

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Education and Children's Services Scrutiny Panel

**DATE:** 16 July 2019

**CONTACT OFFICER:** Cate Duffy, Director of Children, Learning and Skills. For all Enquiries: (01753) 875751

Report produced by Vikram Hansrani (Service Lead, Inclusion), Slough Borough Council

**WARD(S):** All Wards

### **PART I**

#### **FOR COMMENT & CONSIDERATION**

##### **IMPLEMENTATION OF SEND REFORMS**

**1. Purpose of Report**

To provide the Education and Children's Services Scrutiny Panel with an update on the Implementation of SEND reforms. This is an update to the report taken to the panel in April 2018.

**2. Recommendation(s)/Proposed Action**

The Panel is requested to note the report and comment as appropriate.

**3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

**3a. Slough Joint Wellbeing Strategy Priorities**

Priorities:

1. Protecting vulnerable children
3. Improving mental health and wellbeing

**3b. Five Year Plan Outcomes**

**This report refers to priority outcome 1**

Slough children will grow up to be happy, healthy and successful.

**4. Other Implications**

(a) Financial

Funding for SEND provision is derived from High Needs Block within the Dedicated Schools Grant (DSG). In line with many local authorities, both nationally

and locally, there will be a significant cumulative overspend within this budget to support children and young people with SEND.

The Education & Skills Funding Agency (ESFA) have requested that Local Authorities provide them with a budget deficit recovery plan for any cumulative deficits of 1% or greater within the DSG as a whole, excluding school balances.

The purpose of the recovery plan will give assurances that each local authority will not be called upon to re-pay the DSG deficit faster than set out in the plan; and if agreed, the element the local authority cannot repay over the period of the recovery plan will not be expected to be repaid within 3 years.

There is currently no requirement for local authorities to top-up the DSG from the general fund, or from reserves.

**(b) Risk Management**

Each of the targets within the Outcome 1 plan are already included within the service planning framework of the relevant council directorates and overseen by the corporate Five Year Plan Board, Cabinet and Scrutiny Panels.

<b>Risk</b>	<b>Mitigating action</b>	<b>Opportunities</b>
Legal	None	
Property	None	
Human Rights	None	
Health and Safety	None	
Employment Issues	None	
Equalities Issues	Seeking to diminish the difference between peers and vulnerable groups	
Community Support	None	
Communications	None	
Community Safety	None	
Financial	Plan to manage and reduce deficit shared with DfE and schools forum	Innovative way of working to support early identification of SEND
Timetable for delivery	None	
Project Capacity	None	
Other	None	

**(c) Human Rights Act and Other Legal Implications**

SBC's duties in this area stem from 2014 Childrens and Families Act and 2010 Equality Act.

**(d) Equalities Impact Assessment**

There is no need for an equalities impact assessment.

(e) Workforce

A restructure of the SEND service will be implemented in Summer 2019 following two years of achieving permanent establishment in place. The expected restructure will result in greater capacity to deliver the SEND strategy and will focus on an early intervention approach to identifying the needs of children and young people with SEND. This restructure will align SEND Case Officers with Educational Psychologists to support schools more effectively.

As part of the restructure, two cluster groups will be created with one focusing on Early Years to Primary education and the other focusing on Secondary to Post 16 education.

**5. Supporting Information**

**Introduction**

5.1 The SEND service has sat within Slough Borough Council for its second year since the TUPE from Slough Children's Services Trust in October 2017;

Over the past year, the service has been working on consolidating the SEND reforms, which came into place in 2014 (The Children and Families Act 2014).

Key changes to the legislation include:

- Extending the statutory age range of those with SEND in education to 0-25
- Including children, young people and parents in decision making
- a stronger focus on high aspirations and improving outcome for children and young people
- Joint planning and commissioning of services to ensure close co-operation between education, health services and social care

5.2 The definition of SEND provision is educational or training provision that is additional to or different from that made generally for others of the same age, i.e provision that goes beyond differentiated approaches and learning arrangements normally provided as part of high-quality, personalised teaching.

There are four broad areas of need outlined in the Code of Practice 2015, which is based on Part 3 of The Children and Families Act 2014.

The broad areas of need are:

- 1 – Communication and interaction
- 2 – Cognition and Learning
- 3 – Social, emotional and mental health
- 4 – Physical and/or physical needs

5.3 National statistics show that there was an increase to the number of children and young people with an Education, Health and Care Plan (EHCP) from 34,200 to 354,000 as at January 2019.

This 11% increase since 2018 was driven by increases across all age groups, with largest percentage increases in the 0-5 (13%) and 20-25 age groups (32%). The total number of children and young people with statements of SEN or EHC plans has increased each year since 2010.

	2018			2019		
	Total pupils	Pupils with statements or EHC plans	%	Total Pupils <sup>(2)</sup>	Pupils with statements or EHC plans	%
<b>National</b>	8,735,098	253,679	2.9	8,819,289	271,165	3.1
<b>Slough</b>	31,814	1,000	3.1	32,754	1,021	3.1

Based on 2019 School Census data, there were over 32,000 children/young people in Slough with over 1,000 accessing a statutory Education, Health and Care Plan (EHCP) document (3.1%) compared to 3.1% nationally.

	2018			2019		
	Total pupils	Pupils with SEN support	%	Total Pupils <sup>(2)</sup>	Pupils with SEN support	%
<b>National</b>	8,735,098	1,022,537	11.7	8,819,289	1,047,163	11.9
<b>Slough</b>	31,814	3,311	10.4	32,754	3,335	10.2

Of the 32,000 children/young people in Slough, over 3,335 (10%) are receiving SEN support compared to 11.9% nationally. In 2017 there were 10% of children/young people accessing SEN support vs 14% nationally.

- 5.4 Nationally, 3.1% of all children/ young people will have a level of SEND that requires a statutory assessment of their needs and a legally-binding document to ensure provision to meet those needs. This document was previously called a Statement of Special Educational Needs, however from 2014 the Government introduced Education, Health and Care Plans (EHCP) to replace Statements.

As of January 2019, 3.1% of the Slough pupils have an Education, Health and Care Plan.. These children and young people will attend either a specialist provision, resource base provision or mainstream provision of education, usually based in Slough or close to their residence, based on their individual needs. Approximately 3% of those children and young people with EHCPs access independent provision out of borough. This is typically based on the complex nature of their needs or if they are Children Looked After (CLA).

The table below explains the funding that is provided via the High Needs Block (HNB) of the Dedicated Schools Grant (DSG) for a pupil with a Statement/ EHCP.

<b>Funding</b>	<b>£</b>
Element 1 (AWPU) – all pupils	Approximately £4,000 per pupil
Element 2 – SEN Support	Notional £6,000 funding to support additional needs
Element 3 – Top up funding for pupils with Statements/EHCPs	Based on individual need

Providers will receive element three ‘top up’ funding to support children/young people with a Statement or EHCP. This funding is based on the pupil’s needs and is calculated using a banding mechanism.

*\* Independent providers do not receive Element 1 or 2.*

### 5.5 **Growth in Education, Health and Care Plans (EHCPs) vs funding from the High Needs block**

There has been a 56% increase in children and young people accessing a Statement or EHCP since 2014, set against a 15% increase in funding over the same period of time. Almost inevitably this has led to an overspend within the High Needs Block.

The table below highlights the growth in the number of children and young people with Statements of Special Educational Needs (Statement) /EHCPs since the reforms of 2014 and the total funding of the High Needs Block. It also illustrates the impact this has had on the outturn of the HNB.

	Number of CYP with Statements/ EHCPs ( <i>Internal snapshot</i> )	Total HNB
2014-2015	829	£20,024,957
2015-2016	842	£20,600,000
2016-2017	959	£20,910,000
2017-2018	1388	£22,133,483
2018-2019 (inclusive of additional £440,000 funding)	1295	£23,467,893

The DSG Budget Deficit Recovery was submitted to the Department for Education (DfE) and details plans in place to reduce some of the deficit, however provides wider contextual information regarding the funding challenges for Special Educational Needs and Disabilities (SEND) which have directly impacted the DSG.

## 6 Conversions of Statements of Special Educational Need to Education, Health and Care Plans (EHCP)

6.1 The deadline for the conversions of Statements to EHCPs was the 31<sup>st</sup> March 2018. Conversions should take 20 weeks to complete to allow for meetings with children/ young people and parents, professional reports to be completed and consultations to be sent to education providers.

6.2 By the end of 2018, all outstanding conversions from Statements of Special Educational Needs to Education, Health and Care Plans were complete. During the process, the SEND service worked closely with colleagues within healthcare and social services, educational providers, parents/carers and children and young people to finalised EHCPs. The SEND service ensured that that this process was been a person-centred, multi-agency process and not solely a paper-based activity.

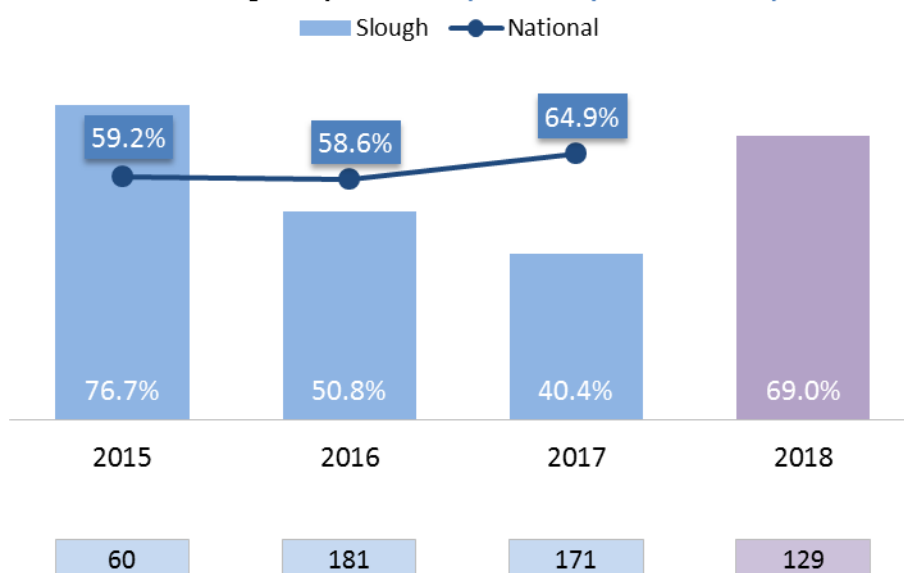
Correspondence was issued to all parents/carers or young people who did not receive a final EHCP by March 2018, informing them that there would be no changes to their current provision and informing them of when they should expect to receive their final EHCP to alleviate any concerns that they may have.

### 6.3 **Statutory Requests for Education, Health and Care Needs Assessment**

An Education, Health and Care Plan must be issued within 20 weeks of the initial request for assessment, unless there are exceptional circumstances during this process.

There has been a significant improvement in the number of EHCPs finalised within 20 weeks. Delays in receiving external professional reports continue to be a challenge in complying with the 20 week process, however these challenges have been acknowledged and actions have been taken to mitigate further issues.

#### **New EHC plans issued within 20 weeks by Slough** excluding exception cases (based on published data)



Nationally, the compliance rate for finalising Education Health and Care Plans are as follows\*:

2015 – 59%  
2016 – 59%  
2017 – 65%  
2018 – 60%

\*2018 signifies the first year in which Slough has finalised EHCPs higher than national statistics since the reforms in 2014.

## **7. Governance and accountability**

7.1 Over the past year there has been significant work put in place to further improve the governance structures around the SEND service. This has included; increasing the membership of SEND panel members on the SEND panel; refreshing the SEND Strategy & Vision and the creation of four working groups, tasked with delivering the strategy priorities.

7.2 The SEND panel meets weekly to discuss requests for EHC Needs Assessments, changes in banding and changes in provision. The panel also discuss requests for Early Years Inclusion Funding (EYIF) for those children with additional needs within the Early Years sector. Information on each pupil is collated and disseminated to panel members a week in advance. Over the past year there has been an increase in panel membership and has included head teachers to help assist with the decision making process and to provide further transparency in the decision making process. This has allowed for further scrutiny and accountability in regards to panel decisions and has helped to improve schools' understanding of the decision making process.

7.3 The SEND & Inclusion Partnership Board is into its second year of delivery and is used as a platform to:

- Evaluate outcomes and provision for children and young people with SEND
- Ensure SEND priorities are identified and represented in the Slough SEND Strategy
- Monitor the progress on actions within the SEND service plan and OFSTED inspection preparation
- Receive reports and updated action plans from work streams
- Highlight and celebrate good practice

The SEND & Inclusion Partnership Board is chaired by the Director of Childrens Services (DCS) and has membership from; officers within the local authority (including Adult Social Care, Young People Service); East Berkshire Clinical Commissioning Group (CCG), Berkshire Healthcare Foundation Trust (BHFT), School Head Teachers; voluntary groups and parent/carer representatives.

7.4 The SEND Strategy was refreshed in Spring 2019 to reflect the changing needs and priorities of SEND in Slough. This was co-produced by external stakeholders through wider engagement workshop sessions and was finalised upon successful consultation process. Sitting underneath the strategy are four work-streams intended to deliver on the priorities of the strategy document. These include:

- Quality & Performance

- Participation & Engagement
- Workforce Development
- Preparing for Adulthood

## 9. **OFSTED Local Area SEND Inspection**

9.1 In May 2016, OFSTED and the Care Quality Commission (CQC) launched a new framework for the joint inspection of the implementation of SEND reforms within local areas. The framework inspects the effectiveness of all organisations including the local authority and the Clinical Commissioning Group (CCG) in implementing the SEND reforms since September 2014. All local areas will be inspected by April 2021.

The inspection of the local area will cover and report on the following key aspects in arriving at a judgement about the effectiveness of the local area:

- The effectiveness of the local area in identifying children and young people who have special educational needs and/or disabilities
- The effectiveness of the local area in assessing and meeting the needs of children and young people who have special educational needs and/or disabilities
- The effectiveness of the local area in improving outcomes for children and young people who have special educational needs and/or disabilities.

9.2 Prior to inspection, the local authority and CCG will receive one week's notice of inspection and will be given further information about the week ahead in regards to schools that will be visited and OFSTED and CQC's lines of enquiry.

It is important to note that Local Area inspection is not graded, however all the DCS and Chief Executive of the CCG will receive a report of the findings which is published on the Ofsted website. Those local areas who are deemed to have significant areas of weakness be required to produced a joint local authority and CCG written statement of action (WSOA).

To date, the most common areas of serious weakness requiring a written statement of action have included: joint commissioning, co production with parents & carers, EHCP quality, the Local Offer site, specific weaknesses in the assessment of need, lack of strategic leadership & governance

Since mid-March 2019, 82 of the 152 local areas have been inspected and have received an 'outcome letter' detailing their performance in implementing the SEND reforms. 40 of the 82 local areas have been requested to submit a WSOA. This figure is increasing year-on-year.

Year	% of inspections that have resulted in a WSOA
2016	25%
2017	51%
2018	60%



- 9.2 In September 2017 a SEND OFSTED inspection operational working group was established that consisted of officers within the Local Authority, healthcare, social care and parent/carers.

Since September 2017, the Self-evaluation Form (SEF) and a Quality Improvement Action Plan (QIP) has been developed.

Members of this working group initially met fortnightly to develop and populate both documents, whilst ensuring that pertinent information was evidenced. As both documents are now being populated routinely, meetings have transitioned to termly occurrences.

OFSTED inspection briefing notices have been issued to all schools within Slough to ensure that schools are prepared for the inspection.

Key focus priorities for improvement include;

- Developing the post 19 offer (Preparing for Adulthood)
- Improving joint commissioning arrangements between the local authority and East Berkshire CCG

## **10. Parent/Carers**

- 10.1 Parent Carer Forums are representative local groups of parents and carers of children and young people with disabilities who work alongside local authorities, education, health and other service providers to ensure the services they plan, commission, deliver and monitor meet the needs of children and families.

- 10.2 Slough has a strong and prominent parent carer forum called Special Voices. Special Voices is a group of parents/carers of children and young people with special/additional needs. Special Voices are a voluntary organisation that work in partnership with voluntary and statutory organisations. The main aim of Special Voices is to raise awareness about the rights and needs of children/young people with special needs and to ensure that they and their families are consulted and involved in any decisions made during planning or developing services for them.

- 10.3 Slough SEND Service, acknowledge the importance of Special Voices and thus the service works very close with them on both strategic and operational issues.

Special Voices representatives are a part of the SEND & Inclusion Partnership Board, OFSTED Operational group and lead the Participation & Engagement work stream.

Any changes to documents that are used by parents/carers are consulted on via Special Voices, ideally through co-production. In 2019, officers have delivered at coffee mornings for parents and carers to during the consultation process of the new top-up funding (banding) model for children and young people with SEND.

Officers have also ensured that Special Voices contributed to the refresh of the SEND Strategy.

## **11. SENDCo Support to Schools**

- 11.1 It has been acknowledged that a lack of local authority support for schools during the period of the SEND reforms has resulted in poor practice in some schools and a lack of understanding of statutory duties within some educational provisions.
- 11.2 In January 2018, a SENDCO School Effectiveness Officer was confirmed in post. This post was created to support, up-skill and develop SENDCOs at schools and to develop a SENDCO network forum for all Slough Schools.

Over the past year, the SENDCO School Effectiveness Officer has engaged with SENDCOs twice a term to deliver training sessions and to provide SENDCOs with both regional and national updates in relation SEND.

Attendance at events remains high and feedback received is very positive. Thematic training and development opportunities have been provided and external professionals have also provided contributions, for instance, Berkshire Healthcare Foundation Trust (BHFT) delivered a session to SENDCOs on Speech and Language Therapy (SaLT).

The SENDCO Network Forum was also used to deliver training to SENDCOs on the new top-up (banding) matrix system for children/young people with SEND. The plan for the following year is to further develop opportunities for sharing good practice and to provide workforce development.

Another key priority is to extend the work developed by professionals to create an 'ordinarily available provision' document to further support settings identify when they should request an Education, Health and Care Needs Assessment.

The SENDCO School Effectiveness Officer has recently established links with the Slough Teaching School Alliance (STSA) and has developed training opportunities for Newly Qualified Teachers (NQTs) in relation to SEND & inclusion from September 2019.

## **13. Local offer**

- 13.1 As part of the SEND reforms, local authorities are required to publish an online SEND 'Local Offer' which sets out all of the available services, information, advice and facilities available to children and young people with SEND across education, health and social care. This information should be pertinent for both pupils with and without an EHCP.

The local offer must include the local authority's area and provision outside the local area that the local authority expects is likely to be used by children and young people with SEND for whom it is responsible.

The local offer has two key purposes:

- To provide clear, comprehensive, accessible and up-to-date information about the available provision and how to access it

- To make provision more responsive to local needs and aspirations by directly involving children and young people with SEND, parents and service providers in its development and review

- 13.2 Slough's Local Offer has been subject to a £22,000 revision and was re-launched at an event on the 23<sup>rd</sup> November 2017 where 300 people attended. The Local Offer was re-launched during the annual 'Special Voices' exhibition and conference, an event that is run by Slough's parent/carer forum.

The Local Offer can be accessed using the link below:

<https://www.sloughfamilyservices.org.uk/kb5/sloughcst/directory/localoffer.page>

The new Local Offer has been used by both parent/carers and sampled by the Department for Education (DfE). The DfE mentioned that the new site was easier to navigate and that the information was clearer. Parent/carer feedback has been intrinsic to the development of the site and therefore, there is parent/carer representation within the Local Offer steering group to ensure that feedback is listened to and actions are addressed.

#### **14. Banding (top-up) funding for children/young people with SEND**

Over the past year the SEND service successfully led the implantation and delivery of a new banding model which based on the special educational needs & disabilities of children/ young people.

This was a significant piece of work that required Schools Forum approval as well as consultation with wider stakeholders including school leads and parents/carers.

The work itself was supported by a range of professionals including schools, Educational Psychologists, sensory intervention staff and speech and language therapists.

The proposed banding model went through a period of consultation in January 2019, supported by two separate sessions delivered to parents/carers and school leads & governors respectively. The new banding model was approved by Schools Forum members following the positive consultation process.

#### **15. Joint Commissioning with East Berkshire Clinical Commissioning Group (CCG)**

As part of the development of the SEND Service, there are two priority pieces of work taking place between the Local Authority and East Berkshire CCG.

- i) Tripartite panel – Although in the embryonic stages, a tripartite panel has been agreed through the Joint Commissioning Board. Panel membership will include budget holders for education, social care and health and will address complex multi-agency placements.

The first panel meeting will take place in July 2019 and will be used to pilot cases where children/young people have involvement from health and social care. In the short-term, this panel will help improve contributions from health and social care for specialist placements.

In the long-term, this panel will be used to develop and deliver intelligent commissioning arrangements between all three agencies, through the identification of gaps in provision.

- ii) Integrated Therapies Forum – The SEND Service are working with East Berkshire CCG to support an equitable model of resource at pre-statutory stage for children/young people in Slough with SEND.

At present all three local authorities in East Berkshire have different commissioning arrangements with the CCG for therapies which has resulted in identified gaps in pre-statutory provision for Speech and Language Therapy (SaLT), Occupational Therapy (OT) and Physiotherapy (PT). By apportioning an equitable level of funding to allow for access to therapies for Slough children/young people prior to an EHCP should reduce the need for an EHCP and provide the appropriate support at the appropriate time.

## **15. Conclusion**

The SEND Service within Slough Borough Council is currently on a rapid journey to consolidate the work done over the past two years whilst ensuring that the service is able to adapt to support children/young people at the earliest opportunity.

The focus and priorities for the year ahead include ensuring a sustainable and transitional structure is developed to help support schools, professionals, parents/carers and young people to then improve outcomes for children/young people with SEND.

## **16. Appendices Attached**

Appendix A - SEND Governance Arrangements

## **17. Background Papers**

1. Slough SEND Strategy (on request)
2. Agenda and minutes, Education and Children's Services Scrutiny Panel Wednesday, 18th April, 2018.