



#8 The Local Offer

Frequently asked questions for parents and young people

These Frequently Asked Questions have been prepared to provide a summary of the key duties on local authorities following the introduction of the Children and Families Act 2014. They are not to be treated as providing legal advice and should be used as a guide only.

If legal advice is required contact SEN4You directly on 01908 082422 or Advice@SEN4You.co.uk

KEY PROVISIONS

- Sections 27, 28, 30, 32, 41, 49, and 51-57 of the Children and Families Act 2014
- The Education (Special Educational Needs and Disability 2014) Regulations
- Chapter 4 SEN and Disability Code of Practice 2014

What is 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 Special Educational Needs (SEN) or are disabled, including those who do not have Education, Health and Care (EHC) Plans.

What is the purpose of having a Local Offer?

The Local Offer has two key purposes:

- To provide clear, comprehensive and accessible 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.

How is the Local Offer established?

The Local Offer should reflect the services that are available as a result of strategic assessments of local needs and reviews of

local education and care provision (Section 27 of the Children and Families Act 2014) and of health provision, Joint Strategic Needs Assessments and Joint Commissioning arrangements (Section 26 of the Children and Families Act 2014).

Does the Local Offer only detail services in the local area?

No. It must include provision outside the local area that the local authority expects is likely to be used by children and young people with SEN for whom they are responsible and disabled children and young people. This could, for example, be provision in a further education college in a neighbouring area or support services for children and young people with particular types of SEN that are provided jointly by local authorities. It should include relevant regional and national specialist provision, such as provision for children and young people with low incidence and more complex SEN.

Who must support the local authority with the creation of the Local Offer?

Local partners who are required to co-operate with the local authority include:

- the governing bodies of schools that the local authority maintains;
- the proprietors of academies and free schools in the local authority's area;
- the proprietors of non-maintained special schools that are in the local authority's area or provide education or training for children and young people in the local authority's area;
- the governing bodies of further education colleges and sixth form colleges that are in the local authority's area or are attended or likely to be attended by young people from their area;

- the management committees of pupil referral units that are in the local authority's area or are attended or likely to be attended by young people from their area;
- the proprietors of independent specialist colleges and independent schools specially organised to make provision for children and young people with SEN which have been included on the list of institutions approved by the Secretary of State for the purpose of enabling parents and young people to request that they are named on an EHC Plan and are in the local authority's area or are attended or likely to be attended by children and young people in their area;
- any other person (other than a school or college) that makes special educational provision for children or young people for whom the local authority is responsible, including providers of relevant early education;
- youth offending teams that the local authority thinks has responsibilities in relation to children and young people for whom they are responsible;
- people in charge of relevant youth accommodation providing for detained young people aged 18 or under for whom the local authority was responsible immediately before they were detained;
- the NHS Commissioning Board and any relevant health bodies including:
 - clinical commissioning groups (CCGs) whose areas coincide with or fall within the local authority's area or which have a duty under section 3 of the National Health Service Act 2006 to arrange for the provision of services for any children or young people for whom the local authority is responsible;
 - an NHS Trust or NHS Foundation Trust which provides services in the local authority's area or for children and young people for whom the authority is responsible, or
 - a Local Health Board with functions in relation to children and young people for whom the local authority is responsible.
- details of how parents and young people can request an assessment for an EHC Plan;
- arrangements for identifying and assessing children and young people's SEN – this should include arrangements for EHC needs assessments;
- other educational provision, for example sports or arts provision, paired reading schemes;
- post-16 education and training provision;
- apprenticeships, traineeships and supported internships;
- information about provision to assist in preparing children and young people for adulthood;
- arrangements for travel to and from schools, post-16 institutions and early years providers;
- support to help children and young people move between phases of education (for example from early years to school, from primary to secondary);
- sources of information, advice and support in the local authority's area relating to SEN and disabilities including information and advice provided under Section 32 of the Children and Families Act 2014, forums for parents and carers and support groups;
- childcare, including suitable provision for disabled children and those with SEN;
- leisure activities;
- support available to young people in higher education, particularly the Disabled Students Allowance (DSA) and the process and timescales for making an application for DSA;
- arrangements for resolving disagreements and for mediation, and details about making complaints;

The Local Authority should engage with the providers of relevant early years education, particularly those in receipt of early education funding.

The Local Authority must also ensure that all its officers co-operate with each other in respect of the Local Offer. This must include those whose roles relate to social services or who will contribute to helping young people make a successful transition to adulthood – for example those working in housing and economic regeneration.

What services must be included in the Local Offer?

The Local Offer must include information about:

- special educational, health and social care provision for children and young people with SEN or disabilities – this should include online and blended learning;



- parents' and young people's rights to appeal a decision of the local authority to the First-tier Tribunal (SEN and disability) in respect of SEN and provision;
- the local authority's accessibility strategy (under paragraph 1 Schedule 10 to the Equality Act 2010);
- institutions approved under Section 41 of the Children and Families Act 2014.

What Services may be included in the Local Offer?

The Local Offer should cover:

- support available to all children and young people with SEN or disabilities from universal services such as schools and GPs;
- targeted services for children and young people with SEN or disabilities who require additional short-term support over and above that provided routinely as part of universal services;
- specialist services for children and young people with SEN or disabilities who require specialised, longer term support.

Do we have to set out what support we expect educational settings to be able to provide for children with SEN?

Yes. The Local Authority must set out in its Local Offer an authority-wide description of the special educational and training provision it expects to be available in its area and outside its area for children and young people in its area who have SEN or disabilities from providers of relevant early years education, maintained schools, non-maintained special schools, pupil referral units, independent institutions approved under section 41 of the Children and Families Act 2014, and the full range of post-16 providers. This includes information about the arrangements the local authority has for funding children and young people with SEN, including any agreements about how providers will use any budget that has been delegated to them.

It includes the arrangements providers have in place for:

- identifying the particular SEN of children and young people;
- consulting with parents of disabled children with SEN and disabled young people with SEN or disabilities;
- securing the services, provision and equipment required by children and young people with SEN or disabilities;
- supporting disabled children and young people and those with SEN in moving between phases of education and preparing for adulthood and independent living.

and information about:

- approaches to teaching, adaptations to the curriculum and the learning environment for children and young people with SEN or disabilities and additional learning support for those with SEN;

- enabling available facilities to be accessed by disabled children and young people and those with SEN (this should include ancillary aids and assistive technology, including Augmentative and Alternative Communication (AAC));
- assessing and reviewing pupils' and students' progress towards outcomes, including how providers work with parents and young people in doing so;
- securing expertise among teachers, lecturers or other professionals to support children and young people with SEN or disabilities – this should include professional development to secure expertise at different levels:
 - awareness (to give a basic awareness of a particular type of SEN, appropriate for all staff who will come into contact with a child or young person with that type of SEN)
 - enhanced (how to adapt teaching and learning to meet a particular type of SEN, for early years practitioners, class and subject teachers/lecturers and teaching assistants working directly with the child or young person on a regular basis), and
 - specialist (in-depth training about a particular type of SEN, for staff who will be advising and supporting those with enhanced-level skills and knowledge)
- assessing and evaluating the effectiveness of the education and training provision the local authority makes for children and young people with SEN or disabilities;



- activities that are available to disabled children and young people and those with SEN, including physical activities and extra-curricular activities, and
- supporting the emotional, mental and social development of disabled children and young people and those with SEN (this should include extra pastoral support arrangements for listening to the views of pupils and students with SEN and measures to prevent bullying).

The above will include arrangements for supporting children who are looked after by the local authority and have SEN.

Do we have to publish childcare information?

Yes. Local authorities must publish in their Local Offer information about childcare options available to parents including the range of expertise to support children with SEN or disabilities and should publish information about

- free early education places and eligibility criteria;
- relevant services from other agencies such as Portage, Health Visitors and Early Support;
- arrangements for identifying and assessing children's needs in the early years;
- support available to parents to aid their child's development at home, and
- arrangements for reviewing children's progress, including progress checks and health and development reviews between the ages of two and three.

Do we have to publish information about independent schools and colleges?

Yes. Information about educational provision must include where to find the list of non-maintained special schools and independent schools catering wholly or mainly for children with SEN, and Independent Specialist Colleges in England, including details of which institutions have been approved by the Secretary of State, to give parents and young people a statutory right to request that they are named on an EHC Plan.

Do we have to publish information about health services?

Yes. The Local Offer must include information about provision made by health professionals for children and young people with SEN or disabilities. This must include:

- services assisting relevant early years providers, schools and post-16 institutions to support children and young people with medical conditions, and
- arrangements for making those services which are available to all children and young people in the area accessible to those with SEN or disabilities.

It should also include:

- speech and language therapy and other therapies such as physiotherapy and occupational therapy and services relating to mental health (these must be treated as special

educational provision where they educate or train a child or young person);

- wheelchair services and community equipment, children's community nursing, continence services;
- palliative and respite care and other provision for children with complex health needs;
- other services, such as emergency care provision and habilitation support;
- provision for children and young people's continuing care arrangements (including information on how these are aligned with the local process for developing EHC Plans);
- support for young people when moving between healthcare services for children to healthcare services for adults.

Do we have to publish information about social care services?

Yes. The Local Offer must also include information about social care services supporting children and young people with SEN or disabilities. This should include:

- 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;
- support for young people in living independently and finding appropriate accommodation and employment.

Under the Care Act 2014 local authorities must 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, accessing financial advice in relation to it and how to raise concerns. Local authorities must indicate in their Local Offer where this information can be found.

Local authorities must provide a range of short breaks for disabled children, young people and their families, and prepare a short breaks duty statement giving details of the local range of services and how they can be accessed, including any eligibility criteria (The Breaks for Carers of Disabled Children Regulations 2011). Local authorities must publish a short breaks statement on their website and review it on a regular basis, taking account of the needs of local parents and carers. The statement will therefore form a core part of the Local Offer.

Parent carers of disabled children often have significant needs for support, to enable them to support their children effectively. It is important that children's and adult services work together to ensure needs are met. The Local Offer must set out the support groups and others who can support parent carers of disabled children and how to contact them. Part 3 of the Children Act 1989 gives individuals with parental responsibility for a disabled child the right to an assessment of their needs by a local authority. Local authorities must assess on the appearance of need, as well

as on request, and must explicitly have regard to the wellbeing of parent carers in undertaking an assessment of their needs.

Following a parent carer's needs assessment, the local authority must decide whether the parent carer needs support to enable them to support their disabled child and, if so, decide whether to provide services under section 17 of the Children Act 1989. Relevant services may include short breaks provision and support in the home.

Does the Local Offer need to address access to training and apprenticeships?

Yes. The Local Offer must identify training opportunities, supported employment services, apprenticeships, traineeships, supported internships and support available from supported employment services available to young people in the area to provide a smooth transition from education and training into employment. This should include information about additional support available to young people – for example via the Department for Work and Pensions' Access to Work fund – such as teaching and learning support, job coaching in the workplace, and provision of specialist equipment.

Does the Local Offer need to consider services that are available in neighbouring local authorities?

The Local Offer must include provision in the local authority's area. It must also include provision outside the local area that the local authority expects is likely to be used by children and young people with SEN for whom they are responsible and disabled children and young people. It should also include relevant regional and national specialist provision, such as provision for children and young people with low-incidence and more complex SEN.

Do we have to consult with parents and young people in creating and reviewing the Local Offer

Local Authorities must consult children with SEN or disabilities, their parents and young people with SEN or disabilities in reviewing educational and training provision and social care provision and in preparing and reviewing the Local Offer.

Do we have to publish comments about the Local Offer?

Yes. Local authorities must publish comments about their Local Offer received from or on behalf of children with SEN and disabilities and their parents and young people with SEN and disabilities.

Local authorities must publish a summary of comments at least annually and must ensure that comments are published in a form that does not enable any individual to be identified.

If we receive comments about the Local Offer do we have to respond?

Yes. Local authorities must publish their response to comments received within the Local Offer and this must

include details of the action they intend to take. They should consult children and young people with SEN or disabilities and the parents of children with SEN or disabilities in relation to the action they intend to take.

Where appropriate, local authorities should also feedback comments to commissioners of services and the services themselves, including those in neighbouring local authorities. Comments should be used to inform commissioning decisions and decisions about the specific nature and type of provision that local families want.

Do schools publish a Local Offer?

No. The Local Offer is published by the Local Authority. However, schools are required to co-operate and to provide information which underpins it.

What do schools have to do?

Schools have additional duties under the Special Educational Needs and Disability Regulations 2014. Schools must publish more detailed information about their arrangements for identifying, assessing and making provision for pupils with SEN. The information must also include information about the arrangements for the admission of disabled pupils, the steps taken to prevent disabled pupils from being treated less favourably than other pupils, the facilities provided to assist access for disabled pupils and the schools' accessibility plans. The school-specific information should relate to the schools' arrangements for providing a graduated response to children's SEN. It should elaborate on the information provided at a local authority wide level in the Local Offer.

The Local Offer must make clear where this information can be found and must make clear how young people and parents can find relevant information published by post-16 institutions about their SEN provision.

