The local offer
Provision the local authority expects to be made available by schools, early years and post-16 providers

Background

The Children and Families Act 2014 (CFA) requires local authorities (LAs) to publish a local offer. This requires:
- the publication of a wide range of content
- significant engagement with parents, children, young people and service providers in developing the local offer
- feedback and review functions that hold the potential for improved matching of services to local needs.

There has been a significant focus on the co-production and accessibility aspects of the local offer, but an aspect that has had less attention is the requirement on the LA to set out what special educational provision and special training provision it expects schools and early years and post-16 providers to make available[1]. The purpose of this briefing is to:
- focus attention on this aspect of the local offer
- report some of the progress in implementing it
- consider why it is important and to identify some of the key benefits of different approaches to meeting this requirement.

Why this requirement is important

The key significance of this element of the local offer is the role it plays in defining the threshold for either top-up funding or an EHC needs assessment or both[2], but there are a number of related benefits:
- it sets out how LAs expect schools, early years and post-16 providers to use their delegated budget[3]
- it provides an evidence base for improving progress and securing better outcomes
- parents have greater clarity about what they can expect their child's school to provide
- transparency can improve parental confidence and the working relationships between parents and schools, and parents and the LA[4]
- it creates a shared understanding between schools, parents and the LA that can help to ensure that requests for an EHC needs assessment and plan are appropriate[5].

A clear articulation of what LAs *expect to be available* (Code, para 4.32) also helps to define other terms, thresholds and criteria in the SEN and disability Code of Practice 2015 (the Code). It helps to define:
- what schools, early years and post-16 providers are expected to do through *SEN support*
- *relevant and purposeful action:* at the point where the LA is asked to make an EHC needs assessment, they must consider whether there is evidence that, *despite relevant and purposeful action* (Code, para 9.14) by the school or other provider, the child or young person has not made expected progress
- *normally available:* at the point where the LA considers whether to issue an EHC plan, they must consider whether the special educational provision required to meet a child or young person's needs can *reasonably be provided from the resources normally available* to schools and other providers (Code, para 9.55).

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How are local authorities responding to this requirement in CFA?

A small sample of local offers was visited[6] to see how the *expected to be available* aspect of the local offer was being developed by LAs. All the sites were visited in the first few months of 2016.

The website visits explored:
- The type of information that was published, including whether it covered schools, early years and post-16 settings
- How accessible the information was
- What evidence there was of engagement of providers, parents and children and young people with the LA in the development of *expected to be available provision.*

Published information:
The requirement on LAs to set out the respective responsibilities for special educational provision made from school, early years and post-16 and local authority budgets pre-dates CFA[7]. Nonetheless, the majority of sites visited provided very basic information: a list of schools and services, a short description of the statutory requirements on schools, or a brief outline of the amount of money or the amount of learning support assistant time schools were expected to provide from their delegated budget.

In outlining schools' responsibilities, some sites created, or perpetuated, confusion by referring to a *schools' offer,* either when they were referring to school SEN information reports, or to the LA responsibility to set out what schools and other providers are expected to make available.

Six sites were visited where information was better developed and covered a wide range of provision that schools and other providers were expected to make. This more detailed information was organised in a number of different ways:
- All referred to the four broad areas of need (Code, paras 6.28-6.35)
- Most referred to different ages or phases, some were more finely differentiated than others
- Some were organised in line with the 3 waves model of intervention
- Some drew on the four *Strands of Action* set out in the SEN Toolkit[8], or variations of this: assessment, planning and review; grouping for teaching purposes; additional human resources; and curriculum and teaching methods. This may reflect information that was developed prior to CFA.

There were significant differences in the extent to which the information focused on or sought to identify different levels of special educational need and match provision to those levels. Some sites focused significantly on levels of need to qualify for an EHC needs assessment, to the extent that they might have supported or encouraged the use of a blanket policy. Other sites appeared to be based on an understanding that the use of particular provision and approaches, and the child or young person's response to these, provided a sound evidence base for LA decisions about assessments and plans. One site focused solely on action to be taken and provision to be made and, in follow-up discussion, the LA argued that it is provision that has the impact on learning and progress and that the LA had sought to move away from a focus on within-child descriptions of need.

Most of the more developed statements of *expected to be available* provision were based on information that had originally been developed before the reforms. Some of the information was extensive and very detailed, though, on one site, a very long document provided a mixture of information, tools and forms. In this case, there was considerable duplication because information was organised in age groups, but this meant that teachers need only refer to the pages relevant to them. Another LA published a much shorter document accessible to everyone but, in another area of the website, provided a wide range of more detailed guidance, training packages and other resources as a resource for SENCOs.

Some sites made reference to Equality Act duties to disabled children and young people, to reasonable adjustments, to school accessibility plans and to LA accessibility strategies. The Code encourages this read across between SEN and disability duties.

However well-developed the information was, the majority of sites focused on schools, with 3 providing information about *expected to be available* provision in early years. No sites were visited where post-16 provision had been set out.

Accessibility of the information:
On some websites, information about the provision that was *expected to be available* was easy to find, in one case 2 clicks away; on others it was very difficult to find and was probably only accessible to those who knew what they were looking for. The information was labelled or badged in a number of different ways, sometimes as, *What schools are expected to provide*, in other cases as *Ordinarily available* provision, *Reasonable Expectations, SEN support, SEN descriptors* or *Descriptors of provision*.

Evidence of engagement in the development of the information:
Some of the more detailed information acknowledged the contribution of a range of professionals and, in two cases, of parents.

Follow-up discussion with these two LAs revealed how important they felt engagement had been to the successful adoption of the information. These discussions also highlighted the range of ways in which the information was used: to inform schools and services about the LA's expectations; to inform those making decisions about EHC needs assessments and plans; to train staff in schools and support services; to plan provision; to secure engagement with a range of agencies; and to improve, over time, the evidence base for different interventions.

These LAs spoke about the significant amount of time and effort that had been invested in developing this aspect of the local offer; they were equally clear about the benefits of having done so.

In conclusion

This short analysis has provided some insight into the importance to LAs, parents and providers of publishing details of the provision that is expected to be made by schools, early years and post-16 providers. The analysis shows that for many LAs, this remains an area for development. In the light of this finding, we recommend that LAs review their published information with parents, schools, early years providers and colleges to ensure that there is an area-wide shared statement that meets the requirements and that secures some of the positive benefits identified in the analysis.

Below are some examples of websites and documents that illustrate some of the key requirements. On page 6 are some questions that LAs might want to consider in relation to the expected to be available element of the local offer.

Examples of published statements
Portsmouth, where there is a link to a summary document outlining Portsmouth's *Ordinarily Available Provision:*
http://www.portsmouthlocaloffer.org/local-offer-search/item/296

Oxfordshire, where the information sits under the section on *Local guidance and policies:*
https://www.oxfordshire.gov.uk/cms/content/guidance-and-policies-about-sen-and-disability

Blackpool, where the *Reasonable expectations* document can be found:
https://blackpool.fsd.org.uk/kb5/blackpool/fsd/family.page?familychannel=2_4&sorttype=field&sortfield=title

Derbyshire, where there are links to *SEN Descriptors for Schools and Early Years Descriptors*:
http://localoffer.derbyshire.gov.uk/education/what_should_i_expect/default.asp

North Yorkshire, where there is a link to *SEND mainstream guidance* under Useful downloads:
http://www.northyorks.gov.uk/article/31633/SEND---what-to-expect-from-a-school

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1. The Special Educational Needs and Disability Regulations 2014 (SI1530)
2. Natalie Parish, Ben Bryant, Isos Partnership (2015) *Research on funding for young people with special educational needs.* DfE Research report
3. including academies, who receive an equivalent amount
4. 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 dor DCSF
5. Pinney A (2004) *Reducing Reliance on Statements: An investigation into Local Authority Practice and Outcomes*
6. A sample of 20 sites was visited. The sample was not random, but was informed by helpful pointers to sites that might be more developed in their approach
7. The Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001. SI 2218
8. *Strands of Action to meet SEN*, from DfES (2001) *SEN Toolkit*

Questions local authorities might want to consider in relation to the *expected to be available* element of the local offer:

1. **What information do we publish?**
   - How is it organised? For example, by broad areas of need, key stage, etc
   - What level of detail do we provide?
   - Does it set out expected to be available provision in:
     - schools?
     - early years settings?
     - post-16 settings?
   - Does it make links between SEN and disability responsibilities?

2. **How accessible is the information?**
   - How well is it sign-posted?
   - How many clicks?
   - How clearly is it labelled or badged?
   - Is it available in a range of formats?

3. **How well were others engaged in the development of the information?**
   - Providers?
   - Specialist services across all agencies?
   - Parent-carers?
   - Children and young people?

4. **How well understood and used is the expected to be available provision by:**
   - Schools, early years, post-16 providers?
   - Parent-carers?
   - Children and young people?
   - Specialist services?
   - Local authority SEN teams?
   - Other agencies?

5. **When is the information reviewed and revised?**
   - By whom?
   - How?
   - How is evidence of impact taken into account in the process?