

CHILDREN'S SCRUTINY PANEL
SEND AND INCLUSION
REPORT OF THE PEOPLE DIRECTORATE

Strategic Aim:	Building a Brighter future	
Key Decision: No	Forward Plan Reference:	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr David Wilby Portfolio Holder Life Long learning Mr Richard Foster Portfolio Holder Children and Young People (Safeguarding)	
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Ward Councillors	All	

DECISION RECOMMENDATIONS

That Children's Scrutiny Panel :

1. Notes the developments and challenges in the SEND and Inclusion service.
2. Notes and provides direction on recommendations for future actions.

1 PURPOSE OF THE REPORT

- 1.1 To update Scrutiny Panel on the developments and performance of the SEND and Inclusion service and to note the drivers which require a whole system change.
- 1.2 The presentation and this report provide Panel with detail of the developments in the service post Ofsted and CQC inspection (July 2017) and sets out the current challenges for the service as a result of growing demand and the new legal burdens placed on Local Authorities and the steps in place to address these and to continue to improve the SEND service.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The Children and Families Act 2014 aims to improve outcomes for children and young people with SEND by transforming how support is delivered through joined up multi-agency response and resource. The national reforms introduced a number of changes and resultant additional statutory functions for the local authority to support children and young people with SEND up to age 25. These new duties include;
- 2.1.1 To identify all children with SEND in the local area and to process and undertake Education Health and Care Needs assessments (EHCNA) for children who may have SEND. This requires the management of applications and decisions to assess within a statutory 6 week timescale.
 - 2.1.2 To undertake assessments and issue Education, Health and Care Plans (EHCPs) within 20 weeks from first application, this includes coordinating and compiling multi-agency assessment information and formulating draft EHC plans. This includes statutory duties to ensure parent and child involvement and the co-production of content within set timescales.
 - 2.1.3 To secure the appropriate education and health provision associated with EHCPs for children with SEND, ensuring provision is named and specific within EHCPs.
 - 2.1.4 To undertake annual reviews of all children with an EHCP and ensure their plan remains relevant, appropriate and provides a clear pathway for adulthood and independence.
 - 2.1.5 To produce and maintain an up to date 'Local Offer' which sets out the local areas health, education and social care provision for children with SEND.
 - 2.1.6 To keep local services for children and young people with SEND and their families under review to ensure that they meet the needs of the local community, this includes a duty to have in place co-commissioning arrangements for the local area between the local authority, health and education.
 - 2.1.7 To provide a range of statutory services including mediation services, independent advice and support services and educational psychology services for the purpose of education, health and care needs assessments.

3 WHAT WE HAVE DONE – WHAT'S WORKING WELL

- 3.1 The SEND and Inclusion service including children with disabilities who are Children in Need, (CiN) was integrated with the Early Intervention service in early 2017 at which point a self-evaluation of the service took place and a development plan created to drive service improvements. This continuous service improvement is overseen by a multi-agency Steering Group and a SEND Strategic Group, comprising education providers, CCG commissioners, parents, Portfolio Holders and senior officers from RCC.
- 3.2 The implementation of the SEND reforms is monitored by a joint Ofsted and CQC inspection framework, which took place in Rutland in July 2017. The outcome of this exercise highlighted a range of good practice and also identified areas for development and improvement which were as follows;

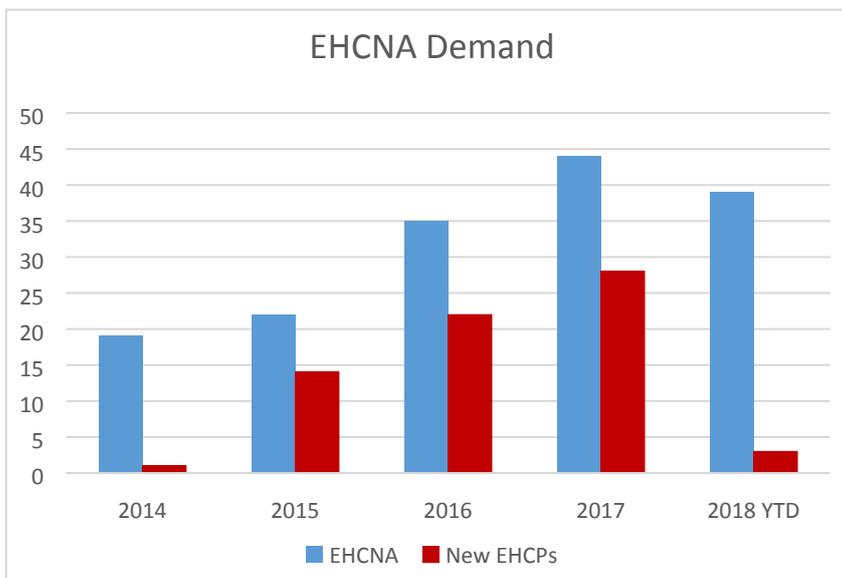
Development Area	Progress
Improve the use of information about the profile and number of children and young people who have SEND to inform the planning of school places.	RCC now routinely gathering data to highlight needs, this includes developing SEN support data, ASQ information. This information is collated in tableau and being shared with schools and partners to drive decision making and more recently the needs assessment to inform the SEND Capital programme
The communication of the local offer is not effective and requires further improvement.	Local Offer website has been redesigned and partnership system changes made to improve its accessibility.
Too many children are waiting to see an educational psychologist to identify their additional needs.	22k additional funding secured to enhance EP services and clear the backlog of 'traded' non statutory referrals which was completed by January 2018. A new 5 year contract has been secured and we are in the process of working on a model to ensure non statutory services are accessed readily to avoid delay.
The range of services available to support the emotional well-being and mental health of children and young people are not widely known or fully understood and promoted.	Information on all services available for children and families is now collated in one document and promoted on the Local offer. The local offer is enhanced by the FIM projects offering training and support to school and a targeted early help support for children below the specialist CAMHS threshold.
Health Assessments for Children Looked After placed out of County not always in timescale.	Continuing to ensure CLA nurse undertakes assessments. Performance monitored through Corporate Parenting Board.
Ensure the plans for improvement of local CAMHS service continue to be implemented.	LLR specialist CAMHS improvement board in place looking at whole system change to improve accessibility, information sharing and step down to Early Help services
The use of personal budgets to support young people to meet their needs is low. The local area has not communicated the difference between direct payments and personal budgets well enough to encourage more families to apply.	Internal audit of personal budgets process has been completed. A personal budget brief explaining options for parents and carers has been developed and promoted on the Local Offer. Work continues to define in detail which services across education, health and social care are available for direct payments as part of a personal budget.
The independent information and advice services (IAS) for parents or carers of children and young people who have special educational needs are highly valued by the parents who use them. However, the services are not used widely by parents and many parents do not know that they exist.	A new Information, Advice and Support Service (SENDIASS Rutland) has been commissioned and is provided through one provider making the landscape less confusing. This is being widely promoted and a local SEND Hub has been created to provide a drop in facility for parents.
Creation of an SEND Capital Programme Plan and Programme Board to progress the Capital Programme (September 2017)	Project board in place and meeting regularly, Capital programme received Cabinet approval to progress to Phase 2 to undertake site feasibility.

4 CHALLENGES - WHAT WE ARE WORRIED ABOUT

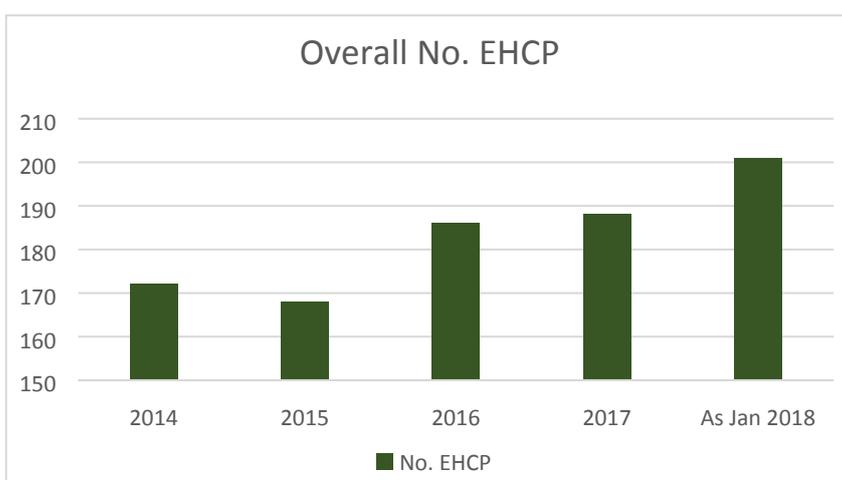
4.1 The SEND reforms and subsequent Code of Practice has created a number of challenges for Rutland each of which is interconnected and influences the other. A summary of these are highlighted below;

4.2 Demand

4.2.1 Rutland is witnessing a significant increase in demand for SEND services with an increase in EHCNA requests which are up 130% since 2014 and in 2018 have already reached the levels seen for the whole of 2017. Subsequently the number of EHCPs being issued is increasing with overall levels per population above national averages (3%). The increase reflects national trends.



4.2.2 The EHCNA process takes 20 weeks with 26 currently under assessment, our conversion rate to EHCP based on 2017 is 97% (93% regionally) and therefore the new EHCPs figure for 2018 will increase significantly during the year.



4.2.3 All children with a Statement of Education have transferred to an EHCP as per the statutory requirement. However a proportion of EHCPs that were transferred will end due to children moving out of area or due to a plan no longer being required. This will likely mean that, due to the increase in new EHCPs, overall numbers will remain static or not highlight this increase. The impact of this demand is

exacerbated by the statutory timescales to decide to assess, and our subsequent duties to co-ordinate multi-agency assessment information which is resource intensive and places pressure on capacity in the service to deliver the requirements within timescales. In addition timescales for decisions to issue an EHCP, consult with parents and children and secure suitable education, health and social care provision is placing further strain on the system and performance is below target.

4.3 Inclusive Practice in Schools

4.3.1 The increase in demand can be, to a large degree, attributed to the ability of our schools to be inclusive. At the heart of the SEND reforms is the assumption that all children with an EHCP should, where appropriate, be educated within a mainstream school with an expectation on inclusive practice. Whilst recognising that nationally there has been an increase in the diagnosis and identification of children with SEND it is evident, from the types of EHCNA requests and practice examples received, that locally schools in Rutland are appearing less inclusive, with increasing numbers of children being excluded or schools not willing to accept children because they are 'unable to meet needs'.

4.3.2 In this current year there are 20 children who are 'educated otherwise' and whilst a proportion relate to medical needs at least 50% are associated with children who have Social Emotional and Mental Health needs (SEMH) with many in high cost alternative provisions whilst remaining on the school roll.

4.3.3 As part of the request for an EHCNA and decision to issue an EHCP we request evidence from schools on how they have used their resources (6k per child with SEND) to identify the special educational needs of children and how they have adapted their education provision accordingly. In doing so it is expected that schools can evidence the use of a graduated response to children's needs and can highlight the relevant and additional provisions which have been adopted before an EHCP is considered. To support this we have developed a SEND toolkit for schools, however this is not routinely used.

4.3.4 Consequently this is contributing to situations where children's needs are going unmet and escalating and as such require intervention, through an EHCP. This presents a challenge of how the Local Authority sets out its expectations of schools.

4.4 Quality and Service Challenges

4.4.1 Increasing demand and additional responsibilities following the SEND reform is drawing upon service capacity which is, in turn impacting on Officer time to focus a number of quality matters, such as the quality of information produced and presented to inform the SEND panel decision making, to provide effective challenge to schools on their inclusive practice and relevant adaptations to meet the needs of children with SEND, and to negotiate and source alternative provisions, including achieving value for money. Officers would like to have more time to undertake more effective annual reviews, to monitor progress for children and make considered decisions about the future of a plan and a placement for an individual child.

4.5 Parental Expectation and Tribunal Process

4.5.1 The SEND reforms place a greater emphasis on parental choice and involvement in shaping provisions for their children. Consequently the service is experiencing

more challenge to the provisions put in place for children through the EHCP process. This is supported by a tribunal process in which the service is seeing an increasing number of tribunal requests and challenge to the types of support provided, particularly health based provisions. Managing an effective tribunal challenge is expensive and requires capacity to formulate evidence and co-ordinate agency responses. The service awaits the impact of the single route of redress national trial, which is a two a 2 year trial where tribunals can now make recommendations in education health and care plans regarding health and social care input and provision.

5 CONSULTATION

- 5.1 The Council has a legal duty to consult with children, young people and their parents to assess, plan and put in place support through a CiN plan or an EHCP.

6 ALTERNATIVE OPTIONS

- 6.1 Options set out in Point 14

7 FINANCIAL IMPLICATIONS

- 7.1 The Designated Schools Grant Higher Needs Funding Block for children with SEND is reporting an over spend. The budget was overspent in 16/17, 17/18 and is projected to be overspent by £250,000 during 2018/19 at the current rate of demand. However it should be noted that there are currently 27 children being assessed or moving to an EHCP that may result in special provision and increased placement costs.

- 7.2 The SEND reforms has increased the requirements for the LA to provide a range of services and manage the contracts that follow, this includes Mediation Services, Independent Advice and Support and Educational Psychology services which all come at a significant cost. Whilst some one-off SEND reform monies have been received to implement the reforms there is a need to build these costs in to base budgets. Furthermore any health provision which educates, such as Speech and Language therapy, is now the responsibility of the local authority to source and provide. There is no funding for such provisions and is an additional financial burden on the Local Authority.

- 7.3 The DfE announced in March 2017, allocations to Local Authorities, for 2018-19 to 2020-21 totalling £215 million to spend on creating or enhancing SEND places for children with SEND with an Education, Health and Care Plan. Rutland received an allocation of £500,000. The Government announced on 29th May 2018 that LAs will receive a top up of capital funds which bring the total amount (with the RCC funds of £200k) to £816,000 for the Rutland SEND Capital Programme.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 The Council has specific legal duties, processes and timescales to follow to identify, assess and support children with SEND and their families and these duties are set to increase.

9 DATA PROTECTION IMPLICATIONS

9.1 None

10 EQUALITY IMPACT ASSESSMENT

10.1 The Children and Families Act 2014 and the SEND Code of Practice, (2014) sets out the Council's responsibilities to meet the needs of children with special educational needs and disability

11 COMMUNITY SAFETY IMPLICATIONS

11.1 None

12 HEALTH AND WELLBEING IMPLICATIONS

12.1 Rutland's SEND and Inclusion Strategy, (2017) clearly set out our intention to meet the education, health and social and care needs of children and young people with special education needs and disabilities.

13 ORGANISATIONAL IMPLICATIONS

13.1 The service has implemented a number of positive developments and projects as evidenced by the Ofsted and CQC inspection outcome. However the consequence of the SEND reforms and our local response is presenting challenges. These are;

13.2 An increasing number of children are being issued with EHCPs with levels in Rutland above that seen nationally (3%/2.8%). Data published recently also highlights that Rutland has a higher conversion rate following EHCNA (97%/93%) meaning more EHCNA will result in more EHCPs.

13.3 More children are being 'educated otherwise' as schools are unable to meet needs of children through adapted provisions.

13.4 More children are being placed in special schools, and at an earlier age, due to a lack of local provision. Whilst a large proportion of children are appropriately placed there are some children who could have their needs met in mainstream schools with high quality inclusive practice. National research shows that once in the special school system children are less likely to leave. In addition the cost of such placements is significant and increasing.

13.5 This is an increase in parental applications for EHCNA and through tribunal challenges, which is in part due to parental perception in the confidence of mainstream schools to manage their children's needs.

13.6 The SEND service continues to address the presenting issues which limits capacity to focus on resolving the inherent issues in the system.

13.7 Performance for the service, particularly against national indicators, is at risk with performance for key timescales falling, in particular annual review timescales.

14 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 14.1 As outlined there are a number of work streams underway to bring about a whole SEND system change. This includes the work of the multi-agency SEND Strategic Group, the SEND Capital Programme, the Early Intervention Fund and a schools training programme. However there is further development work to be undertaken to have longer term impact:
- 14.1.1 Increase SEND service capacity - the service has undergone a review and is looking at opportunities across Early Intervention to expand roles and reshape where provision is placed, upskill and provide training opportunities to enhance practitioner knowledge in order to build greater resilience and capacity within the SEND service, for example strengthen our Inclusion Service and focus our response to children with SEMH.
- 14.1.2 Increase funding for schools - provide funding to schools in order to enhance their skills and confidence to be inclusive. This could be achieved by dedicating a proportion of the DSG high needs funding block to commission specific therapeutic services for schools. This could include, for example, specialist trained ASD teaching support across and in schools. In addition the Local Authority may consider increasing the funding banding levels available for schools, where children have an EHCP, so that schools have more resource to provide suitably adapted provision. Whilst this would increase costs overall this may be offset by a reduction in disruption to children's education and children entering high cost special provisions. This in turn will enable the LA to increase challenge to schools when the service is aware that a child may be at risk of exclusion or if the service is unhappy with the quality of EHCPs that lack evidence of need being met. The risk with this approach is that children with SEND may become excluded or their needs go unmet or escalate or parents resort to tribunal.
- 14.1.3 Review the current model for the DSP provision - the current secondary DSP at Catmose College supports children with mild learning disabilities (MLD) and has at times been underused. The primary presenting need for children coming through the SEND system are those that require provision to support differing needs i.e. children with Autism Spectrum Disorder (ASD) and Social, Emotional and Mental Health (SEMh) needs. It is these needs which are often unmet in mainstream schools and are responded to in high cost special school provisions.
- 14.1.4 Following a recommendation from the Directorate management team (DMT) on the 7th June 2018, a working group will be convened to develop the options outlined above in more detail, including investigating the potential risk and benefits of each. Membership of this group will include the Director for Children Services, Head of Service for Early Intervention and Inclusion, Head of Commissioning, Head of Service for School Improvement, Service Managers and the Portfolio Holder for Life Long learning.

15 BACKGROUND PAPERS

15.1 There are no additional background papers to the report

16 APPENDICES

16.1 There are no appendices

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