

Name of meeting: Cabinet

Date: 16.10.18

Title of report: **Special Educational Needs and Disabilities (SEND): an update on the SEND Strategy, the Accessibility Strategy, the High Needs Review, and preparations for the SEND inspection**

Purpose of report:

1. To assess the impact of the SEND Strategy within the context of the High Needs Review and to approve the Council's continuing commitment to deliver its outcomes
2. To approve the Accessibility Strategy.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	not applicable
Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a>	not applicable
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Sal Tariq – 3 <sup>rd</sup> October 2018
Is it also signed off by the Service Director for Finance IT and Transactional Services?	Eamonn Croston – 3 <sup>rd</sup> October 2018
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft (John Chapman) 5 <sup>th</sup> October 2018
Cabinet member <a href="#">portfolio</a>	Cllr Kendrick, Cllr Ahmed

Electoral wards affected: all

Ward councillors consulted:

Public or private: public

## 1. Summary

While it is important to address these priorities separately, there are clear links and inter-dependencies between them, and it is helpful to consider them together.

### **The SEND Strategy**

Our SEND Strategy enables key partners to focus on our priorities for children and young people with SEND, and to ensure that we work together to achieve positive outcomes.

The strategy was co-produced by all partners, including children and young people, our parent-carer forum Parents of Children with Additional Needs (PCAN), officers from Social Care, Learning, and Health, and colleagues from the Third Sector. The strategy is monitored by the SEND Strategy Group which has representation from these partners.

Appendix 1: Terms of Reference of SEND Strategy Group

It's underpinning action plan sets out 6 priorities to support children and young people with SEND. These are:

- To strengthen our joint commissioning arrangements
- To ensure high quality specialist education provision where it is needed
- To work with partners to ensure effective support for young people with SEND as they prepare for adulthood
- To ensure that all services who work with children and young people with SEND work together with the child and family at the centre
- To identify a child or young person's SEND as early as possible and plan the best way to support them
- To narrow the attainment and progress gap for children and young people with SEND.

Appendix 2: SEND Strategy

In October 2017 the DfE tasked all Local Authorities to conduct a **High Needs Review** and consultation to identify where additional specialist educational provision may be required. Kirklees used this opportunity to review all aspects of SEND provision and a series of priorities were identified to ensure that in future more children with SEND could have their needs met within Kirklees and closer to their community. We continue to work with all partners to address the main issues identified through this review:

- The need for a revision of funding into schools and settings to reflect the more complex needs of children and young people
- A consideration of workforce development requirements so that schools and settings are able to meet the more complex needs of some of our children
- A closer look at the transition arrangements for children when they move from one phase or setting to another
- A refresh of the Graduated Approach – a guidance document that sets out our expectations of what a child should receive in relation to their particular level and type of SEND
- Schools and families identified the need for more support for family-based issues where a child has SEND: an alignment with the Early Support Service to ensure early intervention where needed.
- Consideration of the Thriving Kirklees, our contract with Health Providers through the Healthy Child Programme, to offer to ensure timely support from

- health services (Children and Adolescent Mental Health Service, Speech and Language Therapy) through the work of the Integrated Commissioning Group
- A number of capital projects to further enhance our current provision:
    - additional work at Woodley School to offer further specialist space;
    - an enhancement of the facilities at the Specialist Provision at Newsome High School for students with physical impairments;
    - an enhancement of the facilities the Specialist Provision at Honley High School for students with Complex Communication and Interaction Needs;
    - a review of space at Ravenshall School to enable them to meet the needs of more complex children
  - Central to these issues has been the review of the SEND Assessment and Commissioning Team (SENDACT). A significant investment from September 1<sup>st</sup> 2018 has enabled the team to grow in order to meet increasing levels of need. There is an accompanying action plan to ensure that the team operates in an efficient and timely way and works restoratively with families. This has been necessary due to the rise in parental complaints about the timeliness of approach, and there has been considerable parental involvement in developing the new team. One parental complaint has resulted in an Ombudsman Report that was published in early October.

Appendix 3: High Needs Review Summary

Appendix 4: Cabinet Report February 2018

Appendix 5: Cabinet Report March 2018

Appendix 6: Example of Graduated Approach guidance

Following the introduction of the Children and Families Act 2014, a new OFSTED framework will focus on an **Area Inspection of SEND** within a five year period. Inspectors will meet with the children and young people themselves, alongside parents and carers. They will also talk with colleagues from Social Care, Education and Health in order to inform their judgements. Preparation for this is overseen by the SEND Strategy Group. Effective leadership and management will be judged on the basis of our knowledge of:

- How well the local area identifies children and young people with SEND
- How well the local area makes appropriate provision for children and young people with SEND
- The outcomes for children and young people with SEND.

Our preparations for this have included a consideration of the structure of a potential inspection to ensure that colleagues are aware of their responsibilities at this time. There is a continual update with our partners of our self-assessment, and all of the work from the SEND Strategy Group and the High Needs Review informs this.

Appendix 7: OFSTED framework for SEND inspections

Appendix 8: Fact Sheet – local area OFSTED inspection of SEND

Appendix 9: Briefing paper – area inspection.

### **Accessibility Strategy**

All Local Authorities are required to publish their Accessibility Strategy and to establish their duties under the Equality Act 2010. An Accessibility Strategy sets out the Local Authority's support for children and young people who are disabled to enable them to enjoy a good education and not be disadvantaged.

The Strategy outlines the key duties of the Equality Act:

- To eliminate discrimination and other conduct prohibited by the Act

- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- Foster good relations across all characteristics – between people who share a protected characteristic and people who do not share it.

The strategy addresses the three objectives outlined in the Act:

Increasing participation in the school curriculum  
 Improving the environment of schools  
 Improving the delivery of information.

The findings from the Strategic High Needs Review have informed the strategy, and actions to address our priorities are held within the action plans for this review and through the SEND Strategy. Our Accessibility Strategy sets out both our support to schools and settings, but also our expectations of them in meeting the needs of children and young people with SEND. The Accessibility Strategy 2018-2021 also reviews the progress made in the 2015-2018 Strategy.

Appendix 10: draft Accessibility Strategy

## **2. Information required to take a decision**

### **A Review of Progress of the SEND Strategy.**

#### **Review of Each Objective:**

- To strengthen our integrated commissioning arrangements: we have developed a more comprehensive data set to help provide us with information about the needs of our children and young people with SEND to allow us to plan and provide services based on projected need. We will be using the needs analysis to inform a number of priorities including the future sufficiency of specialist educational places and multiagency service provision. We are now in the process of developing an Integrated SEND Commissioning Strategy to ensure we articulate our shared commissioning priorities and associated actions required to meet these priorities, this will also inform how we need to integrate across health education and social care to better meet need including the use of things such as pooled budgets.

In addition, we have refreshed our work on the Additional Needs Register, a Local Authority Statutory Duty that enables parents and young people to self-identify their needs. This data will not be used as a means of identification of need, but rather as an additional means to inform our commissioning priorities. In order to encourage parents and carers to sign up, they are offered vouchers and discounts from local businesses, and a quarterly newsletter is in development.

- To ensure high quality specialist provision where it is needed: we have completed the first phase of capital work at Woodley School and this has increased ability to offer a more specialised curriculum. We have doubled the number of places for children with Complex Needs through the development of Southgate School in Almondbury. We have opened a 12 place Specialist Provision at Windmill Primary School for children with Complex Communication and Interaction Needs.
- To ensure effective support as children with SEND prepare for adulthood: the Preparing for Adulthood multi-agency protocol and pathway is in place. There is a Preparing for Adulthood guide for young people which was developed in partnership with students from Ravenshall School. Preparing for Adulthood parent factsheets have been developed in partnership with PCAN. The Local Offer Live event, established in 2016 and organised in partnership with our special schools, brings together education, health and social care services alongside mainstream services to help and support young people and parents understand what is available, and to help

them plan their journey into adulthood. These are very well attended. We continue to develop the Local Offer and have included short films to inspire young people to see what can be achieved in adulthood. Our commitment to the All Age Disability approach has focused on the transition for children and young people from Children's to Adults' Social Care. We are seeking to develop work experience opportunities through Project Search in partnership with our local hospitals, Kirklees College and the Council.

- d. To develop a child and family centred approach: we continue to work closely with PCAN, our local Parent Carer Forum, who are represented on all major working parties and groups. We are developing a Children's Voice Network (in conjunction with the Kirklees Democracy Commission) so that we can routinely work with our young people in the development of practice and provision relating to children and young people with SEND. We have a Person Centred Champions Group, with representation from different teams and services, as well as parents, to work with wider teams in order to embed a person-centred culture and approach through our training plan.
- e. To identify SEND as early as possible: our Graduated Approach guidance for schools and settings includes expectations around practice and provision for children and young people with SEND. Early identification is embedded in the Thriving Kirklees contract and this is monitored through the compliance clinic. A consultation about the future of the Early Years SEN Team and the Access Fund that supports children with SEND in Early Years settings, carried out in 2017, has led to a review of this function and a recognition that further investment is needed within the team to ensure early intervention.

Appendix 11: Approval to consult on Early Years SEN provision

Appendix 12: Findings from Early Years SEND consultation.

- f. To narrow the attainment and progress gap for children and young people with SEND: generally children enter the Early Years and Foundation Stage at below average attainment as compared with national data. This gap does not narrow until post 16 where attainment and progress of young people with SEND is good. Further analysis is being undertaken to identify specific work that will address this, and the way in which SEND is recorded on the school census can have a significant impact. Improving outcomes for children and young people with SEND is a school improvement priority in 2018. Work undertaken to date includes: reviewing the Kirklees Learning Partner (KLP) autumn term visit to challenge schools about outcomes (including attendance and exclusions) and effectiveness of provision, and to ensure that the statutory SEN Report has been updated on the school website; training for KLPs to raise awareness of school accountability for SEND outcomes; Head Teacher briefing input about Kirklees outcomes to raise awareness; a funded intervention project to target pupils in schools where outcomes for children with SEND are below the national average, to include raising attainment in mathematics and phonics.

## **The Accessibility Strategy**

The Accessibility Strategy links the work of the SEND Strategy and the High Needs Review. It sets out the responsibilities of our schools and settings in ensuring that disabled children and young people have full access to school life, and also details how the Council will support this.

It makes explicit the clear connections to the other work streams outlined in this report and details the legislation on which it is based.

The strategy is required to contain the following elements: our vision for children and young people with SEND, and how these link to the Council's priorities, the Legal Framework (The Equality Act), our methods for implementation and review, and information about the three priorities set out in the Act, with reference to responsibilities of the Local Authority, and schools and settings.

Information from the High Needs Review consultation was used to inform the strategy and the actions required, and there has been further co-production through the SEND Strategy Group.

An Equality Impact Assessment has been carried out to support the development of the draft Strategy

### **3. Implications for the Council**

#### **a. Early Intervention and Prevention (EIP)**

The SEND Strategy and the action plan following the High Needs Review have a clear priority to address practice and ensure that SEND are identified in as timely a way as possible, to ensure that the appropriate level of support is offered quickly.

#### **b. Economic Resilience (ER)**

There are objectives in both the SEND Strategy and the action plan following the High Needs Review to improve the support and provision offered to young people with SEND through supported internships and our post 16 educational offer.

We are reviewing our pilot supported internship programme with Kirklees College and exploring the development of a Project Search Internship programme in Kirklees, using a partnership approach with the college, Real Employment and Kirklees Hospital Trusts and the council leading the programme.

#### **c. Improving Outcomes for Children**

Our data evidences the need for greater focus on educational outcomes for our children and young people with SEND, through greater analysis of the reasons for the educational gaps, and our ongoing work with schools and settings to address these. The High Needs Review will incorporate the role of early support in achieving better life chances.

#### **d. Reducing demand of services**

Work is ongoing to develop a Preparing for Adulthood best practice checklist that sets out key areas for discussion, key information that needs to be provided at the start of the Preparing for Adulthood process from Year 9 onwards, and the responsibilities of each agency in this. Our aim has been to raise young people's aspirations, increase opportunities for employment and ensuring the maximum independence possible. Accessing mainstream services and wider community support is central alongside developing more specialist services like, travel training, enablement services, supported living provision that develop young people's skills and confidence as they become young adults.

#### **Other (e.g. Legal/Financial or Human Resources)**

The overriding objective of the High Needs Review action plan is to meet the needs of our children and young people with SEND at local provision, where they can remain close to family and community, wherever possible. The Council's budget strategy update report 2019-22 presented to Cabinet on 2 October and full Council on 10 October sets out current service pressures arising from SEND demand and costs, significantly in excess of the High Needs element of Schools funding we receive annually from Government. The excess of spend over funding is about £8m currently and is having a significant financial impact on the Council's medium term financial position. Government has acknowledged that we are an underfunded Council, and has determined to increase our current funding allocation by a further £7m, but only

gradually, over a 7 year period. This is clearly insufficient to meet current and forecast increased future year pressures. Longer term, we know that the scale of this current and growing pressure is unsustainable for the Council and requires a more strategic and whole systems review working collaboratively across the education system, alongside potentially significant capital investment to increase SEND sufficiency/capacity requirements in the District over the medium term.

This will also require a more fundamental review of how SEND funding is deployed going forward. Our analysis of the needs of our children evidence an increase in complexity of need, which has led to an increase in expectations of our special schools. The costs of an out of Local Authority independent school placement are significantly higher than our own settings, and it is anticipated that the work of the High Needs Review will reduce the numbers of these expensive placements over time, in conjunction with the sufficiency review above. In addition, there are higher expectations of our schools and settings staff to meet these more complex needs, and it is recognised that workforce development must be prioritised.

#### **4. Consultees and their opinions**

A broad consultation was undertaken for the High Needs Review, and this has informed the subsequent action plan, and the development of the Accessibility Strategy. The priorities in the SEND Strategy were developed in partnership with parents and carers, and through a specific piece of work undertaken by the Involving Young Citizens Equally (IYCE) team. The Strategy itself was then written by representatives from the SEND Strategy Group.

#### **5. Next steps**

To continue to work with parents/carers, children and young people, and partners to address the priorities of the SEND Strategy and the High Needs action plan, and to report on actions regularly to Portfolio Holders, the Education and Learning Partnership Board, the SEND Strategy Group, the Integrated Commissioning Group, the Improvement Board, and Head Teacher forums in order to ensure rapid progress.

#### **6. Officer recommendations and reasons**

To register the Council's ongoing commitment to deliver the outcomes in the SEND Strategy in order to continue to drive forward improvements in support, provision and outcomes for children and young people with SEND.

To approve the Accessibility Strategy in order that this may support the work of the SEND Strategy and the High Needs Review in improving outcomes for children and young people with SEND.

#### **7. Cabinet portfolio holder's recommendations**

Portfolio Holders are supportive of the aims & objectives within the Accessibility Strategy and SEND Strategy, and the overarching strategy to build capacity in our local provision so that our children and young people with SEND can remain within their community.

#### **8. Contact officer**

Mandy Cameron: Head of Service, Education Inclusion and Safeguarding

## 9. Background Papers and History of Decisions

Appendix 1: Terms of Reference SEND Strategy Group - **attached**

Appendix 2: SEND Strategy

<http://www.kirklees.gov.uk/beta/special-education/pdf/send-strategy.pdf>

Appendix 3: High Needs Review summary

<http://www.kirklees.gov.uk/beta/special-education/special-education-documents.aspx>

Appendix 4: Cabinet Report (February 2018)

<https://democracy.kirklees.gov.uk/documents/s21928/2018%2002%2020%20HNR%20redacted%20version%20of%20report.pdf>

Appendix 5: Cabinet Report (March 2018)

<https://democracy.kirklees.gov.uk/documents/s21941/8.%20March%202018%20High%20Needs%20Strategy%20Review%20Cabinet%20report%20with%20proposals%20FINAL.pdf>

Appendix 6: Graduated Approach example

<https://www.kirklees.gov.uk/beta/special-education/pdf/graduated-approach-communication.pdf>

Appendix 7: OFSTED framework for area SEND inspections

<https://www.gov.uk/government/publications/local-area-send-inspection-framework>

Appendix 8: Fact sheet – local area OFSTED inspection of SEND

<http://www.kirklees.gov.uk/beta/special-education/pdf/send-fact-sheet.pdf>

Appendix 9: Briefing paper – area inspection

<http://www.kirklees.gov.uk/beta/special-education/pdf/send-briefing-paper.pdf>

Appendix 10: Accessibility Strategy - **attached**

Appendix 11: Approval to consult on the Early Years SEND provision

<http://democracy.kirklees.gov.uk/ieDecisionDetails.aspx?ID=4480>

Appendix 12: findings from Early Years SEND consultation

<http://democracy.kirklees.gov.uk/ieListDocuments.aspx?CId=139&MIId=5272&Ver=4>

## 10. Service Director responsible

Jo-Anne Sanders, Service Director – Learning & Early Support

Elaine McShane, Service Director – Family Support & Child Protection