

CABINET

18APRIL 2017

SEND TRANSFORMATION UPDATE

Report of the Director for People

Strategic Aim:	Reaching our Full Potential	
Key Decision: No	Forward Plan Reference: FP/030317/04	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr R Foster, Portfolio Holder for Safeguarding Children and Young People Mr D Wilby, Portfolio Holder for Life Long Learning	
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Ward Councillors	All	

DECISION RECOMMENDATIONS

That Cabinet:

1. Agree and approve the recommendation to develop the next phase, (2) of the Transformation Project Plan and undertake actions necessary to implement the Rutland Special Educational Needs and Disability (SEND) Inclusion Strategy.
2. Approve the SEND Inclusion Strategy.
3. Approve use of £50k of the SEND earmarked reserve to support the delivery of service pressures and service development.

1 PURPOSE OF THE REPORT

- 1.1 A report describing the options available to enable the Local Authority to offer more localised provision to Rutland children and young people and to bring about improvement in the identification and provision for children with Special Educational Needs and Disability was presented to Cabinet in January 2017 together with a high level action plan. This report of April 2017 is to provide

Cabinet with an update on the transformation of services for children and young people with disabilities and special educational needs, (SEND).

2 BACKGROUND AND MAIN CONSIDERATIONS

2.1 Drivers for change:

- 2.1.1 New statutory obligations placed on Local Authorities, health providers and schools, such as the SEND Code of Practice 2015, and the Safeguarding in Schools guidance (DfE) 2015. By 1 April 2018, local authorities must have transferred all children and young people with statements of SEN and who are eligible for an Education, Health and Care plan, (EHCP) to the new SEND system. The above encompasses the Local Authority's obligation to provide/ create sufficient places for all pupils including those with SEND and the requirement for Local Authorities to have a SEND 'Local Offer'.
- 2.1.2 Increased levels of scrutiny on SEND provision and safeguarding arrangements for children with disabilities, such as the Ofsted and Care Quality Commission (CQC) SEND Local area inspections and regional SEND Peer Review
- 2.1.3 The gap in educational attainment for children with SEN and disability, beyond the early years and the increased incidences of absences and exclusions for SEND children, together with the publication of the Lenehan independent review into the outcomes and experiences of children and young people, attending residential special schools and colleges.
- 2.1.4 The increasing reliance on EHC Plans and on out of county placements for Rutland's children.

2.2 Opportunities for change:

- 2.2.1 On 9 January 2017, the Minister for Vulnerable Children and Families, Edward Timpson, confirmed additional funding for 2017-18 to help embed the reforms made to the system of support for SEND. The funding announced was:

£15 million for the Independent Supporters programme in 2017-18, run by the Council for Disabled Children – this has been a driver of change for families navigating the SEND system and improving the experience for them;

£2.3 million for Parent Carer Forums, which bring parents together and provide a voice to influence local decision-making; and

£1.8 million to Contact a Family, to support individual Parent Carer Forums and their National Network, and to run a national helpline for families.

This funding is in addition to an allocation of £40m revenue to local authorities in 2017-18 to continue to support transition to the new system for SEND (an increase of £4.2m on funding provided in 2016-17) and £23m to carry out a strategic review of their high needs the provision.

- 2.2.2 The DfE SEND grants (January 2017) mentioned above, amounted to £45,000 one off payment for Rutland. This is in addition to the SEND ear marked reserves of £126,000.

- 2.2.3 On Saturday 4 March 2017, the Minister announced a £215m capital fund for Local Authorities. Every local authority will be allocated non ring fenced funding of at least £500,000 from the fund over three years, with more than half receiving at least £1 million over three years. The government have stated, “Councils will be free to invest the funding as they see fit to help children and young people with education, health and care plans to get a high quality education. It can be used in mainstream schools, including academies, free schools and grammar schools, special units, special schools, early years settings, further education colleges or other provision for children and young people aged from 0-25. It could be used for example to build new specialised classrooms for children with emotional, social and mental health difficulties, expand existing classrooms to increase their size for those using mobility aids, to purchase mobility equipment and even create new storage facilities for wheelchairs”. The Local Authority awaits more specific detail on how the grant will be drawn down.
- 2.2.4 Rutland County Council’s allocation is £500,000 over 3 years and the Council will be expected to consult with local parents, carers, schools, and others on how their funding allocations should be used. The Council will have to publish a short plan showing how it will spend the funding. Local Authorities have been advised how this announcement fits in the wider context of strategic planning for SEN. Hence this grant will shape Phase 2 of the SEND Transformation Action Plan and a more detailed project brief and project plan will be submitted for approval at a future Cabinet meeting.
- 2.2.5 In the wider context there is a synergy with other initiatives such as ‘Future in Mind’ and ‘Transforming Care’ programmes that can bring about whole system change.
- 2.2.6 The Councils’ preparation for an imminent SEND Ofsted area inspection and SEND Peer Review (June 2017) has provided the opportunity for the service to undertake a robust self-assessment of its ability to identify, assess and meet the needs of children with disabilities which is being tested with partners through the Children’s Trust arrangements. (Children’s Trust Board March 2017)

3 PROGRESS ON ACTIONS TO DELIVER THE SPECIAL EDUCATIONAL NEEDS AND DISABILITIES TRANSFORMATION ACTION PLAN:

- 3.1 The Rutland SEND Strategy (2016), has been refreshed and replaced with a SEN and Disability Inclusion Strategy for Rutland (March 2017), that articulates a shared vision of inclusive practice with realistic actions and which sets out clear expectations of the Local Authority, Health and schools and education providers. This is being tested with partners, including parents and young people through the Children Trust arrangements (March 2017). **See Appendix A – SEND Inclusion Strategy**
- 3.2 The Education Improvement Strategy and a Fair Access Protocol have been created. Key within the success of these processes and in delivering the SEND Inclusion Strategy, will be securing the required range of specialist places within Rutland itself, or through utilising close geographical locations where specific provision is required, so that more children are educated closer to home and at lower cost in addition to a greater focus on school autonomy and sector-driven improvement. Work is underway with our schools and providers to support them in building their own capacity for the local leadership of SEND that should serve their

schools well as the system matures. The programme of work with schools will ensure school staff has skills, confidence and resilience to meet a greater range of pupil needs, particularly behavioural, social and emotional need, so that those children are retained within the sector and achieve well from their starting points. A round table event with Headteachers (May 2017) facilitated by DfE and Ofsted Regional Advisors will seek to get in place collaborative agreement and support arrangements for Headteachers and a training programme for schools' staff.

3.3 The 'Local Offer' is in place but the development of the Council's website provided an opportunity to improve the accessibility and readability of it through consultation with parents and young people. (March 2017)

3.4 The integration of the Early Intervention and SEND and Inclusion services and teams in February 2017 will result in a much more integrated pathway for children with disabilities, in order to achieve, the following:

Clarity around our offer for children with disability, earlier recognition and intervention through our children's services' front door', leading to less reliance on specialist assessments and EHC Plans.'

Greater participation and ownership for children young people and their parents in their plans and schooling choices, through improved practice and different ways of working.

3.5 The effectiveness of Local Areas (not just the Local Authority) in identifying and meeting the needs of children and young people who have a special educational need and or a disability is externally evaluated through a joint inspection by the Care Quality Commission and Ofsted and will determine how effectively the local area:

Identifies children and young people who have SEND

Assesses and meets the needs of children and young people who have SEND

Improves outcomes for children and young people who have SEND

In order to better understand our children with additional needs, special educational needs or a disability in Rutland and to assure ourselves that we are supporting them early and appropriately, a comprehensive dataset is being created, (currently containing 420 children and young people in the SEND system, as of March 2017) This is informing our SEND Needs Assessment and the review of our commissioning arrangements and will enable us to create a robust SEND Commissioning Strategy, (by August 2017). We are utilising regional expert advice to create this.

3.6 The multi-disciplinary High Needs Panel meets fortnightly and is providing more robust decision making and value for money around placements, including decisions on transport. All changes in care packages and new placements are presented for consideration to Panel.

3.7 The performance and quality of our SEND service and the monitoring of spend on services is now subject to regular monitoring, accountability and scrutiny within the Directorate performance processes and to the Health and Well Being Board via the Children's Trust governance arrangements

4 IMPLICATION FOR RESOURCES

- 4.1 The Education Funding Agency makes an allocation to local authorities for high needs as part of the Dedicated Schools Grant (DSG). The High Needs block is not separately ring-fenced within a Local Authority's DSG. This means that local authorities can decide to spend more or less of the funding than they have been allocated for high needs. The high needs funding system supports provision for pupils and students with SEND, from their early years to 25.
- 4.2 The government is consulting on proposals for a new national funding formula for high needs. Under the proposed formula Rutland will have its funding capped which will result in a loss of funding. If the Council has to place a pupil in an area where another local authority has seen an increase in high needs funding, then the Council could find itself having to pay more for the placement than it would have done if the funding had not changed. This will put additional pressure on authorities who have very little control on the costs they pay for placements.
- 4.3 The review of the service has identified a number of operational pressures in the service in the short term also, such as a long waiting list for education psychology assessment or advice, officer time to oversee and improve the quality of the EHC Plans, and capacity to implement the Liquid Logic electronic case management system.

5 CONSULTATION

- 5.1 Consultation is required in respect of the capital project as described in Point 2.2.4 above.
- 5.2 The SEND Code of Practice, (2015), make it explicit that Local Authorities and its partners must engage and co-produce with, children and young people and their families on their intervention plan and on the design and review of services. Key partners and stakeholders will be consulted within the described monitoring and review process

6 ALTERNATIVE OPTIONS

No other options are offered. The Local Authority has a statutory duty to identify children and young people with SEND and, taking account of the views of the young person and their parents, and to provide sufficient placements within the Local Authority or support the identification of suitable arrangements out of county to ensure those needs are met. The Local Authority can continue to offer placements under the current arrangements, although predictions indicate that there will be a shortfall in funding which will need to come from the schools block, therefore the SEND Transformation Plan will implement changes to bring about a reduction in long-term costs.

7 FINANCIAL IMPLICATIONS

- 7.1 The capital grant described in Point 2.2.3 will bring an additional £500,000 for Rutland over three years.
- 7.2 The service pressures identified in Point 4.3 above and the development work

referred to in Point 3.5 above, will necessitate a request to utilise c£50,000 of the SEND Reform earmarked reserves. This leaves c£70,000 in the reserve.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 The Local Authority and its partners has a number of key statutory obligations to children and young people with disabilities and special educational needs, which includes, identification in the early years, the delivery of early help and targeted support and the provision specialist provision.
- 8.2 The Aiming High service supports the Council's statutory duty under the Breaks for Carers of Disabled Children Regulations 2011 (or the Short Break Duty) which requires Local Authorities to provide a range of short break services. This arrangement reflects the Children and Families Act and Care Act 2014 which places greater emphasis and importance on giving children with disabilities and their carer's greater choice and control in the support they need.
- 8.3 Local authorities must carry out their functions with a view to identifying all the children and young people in their area who have or may have SEN or have or may have a disability (Section 22 of the Children and Families Act 2014).
- 8.4 When carrying out their statutory duties under the Children and Families Act 2014, Local Authorities must do so with a view to making sure that services work together to promote children and young people's wellbeing or improve the quality of special educational provision (Section 25 of the Children and Families Act 2014)
- 8.5 Local authorities and clinical commissioning groups (CCGs) must make joint commissioning arrangements for education, health and care provision for children and young people with SEND (Section 26 of the Act) and local governance arrangements must be in place to ensure clear accountability for commissioning services for children and young people with SEND from birth to the age of 25.
- 8.6 Local authorities must publish a Local Offer, setting 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 SEND.
- 8.7 The SEND service is subject to monitoring, accountability and scrutiny within the Directorate's Quality Assurance and Performance Framework and to the Health and Well Being Board via the Children's Trust governance arrangements. The service will be seeking to establish a multiagency SEND Strategic Group to drive the implementation of the Transformation Plan across the Partnership and to comply with the Government's requirement to consult and engage stakeholders on the capital project as described in Point 2.2.4 above.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 An Equality Impact Assessment is not required at this stage, however it will require completion as part of the stakeholder consultaion in Phase 2 of the Transformaiton Action Plan as described in Point 2.2.4 above.

10 COMMUNITY SAFETY IMPLICATIONS

- 10.1 There are no community safety implications

11 HEALTH AND WELLBEING IMPLICATIONS

- 11.1 Local Authority Health and Wellbeing Boards are required to develop Joint Strategic Needs Assessments and Joint Health and Wellbeing Strategies to support a joined-up approach to prevention, identification, assessment and early intervention, and the joint commissioning arrangements for those with disability and special educational needs. This will be addressed in the SEND Commissioning Strategy describe in Point 3.5 above.

12 ORGANISATIONAL IMPLICATIONS

- 12.1 Environmental implications – the opportunity to enhance existing physical spaces through the capital grant.
- 12.2 Human Resource implications – the additional operational and project capacity as describe in Point 4.3 above. Also in the longer term the future sustainability of personnel to deliver the transformation in schools and other education provision.
- 12.3 Procurement Implications - the engagement of a Project officer and a capital project would be subject of procurement regulations

13 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 13.1 That Cabinet notes the progress of the actions to date to achieve the Transformation Action Plan.
- 13.2 That Cabinet approves delegated authority to the DCS to create the Project Brief and Project Plan for the development of Phase 2 of the Transformation Action Plan and specifically delivering the capital project in order to implement and sustain the Rutland SEND Inclusion Strategy. The Project Brief and Project Plan including use of the £500,000 capital grant will be subject to Cabinet approval.
- 13.3 That Cabinet approves the SEND Inclusion Strategy
- 13.4 Approve use of c£50,000 ear marked reserves.

14 BACKGROUND PAPERS

- 14.1 Cabinet Report No. 22/2017 17th January 2017

15 APPENDICES

- 15.1 Appendix A - SEND Inclusion Strategy

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.