



CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY
COMMITTEE – 4 JUNE 2019

OVERVIEW OF SPECIAL EDUCATIONAL NEEDS AND DISABILITIES
(SEND) DEVELOPMENTS

REPORT OF THE DIRECTOR OF CHILDREN AND FAMILY
SERVICES

Purpose of Report

1. The purpose of this report is to provide an update on the development of new SEND provisions as part of the High Needs Block Development Plan and the results of the associated recent public consultation. The strategic direction for SEN and Disability Services over the next three years is also set out, along with an update on the provision of short break services to families where a child has a disability.

Policy Framework and Previous Decision(s)

2. The Children and Families Act 2014 introduced a number of new duties for local authorities and Clinical Commissioning Groups (CCGs). The Council's SEND Strategy 2017-2020, agreed by the Cabinet on 10 April 2018, outlines these responsibilities and sets out how the Council and its CCG partners will work together to meet these.
3. On 18 December 2018 the Cabinet noted the overspend and forecast deficit for the High Needs Block budget and authorised the Director of Children and Family Services to commence consultation on the development of SEND provision.
4. The Overview and Scrutiny Committee has previously considered:
 - The proposals relating to SEND sufficiency, including the recent consultation to invest in excess of £30m capital to expand existing, and create new, specialist capacity.
 - The decision to bring short-breaks in-house to be provided by the Disabled Children's Service and the SEN Early Help Service.

Background

5. The Council's proposal to invest £30m capital into new and expanded specialist provision represents one of three key strands of the High Needs Block Development strategy, the other two strands being;
 - a focus on effective systems and processes to support children with SEND (for example the Education, Health and Care (EHC) Plan process);
 - effective support services, aimed at enabling schools to support children with SEND to achieve within a mainstream school setting.
6. Since the SEND Reforms of 2014 there has been a growth of approximately 33% in the demand for EHC Plans both nationally and locally. It is therefore important that practice within mainstream settings is as inclusive as possible whilst ensuring that the capital developments for SEND Sufficiency reflect projected demand that is established annually.
7. SEN and Disability Services work closely with families and other services to ensure that children with special needs get the support they need as early as possible. The ambition is that all families will have confidence that their child's needs can be met locally, wherever possible within a mainstream school, and where appropriate without the need for an EHC Plan. This work is important to ensure that the capital investments provide a sustainable supply of specialist provision for those children who need it.
8. Each of the SEND Services work to an agreed Service Plan. There are close links with the High Needs Block Operational Board so that activity is linked to the SEND Sufficiency Strategy and other work to manage High Needs Block funding.
9. The service is working closely with the Parent Carer Forum and Schools to develop a model of working that, if successful, will mean that only those children with the most complex and severe special needs will require an EHC Plan. The intention would be that most children with SEN will have their needs met within a mainstream school at 'SEN Support', including a greater use of monies delegated by the local authority through 'Top-up' funding.
10. In summary, SEND Services aim to encourage:
 - Early identification and assessment.
 - Timely engagement with families.
 - Provision of coordinated support against a plan with clear outcomes and commissioning of provision based on these outcomes.
 - Co-designed support.
 - Schools or other providers at the centre of service delivery, being the 'default lead professional' and equipped with the knowledge and skills to carry out the role.

Results of the Consultation on SEND Sufficiency

11. Consultation on the proposals for new a SEND provision took place between 7 January and 31 March 2019. The consultation has sought views on how the new provisions should look, feel and operate alongside mainstream and/or special schools to ensure a high quality and inclusive education is provided to all pupils with SEND needs. It has involved writing to a wide group of individuals with an interest in the development of a new SEND provision, including every Leicestershire school, parents/carers of pupils with an EHCP, and associated parties, for example health, to seek their views. A bespoke document setting out the proposals and a questionnaire to enable consultees to provide feedback was made available to each consultee, with a hard copy or easy read version made available on request. This information was also made available on the County Council's website for anyone else to submit comments.
12. To support the consultation exercise, five open meetings were held at various special school locations, which also provided an opportunity for parents to talk on a one-to-one basis with officers. The meetings were also open to members of the public, school staff and other professionals and were attended by approximately 143 people overall. In addition, there have been discussions with the Parent Carer Forum, the staff professional associations and pupils.
13. There have been 345 responses to the consultation questionnaire, the majority of which were provided online. Respondents to the consultation survey included 198 people who identified as a parent/carer of a child with an EHCP, 68 members of school staff, and 79 others, largely members of the general public.
14. Analysis of the 345 responses to the questionnaire shows that there are very high levels of support, with the majority of respondents (88%) indicating strong agreement (54%), or tending to agree (34%) with the overall proposals. In particular, those in favour of the proposals welcome;
 - The potential for shorter travel times to school.
 - The opportunity to be educated in a mainstream school setting.
 - The development of more local specialist places
 - That there is recognition of the need to give priority to the development of more SEND provision, and
 - The opportunities for SEND pupils to have improved engagement with their local communities, and longer-term benefits for their transition to adulthood.
15. Relatively few adverse comments have been made. Those less positive responses tended to relate to the need to ensure that staff have sufficient training skills and expertise, transport policy, and school organisation matters, for example concern that larger class sizes should be avoided. The results of the consultation were considered by the Cabinet on 24 May 2019.

16. The list of new SEND provisions under development was agreed by the Cabinet on 29 March 2019 and encompasses the development of new units/resource bases in mainstream schools, the expansion of existing special schools, and the longer-term development of new schools (specifically to meet the increasing demand for pupils with Communication and Interaction needs, and those with Social, Emotional and Mental Health needs). Generally, this work is progressing well, with the first new provisions opening from September 2019 and the others to follow in September 2020.
17. It should be noted in particular that there has been a good response to the call for expressions of interest from suitable academy proposers (sponsors) to operate the new 80-place Communication and Interaction School, to be located in Barwell, and which is expected to open in September 2020. The bids received are currently being assessed to enable a decision to be taken by the Regional Schools Commissioner later in the summer on the preferred Trust to run the new school.

Progress to Date and Next Steps

18. The SEN Assessment Service (SENA) is a well-managed service that is stretched to capacity due to increased demand. Officers are fully occupied on the key statutory tasks associated with EHCP Needs Assessment (the production of EHCPs within 20 weeks), annual reviews and related functions such as Tribunal work. Actions over the past 12 months to increase capacity and focus upon quality, have had limited impact due to increased demand and unanticipated staffing issues.

Progress to date:

- A revised staffing structure, with increased capacity agreed, has now largely appointed to.
- The Social Worker role within SENA is now well embedded, supporting links with social care.
- The Transformation Unit review of systems and processes is well underway
- There is good dialogue with schools about processes and areas for further attention
- The Post 16 Team has been established, with improved links with schools, FE Colleges and social care
- There is regular communication with school SEND Coordinators and improvements to systems.

Strategic aims and next steps:

The service will work to ensure:

- Effective, modern systems and effective use of technology
- Continued improvement in the quality of EHCPs
- An increase in opportunities for the co-design of Plans
- A further move from the management of processes towards 'casework'.

- SEN Officers spending more time in schools and clusters of schools influencing effective early support.
 - Effective mediation work to reduce tribunals.
 - Strong systems for partnership decision making at key points to ensure health and care needs are properly represented.
 - A clear system of top up funding to incentivise early support without the need for an EHC Plan where this can achieve the required outcomes.
 - Revised processes embedded to ensure effective transition to adulthood and other key transitions.
 - Parent/Carer and child feedback at key points such as annual review and EHCP completion.
19. The Leicestershire Educational Psychology Service (EPS) has completed a full service review, whereby it has looked at best practice regionally and nationally and engaged staff in a series of workshops to reflect on how services are delivered. At present non-statutory work is traded; this means that not all schools buy in to the Leicestershire EPS offer. Whilst schools can buy in services from elsewhere, children do not always benefit from early EP input. The ambition is for the Leicestershire service to offer a degree of 'free' consultation to all schools in addition to the need to provide statutory work for individual EHCP Needs Assessments.

Progress to date:

- The comprehensive service review is now complete
- Interim capacity is in place to undertake additional statutory work
- There is a clear traded offer with schools
- Good feedback from schools has been received on the value of traded work
- There is strong Service management and an improved relationship with the national Association of Educational Psychologists
- There is an improved quality assurance of statutory work

Strategic aims and Next Steps:

The service will now work to ensure:

- Sufficient capacity to support whole-school approaches across all schools.
 - There is capacity for consultation rather than statutory report writing, for example, anti-bullying, wellbeing and a focus upon reducing the need for EHCPs.
 - The wider use of EP expertise to support organisational growth.
 - The service is modern and effective and attracts and retains staff
 - There is sufficient capacity to support early years and early identification
 - There is a clearly defined funding model in place for the service
20. The Specialist Teaching Service (STS) was subject to significant restructure in 2018, leading to a leaner and more focussed management structure. The main pressure upon the service is around autism. Currently, the Autism and Learning Support Service has an 'Autism Outreach' (AO) team and an

'Intensive Support' team. Not all schools buy in to the AO service, and so it only works with children who have a diagnosis. The combined effect is that many children do not have access to the early support that they need. To add capacity to the service, external providers are commissioned to meet demand for service.

Progress to date:

- A Service review in 2018 has led to a streamlined, cost-effective management structure now being in place
- There is a strong and stable staff team with expertise across a large range of specialist needs.
- There is a more focussed role of services to meet statutory duties
- The Traded Offer is highly regarded by schools who use it
- The work to support schools on effective SEN Support is well underway
- Training and whole school activity is available through the traded offer

Strategic Aims and Next Steps:

The service will work to ensure:

- Schools have access to early, specialist, learning support advice as soon as possible. Wherever possible, this will be without the need for a medical diagnosis and without charge to the school.
- Services work within pathways that are clear to parents so that they can see how health, education, social care and other services fit together into a clear offer.
- This works in a way that provides the right incentives for schools to keep children on roll and support the family even if the child is unable to attend.
- The use of technology is maximised to support inclusive learning in schools
- There is clear advice and information available to schools, parents and all interested parties via the Local Offer, for example on reasonable adjustments and best endeavours.

21. The Disabled Children's Service (DCS) includes an Occupational Therapy Team and two Social Work Teams. It is a relatively stable service and staff know the children well.

Progress to date:

- There has been a recommissioning of overnight short breaks, scoping work done with partners and co-design with families
- Work has been undertaken to update short breaks offer, including extensive co-design work with the Parent Carer Forum
- Effective arrangements are now in place to offer early help support to children with a disability
- A Short Breaks panel has been established to provide consistency of decision making

Strategic Aims and Next Steps:

The service will work to ensure:

- All service activity provides best quality and value to improve outcomes for children and families in Leicestershire.
- That the voice of children, young people and their families/carers is included within all commissioning and planning for the Children and Families Service
- There is sufficient support for the department to adhere to contract management and procurement rules
- That staff performance, through regular supervision and opportunities for professional development, is embedded into practice
- Short breaks commissioning is reviewed.

The provision of short break services to families where a child has a disability.

22. The Disabled Children's Team and Children and Family Wellbeing Service are now working together to provide access to support to families through the Short Breaks Scheme. This service was previously provided by Menphys and the decision was taken by the Cabinet in December 2017 that the service should be delivered in-house. These changes have been achieved without any loss of capacity or reduction in uptake of services.
23. Approximately 150 families have been transferred from the Disabled Children's Team to the Children and Family Wellbeing Service for ongoing monitoring of packages of support. Work continues to promote inclusive community provision for disabled children, and with the support of the Early Learning and Childcare Service, additional funds have been provided to some schemes to pay for 'additional adults' to enable a disabled child to attend. Wherever possible, families are supported to consider universal provision first so that children can attend schemes and clubs in their local communities alongside their friends and siblings.
24. Work is underway with the Leicestershire Parent and Carer Forum to develop a criteria for short breaks, as well as to consider new and different ways of organising and delivering short breaks in the future. This co-production work will continue and is a very valuable element of ensuring the services provided meet the needs of local families and make the best use of the available resources.

Resource Implications

25. The purpose of this work is to ensure that the needs of children with SEND are identified and met early. This will ensure that resources are targeted at early support and prevention. The intention is that this will maximise efficiency by reducing the spend upon high need complex support and reliance upon specialist provision.

Conclusions

26. Since the 2014 SEND Reforms the demand for EHCP Needs Assessment and for specialist provision has grown significantly. Leicestershire County Council has previously approved capital plans to invest in excess of £30m for new and expanded specialist provision.
27. There has been an excellent response received from parents/carers, schools and the public regarding the establishment of new units/resource bases, to expand existing special schools, and in the longer term to build new schools. This is encouraging and demonstrates a real commitment to make the new provisions a success.
28. The expressions of interest received to operate the new Communication and Interaction school, based on the assessments so far, demonstrate a high quality of expertise, knowledge and capacity relative to the provision for SEND pupils. This will clearly be of assistance to enable a successful start for the new school and delivery of actions set out in the High Needs Block Development Plan.
29. Alongside these plans, the proposals set out how the Council intends to work with schools, families and other partners to encourage and support as many families as possible to succeed within the context of a mainstream school, wherever possible without the need for an EHC Plan.

Background Papers

Report to the Cabinet on 24 May 2019 – SEND Provision – Results of Consultation on the Development of New Proposals (High Needs Block Development Plan) - <http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=5603&Ver=4>

Circulation Under Local Issues Alert Procedure

30. A copy of the Cabinet report – SEND Provision – Results of Consultation on the Development of New Proposals (High Needs Block Development Plan) - has been circulated to all members of the County Council via the Members Digest on 17 May 2019.

Equality and Human Rights Implications

31. The purpose of the SEND development proposals outlined within this report is to ensure equality and equity of opportunity for all Leicestershire children and young people irrespective of their need or locality.
32. In keeping with the Public Sector Equality Duty, to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not, an Equality and Human Rights Impact Assessment (EHRIA) for the proposed change has been completed to help address any necessary adaptation to the proposals. As reported to the Cabinet on 24 May, at this stage no immediate matters of concern have emerged. However the proposed consultation will help identify where revision to the Plan might

be needed to take account of the impact to individual families/pupils, and to ensure continued equality of opportunity for those affected.

33. The EHRIA screening document has been completed and showed that a full EHRIA was not required. This will be kept under review as the SEND proposals move through the planning and development stages, and any adjustments will be made accordingly.

Environmental Impact

34. The planned investment in local provision for children with SEND will reduce the need for travel to specialist provisions further afield.

Partnership Working and Associated Issues

35. The developments reflect the priorities within the SEND Strategy, which has been developed in partnership with other agencies through the SEND Board.

Risk Assessment

36. Risks associated with SEND Sufficiency and confidence in mainstream provision are included within the Corporate Risk Register.

List of Appendices (if appropriate)

None

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