

Name of meeting: Children's Scrutiny
Date: 13th August 2020
Title of report: SEND progress report

Purpose of report: To provide Scrutiny Panel Members with an update on progress for Children with SEND during the Covid outbreak and the SEND Improvement Plan.

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 <u>Council's Forward Plan (key decisions and private reports)?</u>	Key Decision – Not Applicable Private Report/Private Appendix – No
The Decision - Is it eligible for call in by Scrutiny?	Not Applicable
Date signed off by <u>Strategic Director</u> & name Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal Governance and Commissioning?	Jo-Anne Sanders for Mel Meggs 03/08/20
Cabinet member portfolio	Cllr Carole Pattison – Schools, Aspiration and Communities and Cllr Viv Kendrick – Children's Services

Electoral wards affected: All

Ward councillors consulted: NA

Public or private: public

Has GDPR been considered? yes

1. Summary

The Special Educational Needs and Disability (SEND) improvement journey in Kirklees has developed at pace over the last year this report updates Children's Scrutiny on the progress that we have made together on achieving our shared ambition for children and young people with SEND in Kirklees which is that:

- All children and young people 0-25 with SEND live and are educated in Kirklees.
- All children and young people should have the best start in life.
- Children and young people with SEND make good educational progress and have high aspirations and good life opportunities.

Similar to other local areas, we know that we have faced challenges in increased demand for Education, Health and Care Plans and subsequent rise in costs. This has led to significant pressure on our 'High Needs Block', which we can only tackle collectively across the whole SEND system. To ensure that needs, provision and spend are tightly interlinked we need to ensure the SEND system is joined up and easier to navigate for everyone. Kirklees is fully committed to implementing the SEND Reforms and has support from Kirklees Council Cabinet and all partners in the SEND system. Kirklees has also invested in the right support to progress the improvement journey at pace, this has included commissioning Impower as an improvement partner to support us in clarifying our collective ambition for children and young people with SEND and appointing a range of professionals who bring a wealth of experience and skills in improving the SEND system and outcomes for children and young people with SEND.

This report captures the impact on children and families with Special Educational Needs and Disabilities (SEND) of the Covid 19 public health pandemic and provides an update on progress in relation to the SEND Improvement Plan.

Section 42 of the Children and Families Act 2014

As part of the Coronavirus pandemic, the Government legislated on SEND to strike the right balance between:

- The needs of children and young people with SEND to be protected and receive the right support in a timely way; and
- Managing the demands on local authorities (LAs) and health bodies to respond during the Covid 19 outbreak.

Two things were amended:

1. Section 42 of the Children and Families Act 2014 (duty to secure special educational provision and health care provision in accordance with an EHC plan): the duty on LAs or commissioning health bodies to secure or arrange the provision was temporarily modified to a duty to use 'reasonable endeavours' to do so. This temporary modification was removed at the end of July 2020 so the full statutory duty to provide what is specified in the EHCP has now been reinstated this applies to Local Authorities and health commissioning bodies.
2. The SEND (Coronavirus) (Amendment) Regulations 2020 amend regulations that specify timescales that principally relate to EHC needs assessments and plans. Where it is not reasonably practicable, or is impractical, to meet that time limit for a reason relating to

the incidence or transmission of coronavirus, the specific time limit will not apply - the process must be completed as soon as reasonably practicable. This amendment remains in place until 25th September 2020.

The DfE has committed to keep under review whether there needs to be any flexibility locally to respond to outbreaks.

In summary the Local Authority and commissioning health bodies are still required to carry out Education Health and Care Assessments, undertake Annual Reviews and finalise plans, however if the statutory process takes longer as a direct result of Covid 19, the statutory timescales can be extended to take this into account, but this must be actioned as soon as reasonably practical.

Department for Education Monthly SEND Survey

The DfE will be conducting a monthly SEND survey starting in July with the aim of tracking current and forthcoming pressures in the Local Authority SEND teams, to provide informed judgements about temporary legislative changes, and to provide support where needed. This will include information about current casework, Educational Psychology capacity, level of new referrals and application of Covid exceptions to assessment timescales.

Area SEND Inspections

During the Autumn Term Ofsted and the Care Quality Commission (CQC) will not be carrying out Area Inspections but will undertake joint Ofsted CQC visits to support the SEND system following Covid 19 disruption. The visits are not inspections and will give insights into how the SEND system is working. Once the current cycle of inspections is completed, there will be a new inspection framework with:

- a continuous cycle of inspections
- sharper inspection focus on the experience of CYP with SEND and their families
- greater prominence of the quality, integration and commissioning of education, health and care services for CYP with SEND.

Covid 19 EHCP Risk Assessments

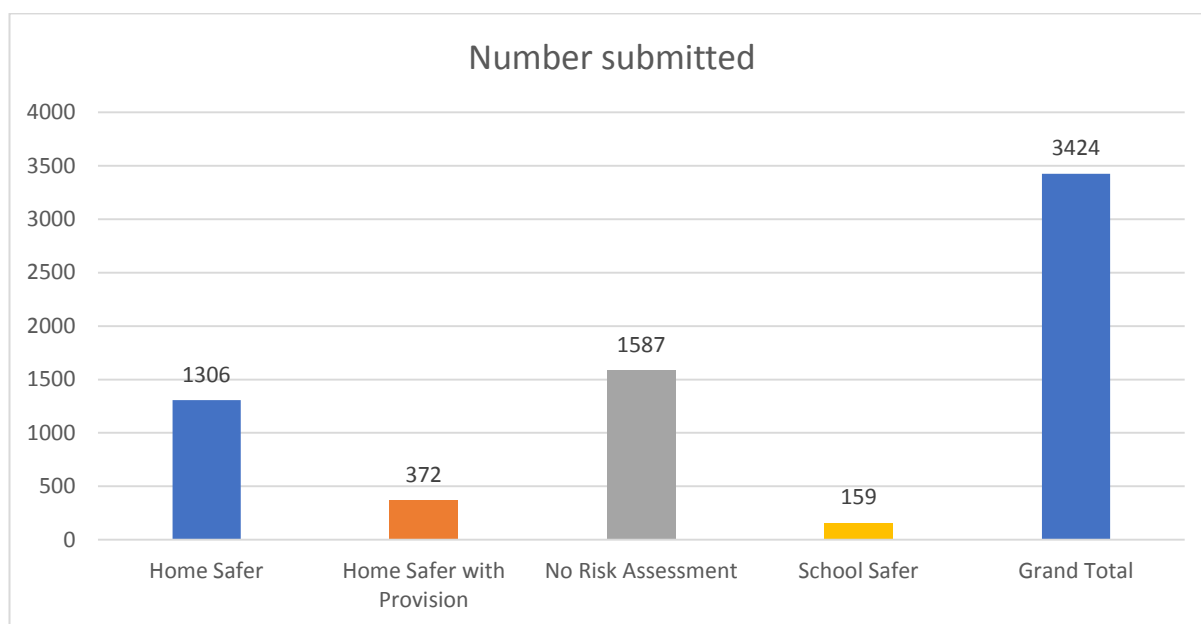
In line with [DfE guidance](#), Schools were asked on the 24 March 2020 to undertake a Risk Assessment for all Children and Young People with an EHCP, with a deadline of 6th May 2020. There was some individual revision to the deadline where schools negotiated this with community hub leads, schools are highly likely to have an undertaken an assessment of risk but not submitted it to the Local Authority in every case. Significant work was undertaken to increase returns to the Local Authority with follow up calls to schools by Kirklees Learning Partners and by Community Hub Leads. The reasons for not returning to the Local Authority focussed around risk levels changing on an almost daily basis, in some cases as soon as they were returned they were out of date. The Risk Assessments were to determine whether:

- The child or young person will be able to have their needs met at home and be safer there than attending an educational setting.
- With additional provision, the child or young person will be able to have their needs met at home and be safer there than attending an educational setting
- The child or young person will be as safe, or safer, at an education setting

The Risk Assessments were supported through the Community Hub model. With additional teams overseeing Children and Young People outside the model.

- SENDACT – Out of Local Authority and CYP without a named school
- Early Years – Children below statutory school age at home or in a private, voluntary and independent (PVI) setting
- Educational Safeguarding Service (ESS) – Electively Home educated CYP
- Colleges – CYP in Further Education

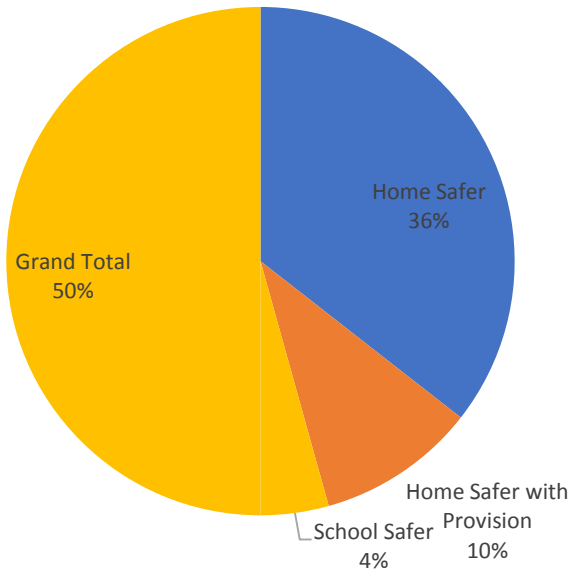
There are 3424 CYP with an EHCP maintained by Kirklees Local Authority. Analysis of Risk Assessments returned to the LA.



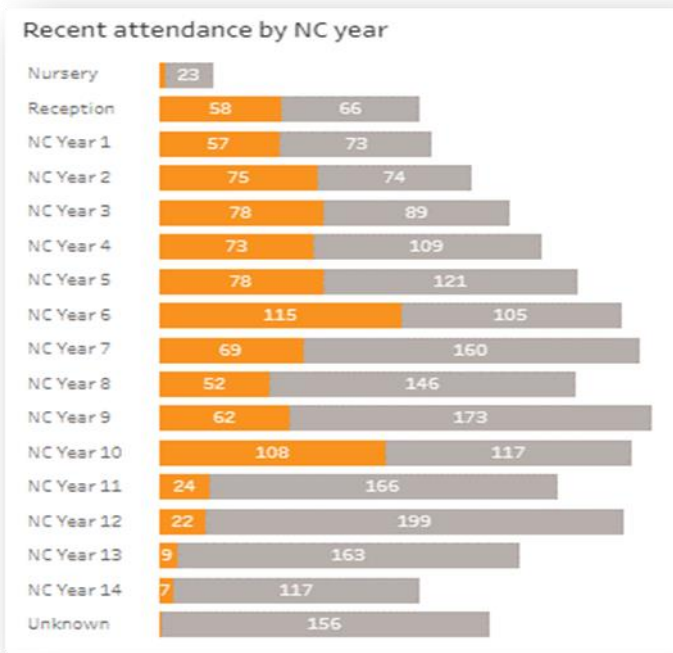
The risk assessments which were returned were analysed and determined that 71% of pupils with an EHCP (were at the time) safer at home than in a school or post 16 provision. 20% safer at home with some form of educational outreach offer in place and welfare call and checks in place and 9% of pupils with an EHCP were safer at school.

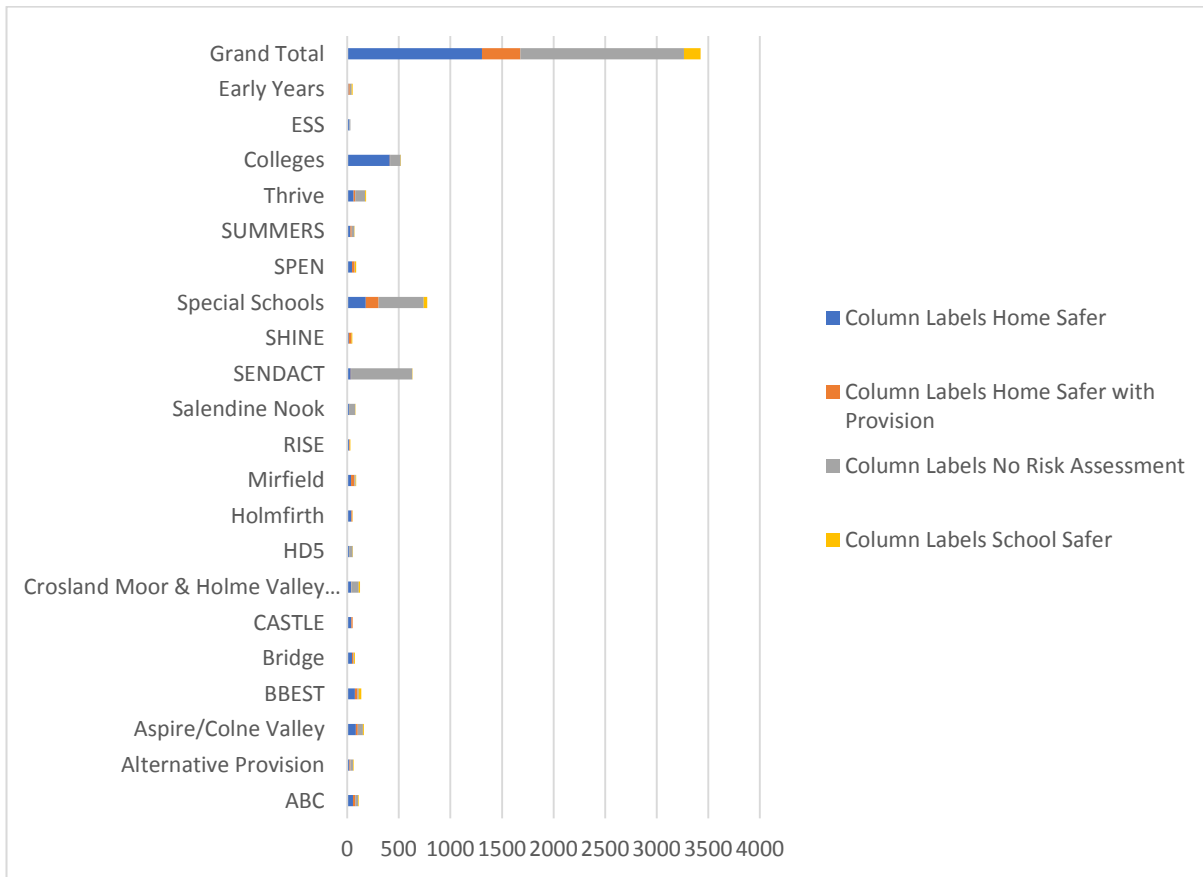
From July schools may find it useful to complete a risk assessments but there is no requirement for it to be returned to the LA as the clear message is that all CYP should return to school.

Risk Assessments submitted = 1837, of which...



School attendance for vulnerable CYP was monitored by NCY and by community Hub

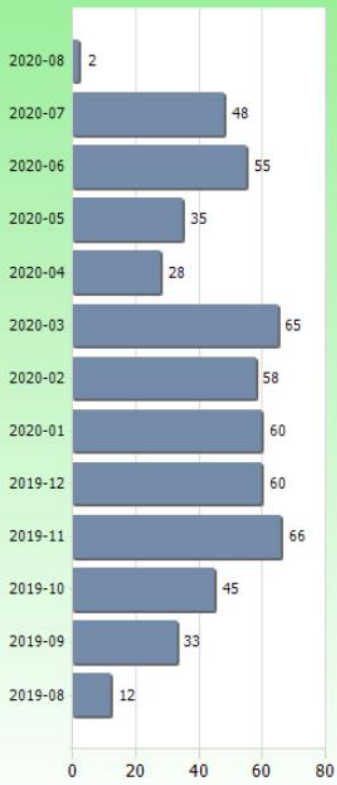




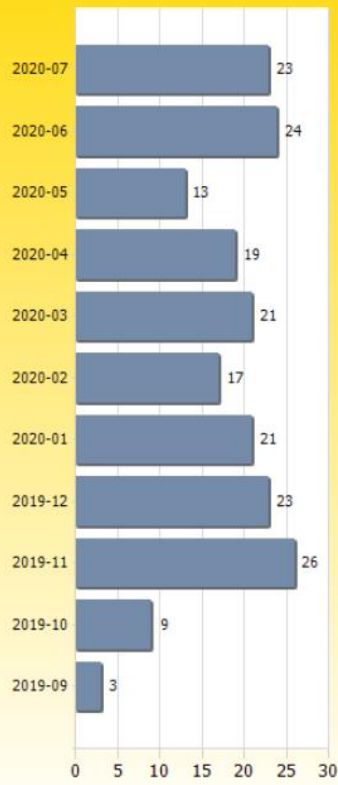
New EHC Assessments

The number of new EHCA requests that have been coming into the Local Authority has seen a decline during the Covid 19 lockdown which is reflective of the regional and national picture which is to be expected given the significantly reduced numbers of children and young people in school. This is likely to increase significantly as schools open to increasing numbers of children and young people. The SEN Panel process has continued virtually on a weekly basis to enable timely processing of all new requests.

EHCA requests - 567



EHCA Dec NOT to Assess - 199

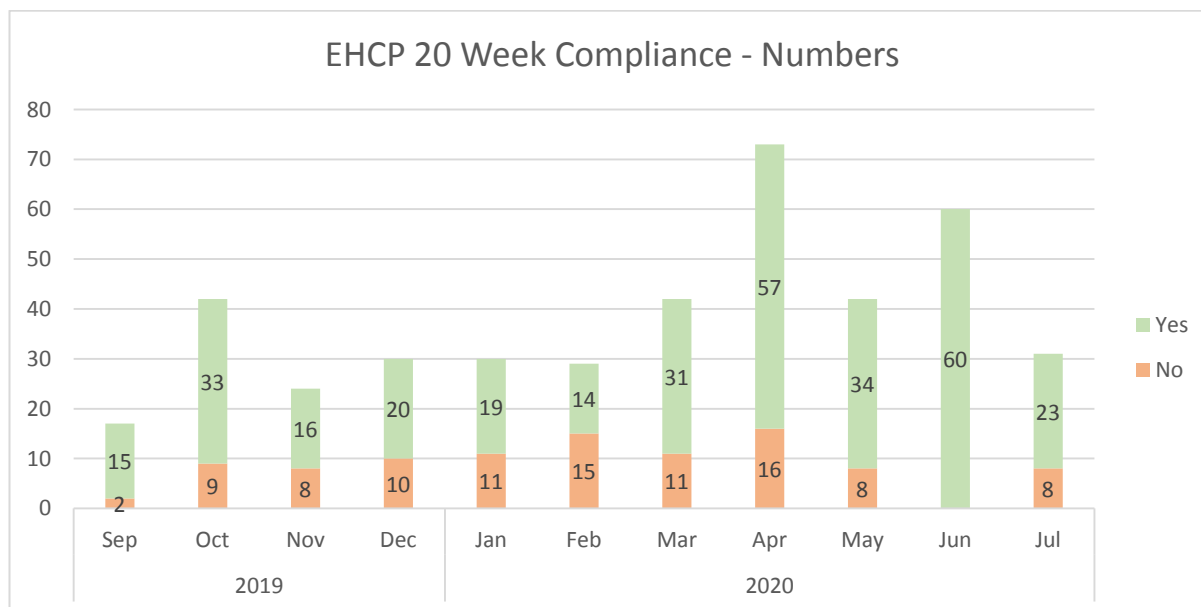
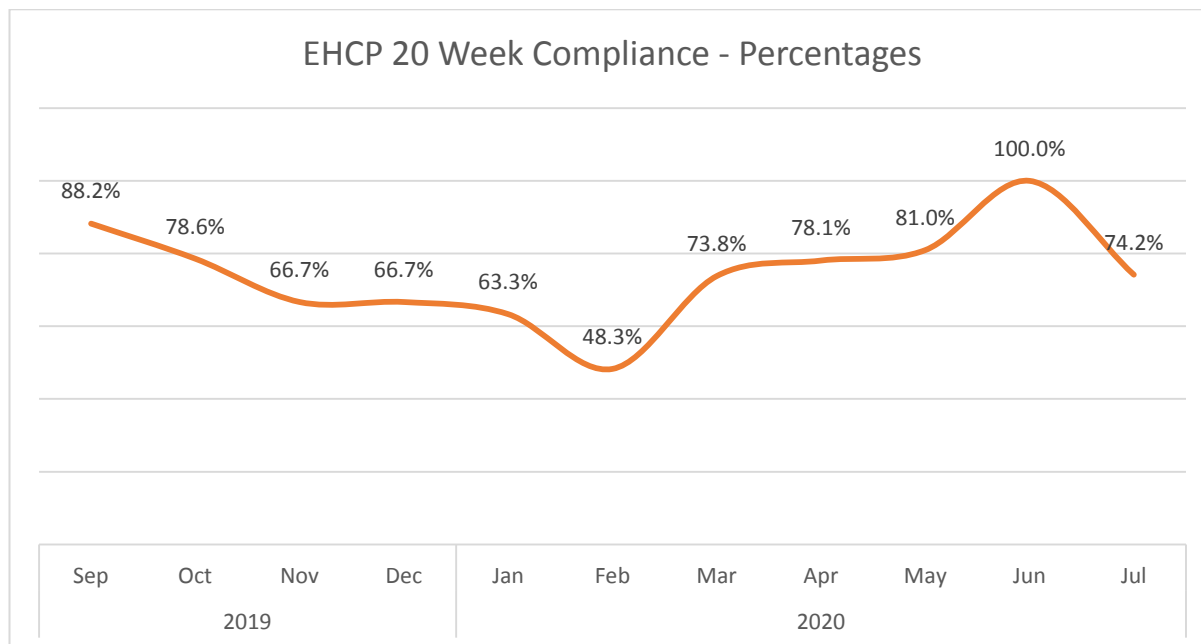


EHCA Dec to Assess - 491



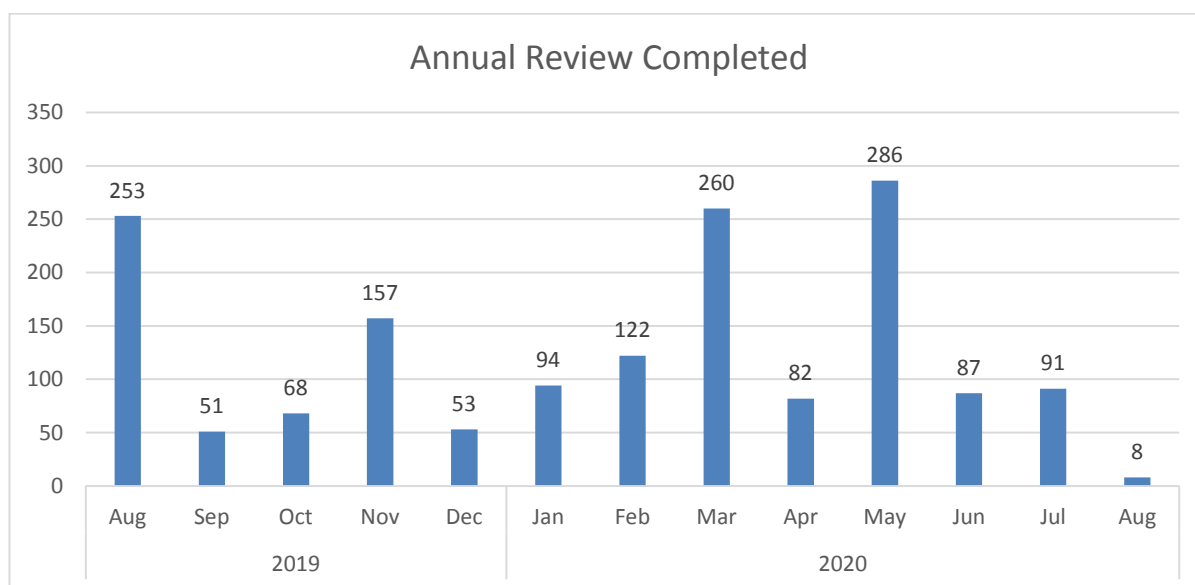
Statutory Compliance

The SENDACT Team in partnership with families, schools, health and social care has maintained compliance as an average at 70.6% across the year, this is coupled with an increase in new requests to carry out EHC assessments. This compares positively with regional and statistical neighbours, however, further work is being undertaken to improve this further.



Annual Reviews

The Local Authority is still required to undertake Annual Reviews as part of the Section 42 modifications. Schools have been doing these remotely since lockdown with parents and CYP as appropriate participating electronically or submitting their comments on paper.



Children and Young People and Families' Confidence

The Covid 19 crisis has significantly impacted on us all but has been acutely felt by some of our most vulnerable learners and their families. Several updates and links to key educational resources, activities to keep children occupied and advice and guidance on mental health have been provided to families of children and young people with an EHCP through the Kirklees Council and Local Offer websites as well as updates for Head teachers and SENCOs through Heads Up. A letter went out to all parents and carers of children with an EHCP to offer support during Covid, also a newsletter with FAQs co-produced with PCAN (our parent and carer forum) went out to families.

Educational Psychology have produced a number of social stories to support children in making sense of the Covid 19 and key documents for supporting the transition back into school for children and young people, support for families and staff.

Supporting and building families confidence that it is safe for them to send their children back to school will take time and needs not to be rushed. Similarly, for some children, they are in a new at home routine and it will take time to get them back into school.

School Attendance Penalty Notices during Coronavirus Covid 19

All Penalty Notices and Prosecutions have been suspended for non-school attendance as of the 1st March 2020 until further notice. Any unpaid Penalty Notices issued from 1 January 2020 will not result in prosecution. The Local Authority has taken this decision as in these uncertain times we want to ensure we are supporting families and feel it would be beneficial if parents did not face this additional pressure at this time.

The decision to reinstate Penalty Notices and Prosecutions will be reviewed in line with government advice when social distancing measures are relaxed/removed.

The SEND 10-point Improvement Plan

In October 2019 we developed a clear SEND 10-point improvement plan which consolidated the areas for development identified through our High Needs Review and Peer Review.

SEND Technical Capacity

Additional SEND capacity has been secured in two ways, through the commission with Impower who are working with us to clarify the shared ambition for CYP with SEND in Kirklees and ensuring that the pressures on our 'High Needs Block' is tackled collectively across the whole SEND system. Impower's work was paused during Covid 19 but was restarted in July.

Also following an extensive national search, two professionals have been secured to enable us to implement the SEND Improvement plan at pace: Jane Friswell who will be leading on two critical reviews in the Autumn Term on Specialist Provision and Alternative provision including the exclusions trail and Simon Ramsden who will be working with SENDACT on Quality Assurance of EHCPs and building capacity in the decision-making process.

Progress has been achieved across all areas, but some key updates include:

1. Data baselining and Systems Management:

SEND data dashboard has been established, is wide in scope and supports operational and strategic decision making. Further work is required to embed and extend this approach, e.g.

- Further migrate reporting to build on connectivity and ensure business continuity.
- Widen scope of reporting, e.g. annual reviews, projections and planning tools.
- Utilise operational reporting to undertake data cleansing; initial cleansing and ensuring sustainability.

2. Governance arrangements:

The governance arrangements for SEND are now clear. The Improvement Board has oversight of the implementation of the SEND Improvement Plan. The Health and Well Being Board has strategic oversight of SEND.

3. Development of a sustainable financial strategy for SEND:

Extensive work has been undertaken to look at high needs spending in Kirklees and to establish whether we are proportionally spending our resources on early intervention and prevention. Impower are working with us on establishing a sustainable high needs approach. Schools Forum have led on looking at the funding band model in mainstream schools and a consultation paper will be coming out to all schools in the Autumn term, regarding proposals moving forward.

4. Sufficiency of places across the SEND system:

Bond Byram a Sheffield based architectural company have been commissioned to work with us on sufficiency of special school places particularly for our Social Emotional and Mental Health (SEMH) and Autism population and have undertaken initial feasibility of sites across Kirklees. The next phase of this work will be commissioned later this year. Jane Friswell will be joining us in September to lead on a review of our specialist provision (resourced places in mainstream school) and Alternative Provision (AP), including the exclusions trail.

5. Joint commissioning arrangements:

Work is underway to review our current commissioning arrangements, this is supported by Impower and an analysis of current Education, Health and Care Plans to determine how and what we commission jointly across education, health and care.

6. Transition arrangements:

Good practice guidance has been developed to support effective transitions for children and young people with SEND. Work is underway with Kirklees College and adult services looking at post 16 and preparation for adulthood.

7. Performance management and Quality Assurance:

Quality Assurance framework for EHCPs is in place and this will be further embedded across the next 12 months. We have revised the role of one of our Kirklees Learning Partners to have a specific focus on special schools and educational outcomes for children and young people with SEND from September. There will be additional support for SENDACT to further improve the decision-making process in relation to SEND panels and the quality of EHCPs. Impower are also supporting this area of work.

8. Workforce Development:

Workforce development and the universal, targeted and specialist offer is being developed, including looking at the effectiveness of our current outreach offer. Impower have been trialling the 'Valuing SEND' tool with schools which will also inform workforce development.

9. Parent/carer and children and young people's voice:

Public Consulting Group (PCG) has been procured to develop a new Local Offer platform which has been coproduced with PCAN. We have appointed a Local Offer and Engagement Lead, with some additional resource to support with this work over the next 12 months.

10. Communication and Engagement:

Regular updates at Special School Heads, Primary and Secondary Heads meetings, SENCO Networks will continue alongside updates on Heads Up, through the Local Offer and the production of newsletters for parents and carers. Further work is being undertaken to ensure that children and young people's engagement is developed fully through existing services such as the Kirklees Youth Alliance.

2. Information required to take a decision

N/A

3. Implications for the Council

3.1 Working with People

See main report

3.2 Working with Partners

See main report

3.3 Place Based Working

See main report

3.4 Climate Change and Air Quality

Sufficiency of specialist places and the ambition that CYP with SEND live and are educated in Kirklees will reduce travel which will reduce the impact on climate change and the clean air agenda.

3.5 Improving outcomes for children

Improving outcomes for Children and Young People have been the focus of all of our work during Covid and as part of the wider improvement plan.

4. Consultees and their opinions

All partners are aware of the SEND Improvement plan, this has been presented at the Children's Improvement Board.

5. Next steps and timelines

A further update is planned to be reported upon in October 2020

6. Contact officer

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07817 949344

7. Background Papers and History of Decisions

N/A

8. Service Director responsible

Jo-Anne Sanders – Service Director for Learning and Early Support