

TELFORD & WREKIN COUNCIL**CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE – 1 NOVEMBER 2016****SEND****REPORT OF THE INCLUSION AND CORPORATE PARENTING SERVICE DELIVERY
MANAGER****1.0 PURPOSE**

- 1.1 To enable the Children and Young People Scrutiny Committee to consider Telford and Wrekin's implementation of the Children and Family Act (2014) with particular reference to Special Educational Needs and Disability.

2.0 RECOMMENDATIONS

- 2.1 **That the Committee consider the report and agree any further actions for Scrutiny.**

3.0 INTRODUCTION

The Children and Families Act, implemented from September 2014, is a wide-ranging piece of legislation that defines the responsibilities of the Local Authority in relation to Special Educational Needs (SEN).

The implementation of the SEN reforms started in September 2014 and involves a three and a half year programme, in line with national expectations.

Telford and Wrekin Council have a designated SEND team that is responsible for the administration of the procedures related to the statutory assessment of children and young people's special educational needs. In line with the Act, from 1st September 2014, the authority no longer issued a 'statement' for a child with special educational needs but instead an 'Education, Health and Care Plan'. The plan aims to meet a child or young person's educational, health and care needs. The Act requires agencies to work holistically and deliver a coordinated approach to families.

Approximately 1200 children and young people have a Statement of Special Educational Needs and or Education, Health and Care Plan in Telford and Wrekin. Nationally 2.8% of the population have a statement of SEN/EHCP compared to **3.3%** in Telford and Wrekin. Further work would be required to understand why Telford has a higher amount of children/young people with a statement of SEN/EHCP but explanation is likely to include a range of factors. It is possible that local funding arrangements contribute to this statistic as children in Telford and Wrekin require a statement/EHC plan to access high need funding whereas this is not always the case in other LAs. A further hypothesis is that Telford and Wrekin has been less stringent during its decision making regarding requests for statutory

assessments and or issuing a statement/EHCP once a statutory assessment has been completed.

In line with requirements of the SEN reform all statements of SEN need to be transferred to an EHC plan by March 2018. In addition approximately 22 young people with a learning difficulty assessment (LDA) required transfer to an EHC Plan by the 31st August 2016 which was completed on time.

4.0 KEY INFORMATION

4.1 Developing the strategic approach to SEND in Telford and Wrekin

The national SEND reforms continue to provide the statutory framework for children and young people with SEND. Locally, consultation is ongoing regarding a strategic approach that sets out the following vision:

We want children and young people, aged 0 to 25, with SEND across Telford and Wrekin to make excellent progress; to achieve the best possible outcomes; to open door for their own future and thus enable them to become active citizens within their communities.

Identified priorities include:

- To ensure that every child with SEND makes excellent progress, through access to high quality provision.
- To engage with children and their families early to identify and support their needs.
- To provide smooth progression into adulthood for all young people with SEND.
- To develop robust governance structures that monitor the effectiveness of services that are designed to support SEND.

The new strategy for SEND is being co-produced with our key partners and importantly our families and young people too. Ultimately we need to know from them what our goals should look like and their continued participation is essential as we implement our approach. The strategy also recognises that challenges around finance and sustainability appreciating that activity will be influenced by the current financial constraints on local councils. The Strategy is due to be launched at the next meeting of the SEND governance board, Aiming High, on 17th November 2016.

4.2 Local Offer

In October 2014 Telford & Wrekin published the Special Educational Needs and Disabilities (SEND) Local Offer in accordance with the SEND Code of practice (2014).

The Local Offer sets out in one place information about provision they expect to be available across education, health and social care for children and young people in their area who have SEN or are disabled, including those who do not have Education, Health and Care (EHC) plans. 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, and

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

Throughout the year the SEND advisor for the Department for Education has reviewed Telford & Wrekin’s Local Offer to check compliance with statutory requirements. They have commented that significant progress has been made, that an excellent “You said, we did” report is available, showing how officers have responded to comments from parents about the content and presentation of the website and that much progress has been made with schools rebranding “school offers” as “SEN Information Reports” to match the Code of Practice requirement. Areas still to consider include identification of a dedicated resource for Local Offer development and accessibility options remain limited. The website has received approximately 5000 hits since between January and October 2016. Telford and Wrekin’s Local Offer website can be found at www.telfordsend.org.uk

4.3 Education Health and Care (EHC) Plans

Following the SEN reforms the timescale for completing a statutory assessment reduced from 26 to 20 weeks. Table 1 shows the performance data of statutory assessments completed within 20 weeks from January to October 2016.

Table 1 - % of EHC plans completed within statutory timeframes

Activity	% (Cumulative total Jan – Oct 2016)
EHC Plans (new assessments) completed within 20 week timescale including exception cases	21.94% (34 of 155 Plans)
EHC Plans (new assessments) completed within 20 week timescale including exception cases	18.24% (27 of 148 Plans)
Transfers from Statements to EHC Plans completed within 20 week timescale	50.56% (182 of 360 completed Transfers)

As can be seen performance regarding timeliness has been poor. Contributing factors include embedding a new statutory process that involves greater co-production with families and schools, late submission of advice from across education, health and care providers and limited data tracking. Nationally many LAs are facing similar challenges to Telford and Wrekin with regard to meeting the 20 week target. Data indicates that on average 60% of EHC plans were finalised within time across England during 2015 – although in comparison Telford’s data stood at 18% highlighting a local weakness.

Significant action has now been put into place in order to increase performance. The SEN team has undergone a restructure and moved from social care into education services. A new SEND group manager has been in post since October 2016 and a recovery plan to

support timeliness put in place. Liaison with advice providers has begun alongside the development of performance monitored tools. Work activities have been reprioritised and targets set. Processes have been streamlined and significant work has been completed on data quality. It is forecast that timeliness will improve over the coming months. The guiding principle for the Local Authority continues to be balancing capacity while maintaining the integrity of a child centred approach.

Requests

The table below details the number of new Education Health Care Needs Assessment requests received year to date, with comparative data for 2014 and 2015 calendar years.

Table 2 – No of EHC requests received.

	2014	2015	2016 (year to date)
Total New Requests	90	190	210

As can be seen there has been a significant increase in requests following the implementation of the Children and Family Act 2014. Whilst this appears to be in line with national trend the rate of increase is of concern. On average the authority has agreed 78% of requests received during 2016. Where requests are declined the SEND team will signpost or provide feedback as to appropriate next steps that should be taken to meet a child or young person’s needs. All decisions are made in line with the authority’s published criteria as detailed on the Local Offer.

4.4 EHC Transfer Assessments

In total Telford and Wrekin have transferred 543 statements of SEN to an EHC plan which is 51% of those required. The team are confident that they will meet the 31st March 2018 deadline to ensure all statements are transferred. Whilst there is recognition that timeliness can be an issue limited national data is provided for comparison. Informally many authorities report significant concern about both the ultimate deadline for completion in 2018 and ability to undertake transfer assessments in 20 weeks.

Further data is provided about EHC transfers in the Appendix document.

4.5 Joint Commissioning

The SEN Reforms for 0-25 year olds require that:

“Joint commissioning arrangements must cover the services for 0-25 year old children and young people with SEN or disabilities, both with and without EHC plans. Services will include specialist support and therapies, such as clinical treatments and delivery of medications, speech and language therapy, assistive technology, personal care (or access to it), Child and Adolescent Mental Health Services (CAMHS) support, occupational therapy, habilitation training, physiotherapy, a range of nursing support, specialist equipment, wheelchairs and continence supplies and also emergency provision. They could include highly specialist services needed by only a small number of children, for instance children with severe learning disabilities or who require services which are commissioned

centrally by NHS England (for example some augmentative and alternative communication systems, or health provision for children and young people in the secure estate or secure colleges).”

There are examples of joint funding allocations i.e. Speech and Language Therapy, audiology and a joint commissioning model for Early Years through Stepping Stones. However, there is a need to further develop joint commissioning approaches in Telford and Wrekin, particularly for children beyond those in Early Years. Key partnerships have been established between the local authority and health providers but a commissioning approach to SEND between services needs to be developed further.

4.6 Co-production, Communication and Engagement

Parental engagement and co-production activities are continuing, including regular engagement meetings with PODS (Parent Carer Forum), IASS (Independent Advice Support Service) and IS (Independent Support).

Some examples of feedback from parents and carers about what works for them:

- targeted Information so they are not bombarded and know where to start
- need to know criteria/thresholds for assessments or services – and if not met then helpful to understand the reasons behind decisions
- professionals consistent over time and with knowledge and empathy, and well informed handover where this is necessary
- networks and parent support groups

4.7 CQC and Ofsted Local Area SEND inspection

Ofsted and CQC have begun inspections of all local areas over a five-year period. Judgements are to be made about the performance of the local area since the implementation of the reforms in September 2014 and there will be a narrative evaluation report following the inspection. There will not be an overall effectiveness grade.

When selecting local areas for inspection in a given year, Ofsted will ensure that there is a spread across the country and will, wherever possible, take account of the timing of any other Ofsted or CQC inspection activity. There will be a risk assessment element to the selection where Ofsted or CQC have significant concerns about an area’s ability to fulfil its responsibilities, for example weaknesses found in the area’s education inspections.

The inspection teams will usually consist of one of Her Majesty’s Inspectors (HMI) from Ofsted, a Children’s Services Inspector from CQC, and a trained inspector from a local authority (not from the local area being inspected). The local authority inspector will have specialist knowledge of disability and special educational needs and have a health, social care or education background.

The proposed focus of the inspection will be

- How effectively does the local area identify children and young people who are disabled and/or have special educational needs?

- How effectively does the local area meet the needs and improve the outcomes of children and young people who are disabled and/or have special educational needs?

The inspection team will

- meet key managers and leaders from the area's education, health and social care services
- visit a number of early years settings, schools and further education providers.
- visit health settings, where inspectors will discuss with managers and practitioners how the local area fulfils its responsibilities and how they contribute to this. They will review health files and information about how health practitioners contribute to assessments and education, health and care plans.
- meet children and young people, and parents and carers to get their views of how effectively the area fulfils its responsibilities.

The Local Authority with partners is preparing for the inspection, including completing a self-assessment, communications, managing the inspection and gathering the evidence from children, young people and carers.

4.8 Additional current and future challenges

There is a large and growing demand for special school and alternative provision. This appears related to growing pressure on schools/heads and governors from OFSTED requirements the changing relationship between the Local Authority and schools.

The current high needs budget is not sufficient to meet the continued demand and annual increase for specialist educational provision beyond. Work continues to resolve the potential budget gap involving robust commissioning and joint problem solving with the school and further education community.

5.0 ACTIONS TO ADDRESS

The following priority actions include:

Activity	Actions already taken	Lead Officers	Completion date
Finalising and publishing the Strategy for Children and Young People with Special Educational Needs.	Draft strategy shared with key stakeholders.	Andy Cooke Simon Wellman	17 th November 2016
To improve timeliness of EHC assessments	Recovery plan in place.	Simon Wellman	6 month improvement journey.
To prepare for CQC and OFSTED local area inspection.	Self-evaluation under way.	Andy Cooke	Inspection will occur within 5 year cycle.

To develop sufficiency of placements by strengthening capacity and resilience in mainstream schools.	(Linked to Strategy publication above) and realignment of SEND services within education,	Andy Cooke Simon Wellman	As above
To develop further means of collecting parental and young people feedback about the services we provide.	Consultation events in place with parent carer forum.	Simon Wellman Natalie Bevan	April 2017

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