



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

**23 JANUARY 2024**

### **TRANSFORMING SEND AND INCLUSION IN LEICESTERSHIRE (TSIL) PROGRAMME UPDATE**

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

##### **Purpose of the Report**

1. The purpose of this report is to provide the Children and Families Overview and Scrutiny Committee with an update on the Transforming SEND and Inclusion in Leicestershire (TSIL) programme. It sets out the progress since the previous update last considered by the Committee on 7 March 2023, achievements to date and next steps, as well as an overview of the current High Needs Block financial position.

##### **Policy Framework and Previous Decisions**

2. The primary legislation regarding children and young people with Special Educational Needs and Disabilities (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 Clinical Commissioning Groups must work together to support children and young people with special educational needs.
3. The financial framework for pupils with High Needs and the Dedicated Schools Grant (DSG) are laid out within the School and Early Years (Finance) Regulations and associated guidance issued by the Department for Education.
4. 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.
5. In October 2019, the Cabinet was advised of the progress of the High Needs development plan. 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.

6. 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.
7. 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.
8. 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.
9. In September 2022, the Children and Families Overview and Scrutiny Committee the August 2022 considered an update provided about the commencement of the Transforming SEND and Inclusion in Leicestershire (TSIL) programme.
10. In November 2022, the Children and Families department was reinspected as a follow up to the local area SEND inspection that took place in Leicestershire in February 2020 by Ofsted and the Care Quality Commission (CQC). A full update on this reinspection was provided to the Children and Families Overview and Scrutiny Committee in a separate report, on 24 January 2023. However, the outcome of the inspection has further informed the progress of the TSIL programme, as detailed below.
11. The Scrutiny Commission received a report in March 2023 regarding the SEND Service and Finance which provided an overview of support to children and young people with SEND, the position regarding provision and the Council's financial position in relation to SEND. The Chairman and Spokespersons of the Children and Families Overview and Scrutiny Committee were invited to this meeting of the Scrutiny Commission.
12. In March 2023, the Children and Families Overview and Scrutiny Committee considered an update provided about the commencement of the Transforming SEND and Inclusion in Leicestershire (TSIL) programme.

### **Financial Benefits and Medium-Term Financial Strategy (MTFS) Position**

13. The financial position related to high needs is set out in detail within the 2024/25 MTFS report which is included as a separate report on the agenda.
14. The TSIL programme is focusing on improving outcomes and experiences for children and young people and their families in the belief that significant financial benefits will be delivered as a result (detail of workstreams below). The Pupil as currently formulated delivers £36.5m in cost reductions over a seven-year period to 2028/29 and is on track to deliver these benefits.
15. High Needs expenditure, despite cost reductions arising from TSIL and continued investment in local provision of £41.5m over the new MTFS period 2024/25 to 2027/28, remains significantly greater than the High Needs block of the Dedicated Schools Grant. For 2024/25 expenditure forecast to be 22% in excess of the grant and is forecast to increase to be 48% in excess of the grant in 2027/28. Over the period of the MTFS there remains an annual funding gap of c£15m per year, and a cumulative high needs deficit over the same period forecast to be £65.5m in March 2025, rising to £110.6m in March 2028.

### **Increasing Demand in the SEND System**

16. Increasing demand in the local SEND System continues to affect the financial position of the High Needs Block of the dedicated schools grant and the ability to deliver assessments within statutory deadlines. As noted previously, between 2016 and 2020, there has been a 54% increase in the number of children and young people requiring an Education, Health and Care Plan (EHCP) in Leicestershire (from 2,777 to 4,267). This compares to a national increase over the same period 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. This trend continued through 2021 and 2022, with a further 38% growth in the number of children supported with an EHCP (from 4,267 to 5,888).
17. This increasing demand continues to create drift and delay in the Special Educational Needs Assessment (SENA) service and means that statutory deadlines, as set out in the SEND Code of Practice (2014) continue not to be met. In turn, this has continued to lead to a large number of complaints being received from parents and carers and concerns raised by local education settings. The 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, also continues to be an issue.

### **Transforming SEND and Inclusion in Leicestershire (TSIL) Programme Overview**

18. In August 2022, the Department embarked on a new change programme for SEND and inclusion, known as 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 takes a different approach as it focuses on taking a whole-system approach to support inclusion in mainstream wherever possible. In addition, a third-party partner, Newton Europe, has been commissioned to support the programme, provide challenge to the system, and ensure an effective, child-centered delivery.

19. Underpinning the programme has been 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. The programme has also been defined by a desire to involve children and young people and their parents/carers and families as much as possible. It is critical that they are at the heart of the programme and plans for the future of the SEND system in Leicestershire and that they are involved in the designing and development of the work.
20. 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. Using the evidence and data from the diagnostic, which highlighted the biggest challenges to meeting the needs of children and young people in the right place at the right time, the delivery of the programme has been structured around four key workstreams:
  - i. Inclusive Practice,
  - ii. Service Transformation,
  - iii. Accurate Information,
  - iv. Communication and Engagement.
21. Throughout the programme, these four workstream areas have been connected and underpinned by a set of principles:
  - Maintain a focus on children and young people,
  - No one person or organisation can solve the problems alone,
  - Shift to a mindset of collective responsibility,
  - Work in genuine partnership,
  - Foster good working relationships,
  - Improved and honest communication,
  - Define roles and responsibilities,
  - Set clear expectations,
  - Make transparent and robust decisions,
  - Support children and young people early and close to home.

### **Transforming SEND and Inclusion in Leicestershire (TSIL) – Progress**

22. During the second half of 2023, the TSIL programme moved into an implementation and sustainability phase – where improvements that were created in the design phase are rolled out with the relevant teams or stakeholders to deliver change. There is a strong focus on ensuring that these

changes are sustainably embedded by tracking and driving measurable progress in each of the areas.

23. With the majority of workstreams having entered implementation at the start of this academic year, the TSIL programme is starting to have an impact (as outlined below for specific areas of work). However, there is still significant improvement to be made for many children, families and education providers – with next steps noted below.

### Service Transformation

24. In September 2023, the SENA service underwent a reset, in which the former locality teams were refocused into teams with specific functions – namely Assessments, Reviews, and Placements. Five of the design workstreams were implemented simultaneously through this reset, with significant training and onboarding to new tools and ways of working taking place through the autumn term.
25. Impact on productivity and therefore timeliness – One of the key impacts of the reset is to allow case managers to work in focused teams, and thus significantly increase the productivity for assessments and reviews. This improvement has been seen in the first few months of the reset, with reviews throughput continually increasing week on week, and all aspects of an assessment completed within statutory timeframes excluding the request for advice. This has increased overall assessment timeliness (completed within 20 weeks) from 0% to 11%. Whilst we acknowledge that there are still many children and families with cases overdue, this progress shows that timeliness will continue to improve over time.
26. Impact on outcomes – trials undertaken during the design phase of the programme have highlighted the importance of earlier and meaningful conversations with parent carers and schools during the EHCP process to ensure clarity and consensus on suitable placement options. Accordingly, processes have been reviewed to incorporate these conversations and SENA staff have received appropriate training and signposting to supporting tools such as the Inclusive Practice Toolkit and the SEND Provision in Leicestershire (SPIL) guide and directory. These new processes are already having an impact on a significant number of children and young people.
27. Impact on communication – Improving communication was another key driver of the changes in the SENA reset – with new ways of working focusing on proactive communication with schools and parents around every aspect of the process. Again, this has not been perfect as the ways of working have been embedded and the capacity constraints on the Service continue. However, the quotes below show that these changes are starting to have a real impact for individual schools and families:
  - a. *“On a separate note - your support and communication in letting me*

*know what is happening has been excellent. Please feel free to share this with any line manager. This has meant that I can manage parental expectations, support with staffing and recruitment and support staff in knowing what is happening too. As I have said before, I have been part of the TSIL / EHCP / SEND Peer Review etc and so I appreciate the difficulties and how hard you are all working but your communication here has been very much appreciated. It is the not knowing that is difficult.” – School SENCo.*

- b. *“Hi, again, thank you so much for the thorough reply/investigating - we really do appreciate all your help with this and your quick responses.” – Parent.*
28. Impact on staff – The pressures within the SEND system have also been felt by staff within LCC, particularly those working in the SENA service. A further focus and benefit of the SENA reset is giving staff greater clarity on roles on expectations, with the majority of staff working in one of the three new teams as opposed to having responsibility across all areas. This is beginning to have a positive impact for staff within SENA (e.g., a case manager spoke passionately at a recent all-system event on the impact for them personally).
29. As part of the programme, the Council has worked with the Leicestershire SEND Hub, school leaders and other stakeholders to develop a guide and directory that allow comparison of different types of educational settings and provision available to support children and young people with special educational needs and disabilities. The SPIL Guide explains about the different types of local educational settings and provisions and how they can help to meet the needs and support children and young people with SEND. The SPIL Directory is designed to help parents/carers to choose a certain setting or provision for their child or young person and to be able to compare what they can offer but will also offer other professionals and interested parties a single source of information to refer to. It is intended to be used alongside other sources of information such as the Local Offer and the Inclusive Practice Toolkit. The guide and directory are not legal documents, and it is acknowledged that this directory doesn't constitute the only guide and directory to educational setting types available in Leicestershire.
30. Managers in the SENA Service are now reviewing weekly Key Performance Indicators (KPIs) to ensure strong oversight of current performance and to identify any concerns or emerging risks and to put in place actions to ensure mitigations or improvements.

### Inclusive Practice

31. The Inclusive Practice Toolkit was created because it was clear from design groups that people require more support to navigate the SEND system successfully. It outlines the process of provision for children and young people with SEND within Leicestershire and provides a framework to talk about

provision, as well as roles and accountabilities within the system. The Toolkit has been trained to both staff within Leicestershire County Council and colleagues in the education system, with a focus on SENCos. The toolkit has had significant reach, with the webpages visited over 4000 times during the autumn term, and a sample of SENCos showed that 50% of them had already been using it to support their work.

32. Setting specific planning has also been implemented. This is a process of high support and high challenge for a targeted group of schools and trusts who have data that indicates they would benefit from support with the inclusion of children and young people with SEND. The process involves a multi-disciplinary team of professionals reviewing data internally before meeting with the setting to discuss recommendations and next steps. This process was underway with a cohort of six schools and trusts in the autumn term, with challenging yet constructive meetings having taken place, with next steps in place.
33. Following on from last year's design groups, a refreshed system partnership structure is being set up that will:
  - i) involve groups & partners including the SEND hub, the SENCoNet, the system leadership group & the inclusive practice working group; and,
  - ii) prioritise and deliver on opportunities to develop practice in Leicestershire through a system inclusion survey. The continued shared ownership of challenges and solutions within the SEND system in Leicestershire is a key part of the sustainability and continuous improvement in the coming years.

#### Accurate Information

34. Workflows have been redesigned and updated in line with the new ways of working, increasing the accuracy of both the operational and financial data being captured.
35. This data is now collated and presented in new dashboards, which are used in many areas of the Service. The focus within SENA is on both case management, ensuring the timely allocation and completion of work; as well as performance – allowing managers oversight of their teams and taking action to drive improvement accordingly.
36. The Business Intelligence team are further developing permanent dashboards to ensure data visibility to meet the statutory reporting arrangements that the Local Authority is responsible for regarding SEND data.

#### Engagement, co-production and co-design with system partners

37. As noted above, working in collaboration and partnership is a core principle of the TSIL programme. Some of the key activity both to communicate progress through the programme as well as to foster co-production and co-design is

outlined below. A number of activities within the TSIL programme, such as development of the Inclusive Practice Toolkit and the SPIL guide and directory, demonstrate examples of co-production with schools and parent carers.

38. Throughout the programme, there has been a focus on providing regular updates to stakeholders and examples include a series of All System Events (all stakeholders) and internal staff briefings (for Council staff) providing information about Programme progress, next steps and evidence of impact. We have also maintained a System Leadership group with participants from school leaders in Leicestershire who have acted as representatives of the local education system and acted as a critical friend for the programme.
39. The relationship with the local Parent Carer Forum, the Leicestershire SEND Hub, has also been a key focus for activity. This has supported all phases of the programme and has led to a number of co-produced activities, as stated above. Work with the SEND Hub has been aligned to other activity and co-production around the departments Accelerated Progress Plan (APP) and the emerging DfE Change Programme and has contributed to the strengthening and maturity of the Council's relationship with this key strategic partner.

### **Transforming SEND and Inclusion in Leicestershire (TSIL) – Next steps**

40. Whilst there has been positive progress to improve services for children with special educational needs and disabilities, we know that there is still a lot of work to do, in particular around communication and improving timeliness and quality of Education Health and Care Plans. The TSIL programme will continue to drive and embed current improvements into 2024, as well as considering how the SEND system in Leicestershire can go further with new opportunities to improve and be able to be managed within the grant allocation.
41. Examples of other work that is continuing include work to review and improve internal decision-making processes (including SEND panels) and work to review current funding models. Where appropriate this work is embracing principles of co-production with involvement from Health colleagues, school leaders and the Leicestershire SEND Hub (parent carer forum).

### **Circulation under the Local Issues Alert Procedure**

42. None.

### **Background Papers**

Report to the Children and Families Overview and Scrutiny Committee, 24 January 2023, SEND Reinspection:  
<https://democracy.leics.gov.uk/ieListDocuments.aspx?CId=1043&MId=7190&Ver=4>.

Report to the Children and Families Overview and Scrutiny Committee, 7 March 2023, Transforming SEND and Inclusion in Leicestershire:



<https://democracy.leics.gov.uk/ieListDocuments.aspx?CId=1043&MId=7191&Ver=4>

Report to the Scrutiny Commission, 15 March 2023, SEND Service and Finance Update:

<https://democracy.leics.gov.uk/ieListDocuments.aspx?CId=137&MId=7099&Ver=4>

The Green Paper, 'SEND review: right support, right place, right time':

<https://consult.education.gov.uk/send-review-division/send-review-2022/>

Transforming SEND and Inclusion in Leicestershire Website:

<https://www.leicestershire.gov.uk/education-and-children/special-educational-needs-and-disability/transforming-send-and-inclusion-in-leicestershire#:~:text=What%20is%20the%20Transforming%20SEND,with%20SEND%20and%20their%20families>

SEND Provision in Leicestershire (SPIL) guide and directory:

<https://www.leicestershire.gov.uk/education-and-children/special-educational-needs-and-disability/education-and-childcare/send-support-in-schools/send-provision-in-leicestershire-spil>

### **Equalities Implications**

43. There are no equalities 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 the Council's policy and procedure.

### **Human Rights Implications**

44. There are no human rights implications directly arising from this report.

### **Appendix**

Overview of the Transforming SEND and Inclusion in Leicestershire (TSIL) programme.

### **Officer to Contact**

Alison Bradley  
Assistant Director Education, SEND and Commissioning  
Tel: 0116 305 58825  
[Alison.Bradley@leics.gov.uk](mailto:Alison.Bradley@leics.gov.uk)

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