



**CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY COMMITTEE:**  
**5 SEPTEMBER 2024**

**TRANSFORMING SEND AND INCLUSION IN LEICESTERSHIRE**  
**PROGRAMME UPDATE**

**REPORT OF THE DIRECTOR OF 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 update considered by the Committee on 23 January 2024, 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 outlined within the School and Early Years (Finance) Regulations and associated guidance issued by the Department for Education.
4. In March 2022, the Government outlined its ambitions for changes to the SEND system and opened a period of consultation on the proposals which Leicestershire 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.
5. In September 2022, the Children and Families Overview and Scrutiny Committee considered an report which informed members of the development of the TSIL programme.
6. In November 2022, the Children and Family Services department was reinspected as a follow up to the local area SEND inspection which 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, on 24 January 2023. The outcome of the inspection has further informed the progress of the TSIL programme, as detailed below.

7. In March 2023, the Children and Families Overview and Scrutiny Committee considered an update provided about the commencement of the TSIL programme.
8. 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.

### **Background**

9. The Transforming SEND and Inclusion in Leicestershire (TSIL) programme focuses on taking a whole-system approach to support inclusion in mainstream wherever possible. This has been supported by a third-party partner, Newton Europe, which was commissioned to support the programme, provide challenge to the system, and to ensure an effective, child-centred delivery.
10. Collaborative working 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, has been essential to design and implement an inclusive system that puts independence, outcomes, and educational achievement at the centre.
11. 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.

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

12. The TSIL programme is focused on improving outcomes and experiences for children and young people and their families, and this in turn delivers financial benefits. The Programme, 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.
13. In terms of the financial benefits, the initial focus of ensuring links between service and financial performance have been established has been completed, and a performance management framework has been established. Financial performance is monitored monthly both within TSIL and MTFS monitoring cycles and a process for updating the four-year financial plan between MTFS cycles is under development.
14. Financial performance for 2023/24 was better than forecast, largely as a result of the TSIL work undertaken to develop more robust finance processes and data accuracy. High Needs expenditure, despite cost reductions arising from TSIL and continued

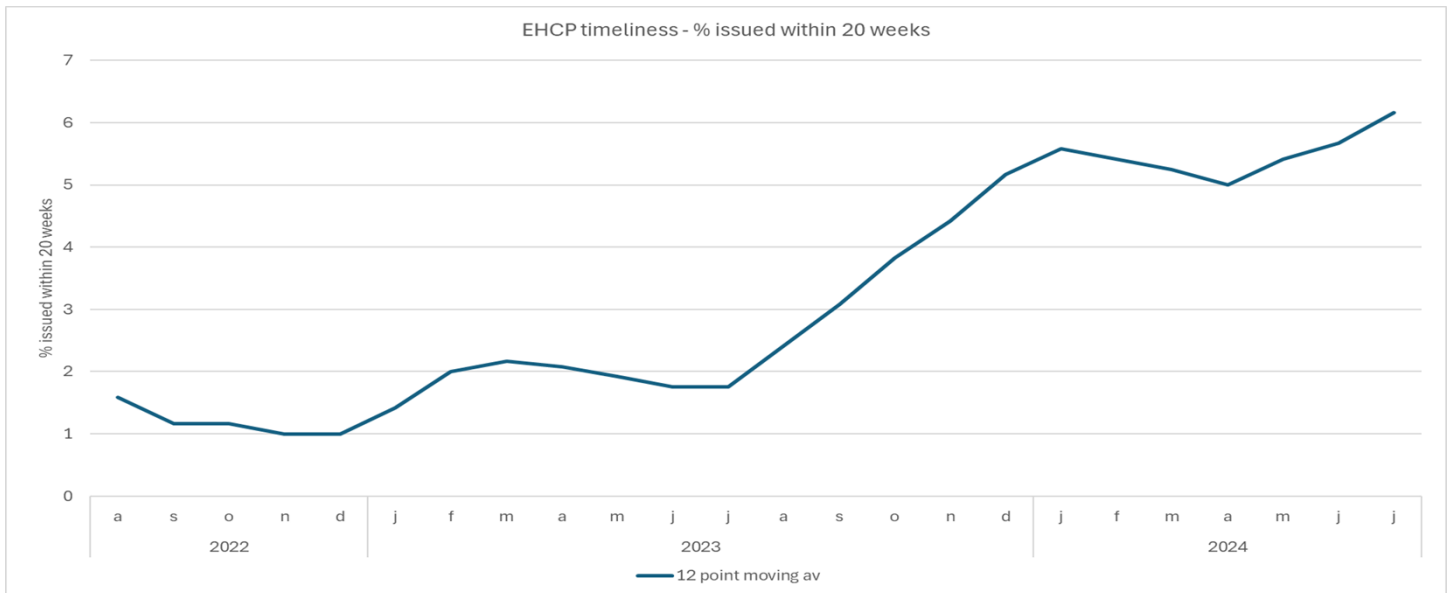
investment in local provision of £41.5m over the new MTFS period 2024/25 spend remains greater than the High Needs block of the Dedicated Schools Grant. For 2024/25, expenditure was forecast to be 22% in excess of the Grant and is forecast to increase to be 48% in excess of the grant in 2027/28. Over the period of the MTFS period, there remains an annual funding gap of c. £15m per year, and a cumulative high needs deficit over the same period forecast to be £58.1m in March 2025, rising to £103.3m in March 2028.

### **Leicestershire SEND system**

15. Increasing demand in the local SEND System continues to affect the financial position of the High Needs Block of the dedicated schools grant as well as the ability to deliver assessments within statutory deadlines. Between 2017 and 2024, there was a 90% increase in the number of Education, Health and Care Plans (EHCPs) in Leicestershire (from 3,350 to 6,377). This compares to a national increase over the same period in England of 100% and in the East Midlands of 101%. Leicestershire's statistical neighbours also saw a 97% increase between 2017-2024. At the same time, funding has not increased in line with this national and local trend.
16. This increase in demand is leading to significant drift and delay, in particular in the EHCP assessment process, that means that statutory deadlines as set out in the SEND Code of Practice (2014) are still not being 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. There are also a number of cases going to tribunal, often leading to the Courts overturning the decision of the Local Authority.
17. Whilst there are still a considerable number of appeals being received against decisions, over the last year there has been a reduction. Much of this will be as a result of more robust decision making and strengthened communication introduced through the TSIL programme.

### **Education, Health and Care Plans in Leicestershire**

18. The proportion of EHCPs issued within the 20-week statutory timeline has slowly increased since 2022. The chart below shows a 12-month moving average of the proportion of EHCPs issued within 20 weeks, which has increased from a low of 1% in 2022 to 6.2% for the 12 months to July 2024. This measure has shown improvement from late 2023 following the implementation of revised ways of working within the SENA team. Significant further improvement on this measure is anticipated through current recovery activity focused on reducing the backlog of requests for Educational Psychologist advice and EHCPs requiring drafting and issue.



19. The Service aims to progress with an alternative solution to ensure assessments are undertaken in a timely way. Having complete visibility of caseloads and data, and an improved ability to understand it clearly, will enable the impact of changes to be measured effectively. It has been ascertained that waiting for advice is the main driver of poor timeliness, rather than timeliness of reports once allocated. Additional Educational Psychologists have been sourced in order to complete assessments, alongside exploring more efficient ways to ensure good quality educational advice is produced for assessments. The Cabinet, at its meeting on 24 May 2024, noted action taken to award a contract for provision of educational psychologists in order to fulfil this duty.
20. In order to improve the quality of EHCPs, a monthly multi-disciplinary audit process is in place to assess a sample of EHCPs using a quality audit tool designed to consider plan content against best practice. Further development of the existing quality audit process is planned in coming months, with a focus on expanding the number of EHCPs audited and developing a quality improvement cycle using the results from audits undertaken to drive up quality of EHCPs through practice excellence activity such as changes to processes and staff training.

### **TSIL Programme Workstream updates**

21. The delivery of the programme was structured around four key workstreams which highlighted the challenges to meet the needs of the children and young people in the right place, at the right time:
- Inclusive Practice
  - Service Transformation
  - Accurate Information
  - Communication and Engagement

#### **Inclusive Practice**

22. The Inclusive Practice Toolkit was created to 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 responsibilities within the system. The toolkit has been well used with 2,631 visits to the webpages between January and July 2024.

23. There has been excellent engagement with the Leicestershire Local Offer through a Facebook page, which in July 2024 had 4,300 Facebook followers and 3,400 likes. This is an increase of around 300 followers and 200 likes since January 2024. The Local Offer regularly features in the top five search terms on the Council's website, and the top five most visited web pages. The Specialist Provision in Leicestershire (SPIL) directory and the SEND Provision in Leicestershire Guide, both developed as part of TSIL, are the top downloaded documents on the Council's website so far this year, which have collectively been downloaded 1,832 times between January and July 2024.
24. Setting specific planning has been transferred to the Education Effectiveness Team. The team has refined the end-to-end process which offers high support and high challenge for a targeted group of 25 schools over the academic year, who have benefited 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 staff at the setting to discuss recommendations and next steps, which has been established in a formal and informative, note of visit to capture discussions. The motivation of the team to progress this has enabled schools to see benefits of working in collaboration and bringing in line with both the Council's, and the schools' statutory duties.

### **Service Transformation**

25. The SENA teams which support assessments, reviews and placements have now embedded the changes introduced earlier this year and are working hard to ensure that plans are produced, reviews are held, and placements are secured for children. The revised structure is now starting to have an impact, however there are still significant improvements to be made for many children, families and education providers, due to the current volumes of work within the Service.
26. The new processes and tools for the SENA teams are embedding well, with good workload visibility through stronger reporting and ongoing KPI reviews in place. When staff were approached for their views, 94% of the surveyed SENA staff agreed that changes in their ways of working will lead to long-term benefits. This is positive news for the Department as it indicates that the changes have been successfully implemented and understood.
27. The placements team have seen strong performance since February 2024. They continue to triage, work with families, and confirm a higher number of placements in the right settings to meet children's needs.

### **Accurate Information**

28. During the first half of 2024, the TSIL programme moved into a sustainability phase – where improvements that were created in the design and implementation phase were 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.

29. The Service continues to embed sustainability throughout all workstreams which overall continues to work towards achieving 100% targets, which will ensure behaviours and culture are seeing long term change put in place. The sustainability matrices allow the Service to be clear on what is expected in terms of operational change and mindset. Easy progress tracking tools are used to see how things are embedding and where strengths and weaknesses are. These are regularly graded and reviewed, triangulating with KPIs and focus on where additional support is required.
30. As expected, there are several longer timescales in some System workstreams given the longer-term nature of the improvement cycles. Performance structures are now embedded well and led by Heads of Service and whilst they are key to the sustainability of performance across the different service areas and will support operational leads to drive high quality performance and data, there is further work taking place to link the relevant KPIs into financial impact.
31. Through new ways of working, the Service has strengthened the visibility of children and the decision-making process. The Service is now working towards a design to identify potential settings at the earliest possible stage in the process. Visibility of capacity being built into a Consults and Allocations Tracking Tool (CATT). The CATT tool is available and in use and will provide visibility of the consults sent to schools, their responses, and their vacancies. This allows the Service to consult in a targeted and effective way, hold educational settings to account where appropriate, and ensure utilisation of specialist provisions. It is anticipated that the full use of this tool will be implemented at the start of the academic year. The tool will also be supported with effective reporting mechanisms to view the data and check the quality of the data.

### **Communication and Engagement**

32. Throughout the programme, there has been a focus on providing regular updates to stakeholders and internal staff briefings providing information about Programme progress, next steps and evidence of impact. The Service has also maintained a System Leadership group with participants from school leaders in Leicestershire which has represented the local education system and acted as a critical friend for the programme. Work is continuing throughout TSIL Continuous Improvement to foster co-production and co-design on a number of activities.
33. 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. Work with the SEND Hub has been aligned to other activity and co-production around the departments Accelerated Progress Plan (APP) and the DfE Change Programme Partnership, as well as contributing to the strengthening and maturity of the Council's relationship with this key strategic partner.

### **TSIL Programme Next steps**

34. Whilst there has been positive progress to improve services for children with special educational needs and disabilities, there is still a lot of work to do, in particular around communication and improving timeliness and quality of EHCPs. The TSIL programme will continue to drive and embed current improvements, 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.
35. A Draft Local Area Inclusion Plan (LAIP) has been developed to replace the existing self-evaluation of local partnership SEND arrangements which supports the work of the Leicestershire SEND and Inclusion Partnership Board. This document is part of work with the DfE across the Leicester Leicestershire and Rutland area and tests a new format for self-evaluation which draws together data and information about services across local partners. The document will be regularly updated in partnership with system partners. Further work is planned in coming months to capture the views and impact of the partnership local offer for children and young people and their families and to build this feedback into both the LAIP and the refreshed SEND Strategy.
36. Transition to TSIL Continuous Improvement (TSIL CI) will enable the work to continue and be embedded as 'business as usual' within services and a plan has been established to deliver this work. A new service has been structured by repurposing existing staff from across the department with quality, performance and change skills to continue the good work. This has been in place since July 2024 and is currently working through a transition period with staff for effective workload and line management handovers. The Service will consist of Education Quality, Performance and change roles, and work in collaboration with Information Management, Audit and Service Delivery of software systems. Significant progress has been made through a 'TSIL Continuous Improvement' working group across the scope, timelines, governance and resource of the next phase of the programme. Mapping and simplifying the scope across current workstream sustainability, Change Partnership Programme (CPP), Accelerated Progress Plan (APP), Delivering Better Value (DBV) and further opportunities which has been the major progress throughout this year, as well as a more detailed view of the opportunities to be accessed through the next phase of TSIL CI and their indicative values.
37. One of two Health Checks, being undertaken by Newton Europe colleagues, took place in July 2024 and the second is due in October 2024. The Health Checks provide an opportunity to reflect on where progress has been made and provides feedback on where focus should be paid next in order to have the biggest impact.
38. Examples of other work that is continuing includes 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).

### **Background Papers**

SEND and Inclusion, Children and Families Overview and Scrutiny Committee, 6 September 2022:

<https://democracy.leics.gov.uk/documents/s170911/SEND%20and%20Inclusion%20CFS%20OSC%20060922.pdf>

SEND Local Area Revisit, Children and Families Overview and Scrutiny Committee, 24 January 2023:

<https://democracy.leics.gov.uk/documents/s174372/SEND%20Local%20Area%20revisit%20-%20CFS%20OSC%20240123%201.pdf>

SEND – Service and Finance Update, Scrutiny Commission, 15 March 2023:

<https://democracy.leics.gov.uk/documents/s175349/SEND%20-%20Service%20and%20Finance%20update.pdf>

Transforming SEND and Inclusion in Leicestershire (TSIL) Programme, Children and Families Overview and Scrutiny Committee, 7 March 2023:

<https://democracy.leics.gov.uk/documents/s175229/TSIL%20-%20CF%20OSC%20070323.pdf>

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>

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

39. None.

### **Equalities Implications**

40. 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**

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

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