discussion in this paper:

- It envisages a multi-agency approach with joint commissioning to meet the needs of children through the local offer, and through individual Education, Health and Care Plans where necessary;
- It holds the potential for other services to enhance the local offer, for example leisure and housing;
- Keeping the local offer under review will be important to its development, improvement and the engagement of all parties.

Looking ahead, there is real potential for getting a better match between needs and local provision and developing a strong multi-agency approach if we link the local offer to:

- the Government's proposals for joint planning and commissioning by local authorities and clinical commissioning groups of services for disabled children and young people and those with SEN;
- the current work on developing children's health outcomes; and
- the requirements for local Joint Strategic Needs Assessments and Health and Wellbeing Strategies.

The scope of the Government's reforms means that the local offer will reflect services across the age range, from the early years to 25. In the early years, local authorities are currently required to provide information for parents of disabled children on childcare

that is suitable for them and on other services that may be of benefit to them⁸. From September 2013, disadvantaged 2-year-olds will be entitled to free early education. This entitlement, and the associated criteria, could helpfully be included in the local offer. Developments in post-16 arrangements prompt a focus on further and higher education, employment and independent living.

Close working between pathfinder local authorities and other agencies holds the potential to establish a joint approach to the development of the local offer. The joint development and ownership by all agencies will be key to successful delivery.

There are some key considerations to be taken into account in meeting existing requirements and developing the local offer in the future. Findings from research indicate that:

- the involvement of relevant partners, in particular, parents, schools and the local authority, can increase transparency and lead to the development of a shared understanding of what is available locally;
- transparency can improve parental confidence and the working relationships between parents and schools and parents and the local authority⁹;
- a shared understanding between schools, parents and the local authority can help to ensure there is no undue pressure for statutory assessment and a statement or an Education, Health and care Plan¹⁰.

Comments on this briefing note are welcomed; please contact Philippa Stobbs on pstobbs@ncb.org.uk.

⁸ Part 1 of the Childcare Act 2006

⁹ Penfold C, Cleghorn N, Tennant R, Palmer I, Read J (2009) Parental Confidence in the Special Educational Needs Assessment, Statementing and Tribunal System: a qualitative study. National Centre for Social Research for the Department of Children, Schools and Families

¹⁰ Pinney A (2004) Reducing Reliance on Statements: An investigation into Local Authority Practice and Outcomes