

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Deputy Chief Executive (People)

to
Cabinet
on
7th November 2017

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First Annual Report on the Implementation of Southend on Sea's Strategy for Children Age 0 – 25 with Special Educational Needs and/or Disabilities “Working together to improve outcomes”

People Scrutiny Committee
Executive Councillor: Councillor James Courtenay
A Part 1 Public Agenda item

1 Purpose of Report

- 1.1 To report on progress of the first year (financial year April 2016 - March 2017) of the implementation plan of the strategy for children with Special Educational Needs and/or Disabilities. The report gives a summary of progress made on the 5 key proposals and action plans that take the strategy forward.

2 Recommendations

- 2.1 That Cabinet notes the progress and areas that require further improvement as indicated in the report for the first year of “Working together to improve outcomes”;
- 2.2 That Cabinet approves the recommendation contained in 5.4 to undertake a full review and refresh of the current strategy, with a view to representing the updated version to Cabinet by the end of the current financial year.

3 Background

- 3.1 “Working together to improve outcomes” built on the previous Southend on Sea's Strategy for Special Educational Needs 2013-2016 entitled “Early Help, Partnership, Choice and Ambition”. At the time, the strategy placed us in a good position to prepare for and implement the legislation changes aimed at reforming the approach of local authorities to SEN and Disability (SEND) introduced by the Children and Families Act 2014.
- 3.2 The strategy identifies 5 priorities that continue and extend the proposals identified in Early Help, Partnership, Choice and Ambition and aims to build on the progress already made in Southend and ensure the required changes are effective and sustained.

3.3 The main aim of the SEND reform legislation was to achieve cultural change to improve the outcomes for the most vulnerable children and young people and their families. While it is important there are systems and processes in place, culture change is the biggest obstacle to overcome to ensure any other changes have an impact on the outcomes for learners with SEND.

3.4 The strategy and action plans are monitored by the SEN Strategic Board. The board has members from education, children's and adult's social care, Southend CCG and health service providers, Southend Family Voice, Southend Carers Forum, mainstream and special schools. This is the first annual report on the progress of its implementation.

4 Progress Report The strategy has 5 key priorities each with an action plan. The following account is a summary of the progress that has been made so far on implementing the strategy, as identified for the first year (financial year April 2016 – March 2017).

4.1 Priority 1: Timely Intervention.

4.1.1 The focus of work for this period has been to get the systems, processes and protocols in place around information sharing to support schools and services to enable early identification of need.

4.1.2 Collaborative working is taking place, as evidenced by the multi-agency involvement in the EHCP process, joint funding of individual children and young people's placements and joint children's commissioning teams. However the LA and CCG continue to work together to jointly commission support services. Initial consultation and work done to design a possible autism referral pathway involving both health and the LA's Educational Psychology Service is now being considered by Southend University Hospital Foundation Trust (SUHFT).

4.1.3 Changes to the Early Help offer have had good feedback from schools. There is closer working with social care which should ensure there are fewer gaps in provision for children and young people with better outcomes for all.

4.1.4 The pathway for EHC needs assessments was altered following feedback from parents, schools and partners which should better allow parents and young people to tell their story once, with desired outcomes and aspirations shared with professionals prior to the assessment.

4.1.5 The revised transition protocol (details under priority 2) helps support children and young people who enter youth custody with SEND or whose SEND is subsequently identified whilst in custody.

Overall progress amber

Further work will be required in year two to secure better joint commissioning with Health

4.2 Priority 2: Partnership working

- 4.2.1 Parents and carers are involved in the EHCP needs assessment process from the start. The new assessment pathway was devised and implemented from September 2016. It means for every request a member of the SEN team meets with parent and setting before a decision is made whether to assess or not. Every assessment and conversion involves a face to face meeting with a named officer from the local authority. Every parent that requests impartial support receives it from either the Information Advice and Support Service or Independent Support. The effectiveness of the new pathway in reducing tribunal appeals is being monitored.
- 4.2.2 (*This section reports on current progress rather than last financial year due to significant improvement being made in recent months*). There been marked change in the percentage of assessments completed within 20 weeks, and although it remains at less than the national average of 55%, as a result of a robust plan it has improved from less than 10% in May to the most recent figure reported to Council of around 40%. The trajectory of our plans would bring us back up to the national average by the new year, and the proposed target of 90% by the end of the next financial year, 2018/19.
- 4.2.3 In the academic year 2015 -16 there was a 40% increase in the number of requests and a 58% increase in the number of assessments carried out compared to the average of the previous 3 years.
- 4.2.4 Officers are currently working directly with partners to ensure rapid improvement in this area. A more robust administrative process will support better communication between professionals and parents. Improvement in this area remains a key priority, and is being monitored on a weekly basis. We are liaising with health colleagues to determine the barriers to producing plans within timescales and looking for solutions with data sharing and recording to eliminate these barriers.
- 4.2.7 A new transitions protocol for young people with SEND entering adulthood was written following input from stakeholder groups supported by Preparing for Adulthood. It is currently being redrafted following further feedback from Health.
- 4.2.8 We have recorded where children and young people have been involved in their annual review. This baseline data can now be used to identify trends or particular settings that need more encouragement to involve children and young people in the review of their EHC plan.
- 4.2.9 All previous Learning Difficulty Assessments (LDAs) were converted to EHC plans prior to the statutory deadline of 1st September 2016. The Transition Plan to convert Statements to EHCPs is well underway with 74.2% completed. Conversion review meetings are being held in line with the targets we set out on this plan. We are confident that we will meet the statutory deadline to convert all statements by the deadline of March 2018.
- 4.2.10 The local offer, hosted on SHIP, sets out in one place information about provision that is available for children and young people in the area who have Special

Educational Needs. Work to engage parents, carers and young people in developing the local offer of provision continues through avenues such as user forums and social media. A parent conference on the local offer was held in the summer term.

Overall progress amber due to % completion of EHCPs within 20 weeks. Robust action and monitoring is in place to improve the situation even further. Further promote the Local Offer to parents and families.

4.3 Priority 3: Quality and effective SEND provision

- 4.3.1 The quality of four out of the five special schools in Southend have been judged good or better at inspection with one school outstanding. (Seabrook College has now converted to an academy and joined an established Multi Academy Trust) but there remains concern about the effectiveness of this provision. It is currently housed on a number of sites and plans to seek suitable alternative accommodation are progressing. We will continue to work with the sponsor to ensure rapid improvement in provision, including the relocation of all sites to a more fitting building.
- 4.3.2 The Behaviour Outreach Service sits within the management of Victory Park Academy (part of the old Seabrook College). This service works with most mainstream schools across the Borough. Part of their work is around developing whole school behaviour policies and strategies for improving behaviour. Feedback from the schools using this service is positive. Reporting from internal systems (using data from all but 2 schools) indicates that in 2015/16 the fixed term exclusion rate for all SEN pupils in Southend was 9.5%, whilst down from 16.3% 2014/15 it remains much higher than the rate for non-SEN pupils (2.4%). The permanent exclusion rate for SEN pupils was 0.19% in 2015/16, compared to 0.12% in 2014/15. Again this is higher than the rate for non-SEN pupils (0.01%).
- 4.3.3 We have a good range of options post 16 meaning only 3% of school leavers with an EHC plan had unknown destinations or were NEET in September 2016. There is still only one provider for supported internships but the number of Southend young people accessing them has increased. Discussions are taking place with other providers to increase options for young people Post 16.
- 4.3.4 In addition to the previously commissioned outreach services – for autism and speech and language – we have increased the training on offer to schools to address speech and language needs. We are working closely with the special schools to commission a service to support learning difficulties in mainstream schools.

Overall progress green.

Further work to ensure that the Council takes full account of the views of parents and learners is already underway.

4.4 Priority 4: Raise attainment and expectations

- 4.4.1 *(Based upon 2016 outcomes as 2017 data not available at the time of writing)*
Children with SEN in Southend do less well than children with SEN nationally.

Headline figures shows progress in narrowing the attainment gap between those with SEN and those without remains stubborn. The attainment and Progress 8 measures used for Key Stage 4 show Southend pupils with statements or EHCPs make less progress than their peers nationally. Detailed analysis does show some areas of progress, for example a greater percentage of young people with an EHC plan or statement achieved A*-C GCSEs in English and Maths in Southend than nationally, and at key stage 2 the contextual value added score for Southend pupils with an EHC plan or statement was in line with or above national.

- 4.4.2 All schools across the country have been identifying fewer children and young people with SEN –Southend schools already identified less than the majority of councils and are now in the bottom 10%. This has presented a further issue to closing the gap as now only the most complex pupils are identified.
- 4.4.3 The local authority continues to offer an extensive menu of support to schools and colleges via the borough SENCO meetings and the annual SEN conference has been well received with the vast majority of Southend schools subscribing to this service.
- 4.4.4 All settings published a school offer for September 2014, prior to the publication of the revised code. They have since updated this to the required SEN Information report. All SEN information reports are now compliant. In addition all schools have been requested to provide extended SEND information to their SHIP record on the LA's Local Offer in order to have consistent information in one place.

Overall progress green.

Reducing the attainment gap will feature in revised support and challenge for all schools.

4.5 Priority 5: Ensure value for money

- 4.5.1 The High Needs Block of the Dedicated Schools Grant (DSG) has been overspent this financial year (2017/18). This reflects the situation nationally. Resources for individual pupils are monitored via annual review, conversion reviews and at EHC panel. Systems are in place to ensure the correct funding allocated to pupils is paid to schools. The overspend has been driven by both an increase in the number of pupils and the support required in mainstream schools and the demand for special school places. This demand for special school places is exceeding population growth and available spaces. This pattern mirrors the national picture and does not appear to be limited to Southend. The government has consulted on a national formula for funding both schools and the high needs block. While this consultation indicated additional money for Southend's high need block, there is concern this is not as much as it could be due to a low area cost adjustment and inclusion of previous spending in the formula (Southend has historically had a comparatively small high needs block).
- 4.5.2 Additional pressure on the high needs block has come from increased numbers of young people requiring high needs support in post 16 provision. There is likely to be further pressure with the 30 hours early years entitlement from September 2017.

- 4.5.3 In December 2016 Schools were consulted on moving to a banding system to replace LSA hours and introducing a mechanism for schools to access high needs funding without an EHC plan and there was a positive response to each proposal. There is currently a two phased approach to monitoring and implementing high needs funding with the introduction of a reduced hourly rate for EHCP top ups and a reduction of 1.5 % to special schools. Phase 2 is the introduction of a banded system in place of allocated .The next steps to develop this will now be carried forward with wider consultation and engagement in developing and agreeing the descriptors required.
- 4.5.4 Existing personal budgets (direct payments) mainly from social care are being incorporated into EHCPs. A limited number of personal budgets for education and health have been requested and a few of these have been able to be agreed. We are anticipating more as understanding of the scope of what can and cannot be agreed becomes more widely understood.

Overall progress amber

Action has already started to mitigate the funding overspend, working alongside school leaders to implement fairer and understood funding.

5 Conclusion

- 5.1 Good progress has been made in embedding the new SEND system, but greater progress has been hindered by a range of factors.
- 5.2 Progress has been made in changing systems and processes around gathering intelligence and involving parents and carers to better inform improvements. There is further work do to achieve the cultural change to improve the outcomes for the most vulnerable children and young people and their families. It will involve changing attitudes – not only of service providers, but also of service users and these changes will be harder to achieve and take longer to embed.
- 5.3 A range of factors have emerged that will require the Council to reconsider and recalibrate its strategic approach to the provision and outcomes for SEND. A number of these emerge from the report and the more detailed action plan for the first year. However, three features in particular will require this focus:
- 5.3.1 Local areas are being inspected by Ofsted and the CQC on how well they are implementing the new duties that came into force in September 2014 in the Children and Families Act 2014. This focuses on how effective an area is at identifying and meeting needs and improving outcomes for children and young people aged 0 to 25 who are disabled or have special educational needs. These started in May 2016 and all local authority area will be inspected within 5 years.
- 5.3.2 In addition, the Local Authority commissioned a Peer Review of an aspect of its SEND provision. The focus for the review was “Do all I stakeholders have a clear and shared understanding of their respective responsibilities and duties in identifying and supporting learners with SEND. The findings from this review are currently being considered, but they supported our view that there is additional work to be undertaken in ensuring that all partners recognise and meet their statutory obligations.

5.3.3 As a result of firstly the publication of the National Funding Formula High Needs Block allocations, and the pressures on the current financial year spend outlined above, Education Board will need to both short and medium term measures to ensure that spend is brought in line with budgeted allocation.

5.4 As a result of these factors: the performance in year one; changes to staffing leadership with SEND; pending possible inspection findings and the determination to give learners with SEND the best possible opportunity in education; the outcomes of the recent peer review and the pressures on the High Needs spending, it is recommended that **a full review of the provision for SEND area is undertaken and presented back to cabinet in the form of a refreshed SEND Strategy**. In order that the review can properly involve all stakeholders, it is envisaged that the review will be completed towards the end of the financial year 2017-18.

5.5 In the meantime, We cannot afford to await the revised strategic priorities, and in parallel, in the second year of the current strategy, we should begin to see further progress including:

- Agreeing specification for services that need to be commissioned and begin initial tendering process.
- Converting or ceasing all statements of SEN.
- Determination to increase the number of assessments completed within 20 weeks and an increase in health assessments completed in 6 weeks.
- Developing a system to identify which pupils contribute to the SEN gap in order to track pupils and target support.

5.6 The following areas will be the focus and priority for the second year of the strategy:

- Gathering evidence of involvement of children, young people and their parents and carers, the impact of this and improvement in outcomes.
- Work with schools to identify and support those underachieving or at risk of becoming NEET, particularly those at the SEN support stage of the code of practice.

6 Corporate Implications

6.1 Contribution to Council's Vision & Corporate Priorities

The strategy contributes to the Success for All priorities of raising achievement and securing good outcomes for the Borough's children and young people.

6.2 Financial Implications

- Spend on the high needs block is monitored by the Education Board (which incorporates the schools forum functions) as required. As referenced in 4.5.1, the 2016/17 financial year closed with a significant overspend on the High Needs block which is funded by the Dedicated Schools Grant. In order to part reduce those funding pressures into 2017/18, savings were applied and approved through the Education Board to reduce both the ECHP hourly top up rate paid, and a full 1.5% funding reduction applied to special schools in accordance with the minimum funding guarantee. However as expected, due to continuing

demand and cost pressures in 2017/18 the High Needs block is continuing to forecast an over spend.

- There is positive news, as recently announced by the Department of Education the High Needs block funding is expected to gain in both 2018/19 and 2019/20 and therefore this will helpfully assist in terms of increased funding levels to meet demand and cost. However, given the severity of the 2017/18 forecast overspend the Education Board have also recently agreed that any additional funding due to High Needs in 2018/19 will firstly be used to help ensure the dedicated school grant reserve balance is held to a contingent level. The Education Board and SEN team are continuing to work on mitigating existing cost pressures to ensure expenditure is contained within the resources available.

6.3 Legal Implications

The new Education Health and Care Plans and the new SEND Code of Practice came into force in September 2014. They have the same legal status as statements of SEN. These are being implemented as per government guidance and the new SEND Code of Practice.

6.4 People Implications

Ongoing training is offered to SENCOs in all schools via a subscription. The regional peer support network funded by the DfE continues to offer training to internal and external staff.

6.5 Property Implications

None

6.6 Consultation

There has been extensive consultation and engagements with a wide range of stakeholders on the strategy and the implementation of the SEND reforms, in particular, parents and children and young people.

6.7 Equalities and Diversity Implications

Data is regularly monitored to ensure that there is a match between demand and the provision that reflects the demography of the population. Processes are in place to ensure that there is a fair distribution of resources across schools to meet the needs of pupils with SEN and that resources are targeted to meet the needs of the most vulnerable.

6.8 Risk Assessment

If an inspection by Ofsted and the CQC identifies any or all of the following there is a risk that the Local Authority or CCG will be required to produce a written statement of action: lack of progress in implementing the reforms; lack of understanding among leaders of the key areas of weakness; lack of an action plans to address weaknesses. The LA have completed a Self Evaluation Form and the CCG have completed the CDC's audit tool to help leaders and inspectors understand progress and the areas that still require development.

6.9 Value for Money

The SEND reform grant has enabled temporary staff to be appointed into the SEN team which enabled all existing LDAs to be converted and is supporting all

existing statements to be converted to EHC Plans by March 2018. The grants have been awarded annually since 2014. There is no indication that further grants will be available from March 2018.

6.10 Community Safety Implications
None

6.11 Environmental Impact
None

7. Background Papers

DfE Special educational needs and disability code of practice: 0-25 years.
Southend on Sea's SEND Strategy 2016-19 "Working together to improve outcomes".
Review on progress of Year 1 of SEN Strategy Action Plan

8. Appendices

none