

Amendments to the "Belonging Regulations"

Consultation Response Form

The closing date for this consultation is: 13 April 2009
Your comments must reach us by that date.

department for
children, schools and families

THIS FORM IS NOT INTERACTIVE. If you wish to respond electronically please use the online or offline response facility available on the Department for Children, Schools and Families e-consultation website (<http://www.dcsf.gov.uk/consultations>).

The information you provide in your response will be subject to the Freedom of Information Act 2000 and Environmental Information Regulations, which allow public access to information held by the Department. This does not necessarily mean that your response can be made available to the public as there are exemptions relating to information provided in confidence and information to which the Data Protection Act 1998 applies. You may request confidentiality by ticking the box provided, but you should note that neither this, nor an automatically-generated e-mail confidentiality statement, will necessarily exclude the public right of access.

Please tick if you want us to keep your response confidential.

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If your enquiry is related to the policy content of the consultation you can contact Nigel Fulton on:

Telephone: 0207 273 4729

e-mail: nigel.fulton@dcsf.gsi.gov.uk

If you have a query relating to the consultation process you can contact the Consultation Unit on:

Telephone: 01928 794888

Fax: 01928 794 311

e-mail: consultation.unit@dcsf.gsi.gov.uk

Please select the category which best describes you as a respondent.

<input type="checkbox"/> Local authority SEN/ additional needs officer	<input type="checkbox"/> Local authority looked after children officer	<input checked="" type="checkbox"/> Voluntary organisation
<input type="checkbox"/> Parent	<input type="checkbox"/> Foster parent	<input type="checkbox"/> other

Please Specify:

Children England is the leading membership organisation for the children, young people and families' voluntary sector. With member organisations working in all parts of the country ranging from small local groups to the largest household names in children's charities, Children England is in a unique position to use the collective voice of the voluntary sector to achieve positive change for children. Children England provides capacity building, support and information to its members and the wide range of voluntary sector organisations working with children, young people and families. It does this by building active networks, promoting good practice, stimulating policy debate and ensuring that the issues that matter most to its members are taken up with decision makers.

Q1 Do you agree with the proposal to amend regulations 2 and 7 of the Belonging Regulations so that the Regulations no longer determine which local authority is responsible for identifying children's SEN, assessing them, drawing up SEN statements and maintaining those statements in respect of looked after children (LAC) placed outside their home local authority areas? (Amending the Regulations in this way would mean that the Department's guidance that it should be the authority where the LAC is placed which should identify and assess the child's SEN and, where necessary, draw up and maintain an SEN statement, except in the cases of 52 week residential placements, could be reaffirmed.)

Yes

No

X Not Sure

Comments:

This response has been informed by discussion with our member organisations including the charities Spurgeons, Voice and Norwood.

It seems that the proposed amendments to the belonging regulations would in the majority instance, put to rest the potential confusion which exists in relation to the responsibilities of the placing and hosting local authorities. This in turn will hopefully ensure that the children concerned would no longer slip between the cracks and fail to be able to access services needed because of bureaucratic confusion.

From an education point of view the authority where the child lives or is placed should carry out the statementing process to ensure that the child receives the appropriate, and available care and support within that locality. It should also allow for the appeals process to become more straightforward. By having the host authority carry out these responsibilities for a LAC, any assessment should be placed in the context of other interagency professional intervention available where the child lives.

It should be noted that the responsibilities for drawing up, assessing and maintaining SEN provision and statementing also impact upon the parents of the looked after child – both 'natural' and fostering. It impacts upon them by virtue of where the assessment takes place, how easy it is for them to be involved and where necessary question the process. These are issues that will need to be looked at on a case by case basis, by general protocols on this issue would be useful.

However, there are many unresolved issues with some member organisations reporting that experience from the front-line shows that for the host authority to take responsibility for the statementing process can lead to problems. This is

especially the case with particularly vulnerable LAC, who may also have additional needs and as a result do not have long-term placements. The result is that for these children, who often move in and out of 'host' local authorities, the constant moving of responsibility from one host to another and subsequent shifts in provision causes more disruption. For these young people, it would be more useful for the originating authority to retain responsibility for the process.

To resolve some of these issues, some member organisations have set up virtual hubs of practitioners spanning education and social care across the local authority areas to support young looked after people in this situation. Member organisations also noted the importance of the young person retaining strong links with their home area and authority. Finally, some member organisations use independent visitors from the home authority as a way for the young person to receive support and advice, but equally retain a link with their home areas.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply X

Here at the Department for Children, Schools and Families we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

X Yes

 No

All UK national public consultations are required to conform to the following standards:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

Further information on the Code of Practice can be accessed through the Cabinet Office Website: <http://www.cabinetoffice.gov.uk/regulation/consultation-guidance/content/introduction/index.asp>

Thank you for taking time to respond to this consultation.

Completed questionnaires and other responses should be sent to the address shown below by 13 April 2009

Send by post to: Nicola Palumbo, 1st Floor, Sanctuary Buildings, Great Smith Street, London SW1P 3BT.

Send by e-mail to: belongingregulations.consultation@dcsh.gov.uk