



**CHILDREN AND FAMILY SERVICES OVERVIEW AND SCRUTINY
COMMITTEE**

6 SEPTEMBER 2022

SEND AND INCLUSION

**REPORT OF THE DIRECTOR OF CHILDREN AND FAMILY
SERVICES**

Purpose of the Report

1. The purpose of this report is to provide an update on planned activity and progress being made around SEND and Inclusion. It will consider current financial challenges (MTFS position), demand in the SEND system and provide an overview of the new Transforming SEND and Inclusion in Leicestershire (TSIL) programme. A report providing a more detailed update on the TSIL programme and progress against workstreams will be brought to a future Children and Family Services Overview and Scrutiny Committee.

Policy Framework and Previous Decisions

2. The primary legislation regarding children and young people with SEND is the Children and Families Act 2014. The 0-25 SEND Code of Practice (2015) is the statutory guidance that sets out how local authorities and Integrated Care Boards (formerly Clinical Commissioning Groups) must work together to support children and young people with special educational needs.
3. In December 2018 the Cabinet authorised a consultation on the High Needs Block development plan, including proposed development of enhanced and expanded SEND provision across the County.
4. In October 2019 the Cabinet was advised of the progress of the High Needs Block development plan and on 5 November 2019, a report was considered by the Children and Families Overview and Scrutiny Committee summarising the national and local context relating to SEND along with an overview of the plans to continuously develop and improve services to support children and families who are experiencing SEND.
5. On 21 January 2020, the Children and Families Overview and Scrutiny Committee considered a report that provided an overview of the Ofsted and Care and Quality Commission (CQC) SEND Inspection Framework. An update

was provided on 1 September 2020 following the local area SEND inspection that took place in Leicestershire in February 2020, resulting in a Written Statement of Action. The report gave an update on the progress of the High Needs Block development programme.

6. On 2 November 2021 the Children and Families Overview and Scrutiny Committee considered a report that provided an overview on progress against the Written Statement of Action. That report also included a further progress report for the High Needs Block development programme.
7. In March 2022 the Government set out its ambitions for changes to the SEND system and opened a period of consultation on the proposals which Leicestershire has responded to. The Green Paper, 'SEND review: right support, right place, right time' proposes some fundamental changes to the SEND system, including:
 - a) A single national SEND and Alternative Provision (AP) System.
 - b) Excellent provision from early years to adulthood.
 - c) Reformed and integrated role for alternative provision.
 - d) System roles, accountabilities and funding reform.
 - e) A National framework for funding SEND.

MTFS Position

8. Despite achievements and improvements made as a result of the previous High Needs Development Programme, considerable challenges remain in the SEND system. The current financial position, as set out in the Council's Medium Term Financial Strategy (MTFS), indicates further deterioration and the in year deficit has increased for the last three years. Failure to deliver savings is predicted to lead to a cumulative deficit in 2025/26 from £63 million to £84 million.
9. The Department for Education (DfE) has implemented a 'Changes Approach'. Nine Local Authorities with the highest level of Dedicated Schools Grant (DSG) deficit have been entered in to 'Safety Valve Agreements'. A further 55 local authorities (including Leicestershire) with less severe but substantial deficits have been invited to join the 'Delivering Better Value in SEND Programme'. Initial discussions with the DfE about this programme have taken place but the nature of the programme and the level of support from the DfE currently remains unclear.

Leicestershire Position

10. Increasing demand in the local SEND System is affecting the department's financial position and ability to deliver assessments within statutory deadlines.
11. Since 2016, there has been a 54% increase in the number of children and young people requiring an Education, Health and Care Plan (EHCP) in Leicestershire. This compares to a national increase over the same period of time in England of 38% and in the East Midlands of 32%. At the same time, funding has not increased in line with this local trend.

12. This increase in demand for EHCP's has led to drift and delay in the Special Educational Needs Assessment (SENA) service and means that currently statutory deadlines, as set out in the SEND Code of Practice (2014) are not being met. Currently (August 2022) there are delays in the issuing of draft and final EHCPs (issuing), phase transfers, and reviews of EHCPs across all age groups. This in turn is leading to a significant increase in the number of complaints being received from parents and carers, mostly related to a lack of timely response or communication with SENA and/or not having had a school place identified in a timely manner. There has also been an increasing number of appeals against decisions and growing number of cases going to tribunal, often leading to the Courts overturning the decision of the Local Authority. This in turn creates additional work for the SENA service.
13. In response to this situation, the department has implemented the following:
- a) Information about current workloads and position on drift captured and monitored through weekly demand meetings.
 - b) Clear continuous improvement plan in place with strengthened leadership across Education, SEND and Commissioning directorate.
 - c) Recruitment at all levels within the department to drive the improvement journey.
 - d) Exploration of opportunities for additional resource to place the service in a stronger position to deal with the increasing demand.
 - e) Assurance, by managers, that all plans and reviews (cases) are being progressed – although not currently in timescales.
 - f) Redefining the contact centre offer to improve service level and response teams. This is being aligned with further communication plan planning with Corporate Communications team for SENA.
 - g) Improvements to internal systems (such as Synergy – a new electronic portal for use by SENA, parents and carers as well as other stakeholders in the SEND system).
 - h) Diagnostic examining current position within local SEND system as precursor to the implementation of new Transforming SEND and Inclusion in Leicestershire (TSIL) programme to drive change and improvement in the system, which is outlined below.
 - i) Continued focus on addressing sufficiency in terms of local provision – further two resource bases due to open in Autumn 2023 and expansions have taken place at all five Local Area Special Schools (including new satellite bases) to provide an additional 94 places from September 2022.

Transforming SEND and Inclusion in Leicestershire (TSIL Programme)

14. The department is embarking on a new change programme for SEND and inclusion: Transforming SEND and Inclusion in Leicestershire (TSIL). This programme replaces the former High Needs Block Development Programme and whilst it builds on previous activity it will take a broader approach:
- a) It will focus on taking a whole system approach to support inclusion across settings, wherever possible.
 - b) A third-party partner (Newton Europe) commissioned to support the programme, provide challenge to the system and ensure effective child centred delivery. Central to the programme will be working collaboratively

with a wide range of parents, young people, leaders and staff across the education system (early years, mainstream, specialist provision and Further Education) and health, to design and implement an inclusive system that puts independence, outcomes, and educational achievement at the centre.

- c) Parent/Carer and children and young people involvement; in order to ensure the work undertaken through the Transforming SEND and Inclusion in Leicestershire it is critical that not only are children and young people with SEND's needs at the heart of the plan but that they and their parents and carers are involved in the designing and development of the work. This will be achieved through active engagement with a wide range of forums (including the Parent and Carers Forum) across Leicestershire.

15. As a precursor to the programme a diagnostic was undertaken in late 2021 to understand the challenges and difficulties in the local SEND system and to inform programme planning for the TSIL programme. The diagnostic identified four key elements in the SEND system that could be the focus of developments through the TSIL Programme and highlighted some potential actions/activities:

- a) Inclusive support in mainstream schools:

- Better understand demand and capacity in the local SEND system, including how best to ensure the right levels of support (for children and young people with different levels of Special Education Needs (SEN) are available in mainstream schools.
- Work more closely with mainstream schools to define their offer around inclusion.
- Grow the range and quality inclusive practice in mainstream schools and academies.

- b) Statutory support in mainstream setting:

- Understand better the growing demand and number of requests for EHCPs – this will include:
 - Better understanding including key drivers in the system.
 - Reviewing the department's processes, including decision-making processes, to ensure that the department is making best use of statutory support in mainstream settings.
- Explore the barriers to supporting children with an EHCP and an appropriate level of need in a mainstream setting.

- c) Specialist provision:

- Review processes to ensure that children and young people with an EHCP are accessing the right type of specialist support in the right sort of provision at the right time.
- Review information available for parents and carers to ensure that information is easily accessible which will include information about the spectrum of support available for children and young people with an EHCP.

- d) Effective reviews:

- Review the approach to the way the department (and other professionals) write, put in place and review EHCP's.
 - Ensure that the review process maximises opportunities to ensure that provision is meeting need and leading to positive outcomes for all children and young people with an EHCP.
16. The TSIL programme commenced on 22 August 2022 and will seek to explore these opportunities. The next phase of work for the programme is to set up the four main workstreams: Decision Making and Ways of Working [Service Transformation]; Inclusive Practice in the System [System Transformation]; Digital and Performance; and Communication and Engagement. There will be a particular focus on areas of improvement that can be delivered quickly so that 2022/23 academic year commences with demonstratable progress against the programme. Furthermore, as the programme progresses the department will ensure that developments are aligned to the developing SEND Green Paper ('SEND review: right support, right place, right time') so that where there are policy changes, these are accounted for in programme outcomes.
17. The success of the programme will depend on the following critical enablers:
- a) Aligned Vision within the Local Authority – a vision and purpose that the department can clearly articulate and is working towards.
 - b) Partners and Parents – alignment and closer working with schools, health and parents to work towards common goals.
 - c) Belief in Change – a shared belief that change is possible and that the department is able to drive that commitment.
 - d) Performance culture – focus, accountability and a focus on monitoring and data to drive performance.
 - e) Digital and Data – ensuring that the department has data visibility across its services so that it can understand the impact they are having.
 - f) Right Capacity – having the right people where they are needed and who are empowered to deliver their work.

Circulation under the Local Issues Alert Procedure

18. None.

Equalities and Human Rights Implications

19. There are no Equalities or Human Rights implications directly arising from this report. Within the report, there is reference to a number of on-going programmes of work and activity and as these develop any potential equalities and human right issues will be addressed in line with LCC policy and procedure (such as completing EHRIAs).

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