

Education and Lifelong Learning Committee

Issues in multi-agency working in relation to the early identification of special educational needs and support for children and young people with SEN

A therapy perspective

A briefing paper for the Policy Review-Special Educational Needs

The situation in regard to multi-agency working, in respect of meeting the diagnostic and on-going intervention needs of children with SEN, remains complex and challenging. Rising numbers of referrals to therapy services for children with complex health needs, accompanied by increased parental expectation for intensive assessment and treatment regimes, coupled with a rising demand from LEAs for support from Trust therapy services in regard to the management of school age children with SEN, has created pressures, tensions and conflict.

Increasingly therapists are being requested by LEAs to attend tribunals as part of the Statutory Assessment Process with a view to:

- a. providing an expert opinion in relation to children's difficulties and their individual therapy requirements
- b. supporting the LEA by way of provision of therapy to meet identified need, or in some cases, need as specified in a Tribunal direction

The ability of Health Trusts' to meet these requests is not always possible for a number of reasons, primarily due to the onus on them to 'have regard for the resources available to them for the purpose of their functions under the NHS Service Act 1997 and in respect of other patients or children as well' and also the fact that the Education Act 1996 does not impose an absolute duty on Trusts to comply with requests from the LEA for children with SEN whom it does not consider to be a priority. The matter is further complicated by the issue of prime and ultimate responsibility whereby the responsibility for providing therapy services primarily sits with Health Trusts, but the ultimate responsibility for provision under the Education Act sits legally with the LEAs. This creates major conflict particularly in situations where Tribunals direct that therapy be written into Part 3 of a statement for a child who is considered low priority (based on clinical need) for an individual therapy service. LEAs in such situations have to 'buy in' therapy at great cost. A change in legislation may be the only way to resolve the 'prime' and 'ultimate' responsibility anomaly and begin to align aspects of the resources with those who have the legal responsibility for service provision.

In Gwent a forum exists which comprises Senior Trust Managers, Heads of Therapy Services, LEA

representatives at high level and some currently limited representation from the LHBs. It has been recognised that there is a need to include representatives from the 5 LHB's that make up the Gwent area. The aim of the forum is to:

- create an environment where difficult and contentious issues surrounding multi-agency working in relation to the early identification and support needs of children and young people with SEN, can be discussed and solutions found where possible
- identify the barriers to the development of good working practices as defined in the SEN Code of Practice and seek to eliminate them
- draw up and agree a document, which defines the interface between Health and Education as laid out in the SEN Code of Practice.
- draft a multi-agency operational policy which begins to draw Health and Education together in respect of the Statutory Assessment process in a way which makes best use of scarce resources and fits with best practice as defined in the SEN Code
- discuss, agree and implement multi-agency training packages
- prevent further Tribunals occurring

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