

CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE

18th March 2021

SEND & INCLUSION

Report of the Director of Children's Services

Strategic Aim:	Safeguarding	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr D Wilby, Portfolio Holder for Lifelong Learning, Early Years, SEND, Inclusion, Safeguarding Children & Young People	
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Ward Councillors	All	

DECISION RECOMMENDATIONS

That the Committee:

1. Notes the Rutland offer for children with special educational needs and disability, (SEND), and the performance and progress made by the SEND and Inclusion service.
2. Endorses the actions planned and/or completed in relation to addressing the priority areas for improvement and development.

1 PURPOSE OF THE REPORT

- 1.1 To report on the statutory offer for children with SEND and the actions in place to develop our SEND sector wide system and to address the growing demand on services and budgets.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 Rutland's vision is to support all children and young people with SEND to lead healthy, independent, and safe lives, to be a County that promotes inclusion, to maximise their opportunities to be independent and focuses on their abilities not their disabilities and wherever possible, have their needs met locally. (Rutland SEND and Inclusion Strategy 2019).

- 2.2 Our SEND and Inclusion Service priorities reflect the Children and Young People's Strategic Plan, (2019-2022), priority which is "children receive their education entitlement in an inclusive environment in their community and we work together to recognise and put in place early and additional support when children need it."
- 2.3 Our current SEND and Inclusion service improvement priorities are to:
- Improve the quality of Education Health and Care Plans (EHCP) and thus the outcomes for children and young people.
 - Build confidence in Inclusion and SEND capacity in our mainstream provision 0 to 25 years, and,
 - Develop joint commissioning between the Local Authority and Health services.

3 RUTLAND COUNTY COUNCIL SEND AND INCLUSION DUTIES

- 3.1 There has been an increase in Local Authorities' legal burdens, to meet the requirements set out within the Children and Families Act 2014 and the SEND Code of Practice, (2015), resulting in turn, in an increased demand on RCC's SEND and Inclusion services. The legal and statutory requirements include the following key functions:
- To process requests for Education Health and Care Needs Assessments (EHCNA) and to decide whether to undertake assessments within 6 weeks.
 - To undertake EHCNAs and issue Education, Health and Care Plans (EHCPs) within 20 weeks from first application, this requires SEND Case Officers co-ordinating and compiling multi-agency assessment information across children's education, health and social and care needs, and formulating draft EHC plans. This also includes statutory duties on Case Officers to consult and engage parents and children and the co-production of content within set timescales.
 - To conduct annual reviews for every child with EHCPs and to attend annual reviews of priority children with an EHCP and ensure their plan remains relevant, appropriate, can evidence meeting the child's outcomes and the plan provides a clear pathway for adulthood and independence. For children who are open to Social Care as a Child with Disabilities or Child Looked After, this also necessitates attendance at Child in Need, (CiN), Child Looked After (CLA), and Personal Education Plan (PEP), review meetings.
 - To provide mandatory services including, dispute resolution and mediation services, independent advice and support and educational psychology services.
 - To undertake data recording, monitoring and formal reporting to the Department for Education (annual SEN2 returns etc.) and to the East Midlands regional Dashboard quarterly.
 - To maintain and update a Local Offer and website and have in place a co-production programme with the Parent Carer Voice group.
 - Case Officers act as commissioning managers to secure the appropriate education, health and care provision outlined within a child's EHCPs, ensuring provision is named and specific. This includes consulting and securing appropriate education placements that evidence meeting the child's needs, address parental preference and meet procurement and contracting requirements such as value for money.

3.2 Demand in Education Health and Care Assessments and Plans.

- 3.2.1 Since January 2017, the number of EHCPs maintained by Rutland County Council

has increased from 190 to 254. The number of EHCPs now stands at 254 at the end of January 2021 an overall increase of 30 EHCPs maintained by the LA in the last year.

- 3.2.2 The number of Education Health and Care Needs Assessments, (EHCNA), requests have increased year on year from 38 in 2017, to 62 by 2019 with 68 by end of January 2021. The highest volumes of presenting needs for children with EHCPs in Rutland are:

Presenting need		% of cohort
Autism Spectrum Disorder (ASD)		29%
Moderate Learning Difficulties (MLD)		21%
Social, Emotional & Mental Health Social Difficulties (SEMH)		16%
Speech Language and Communication Need (SLCN)		7.4%
Severe Learning Difficulty		6.6%

- 3.2.3 52 children with an EHCP living in Rutland attend an out of county special school, this number has increased by 3 over the last year. The overall high proportion in out of county special schools is, in part, due to the increasing numbers of children with EHCPs, parental preference and the limited provision available within Rutland to meet needs.
- 3.2.4 There are a further 53 children with an EHCP attending a maintained designated special provision within a mainstream school in Rutland which are; Dedicated Special Provision, (DSP) unit in Catmose College, Enhanced Resource Provision (ERP) unit in Uppingham Community College, DSP provision in Oakham Church of England, (OCE), primary school and the Early Years Special School at the Parks in OCE school. The majority of the children attending Rutland special provision are Rutland children, which RCC are responsible for, however other Local Authorities can request places in Rutland provision, which that host LA will fund.
- 3.2.5 There are 52 young people and adults with an EHCP aged 16-25 years. The vast majority are supported to go on to further education or employment. Of those Post 16 with an EHCP, 48 (92%) are in post 16 college or alternative provisions and the rest in apprenticeships or residential provision.
- 3.2.6 11 EHC Plans ceased January to December 2019, a further 8 ceased up to end of January 2021 bringing the total to 19.
- 3.2.7 The SEND service has SEND Case Officer capacity of (3.6fte) and has Educational Psychologist capacity of (0.6fte).

4 OTHER STATUTORY RCC SERVICES FOR CHILDREN WITH SPECIAL EDUCATIONAL NEEDS AND DISABILITY

4.1 Aiming High Programme

- 4.1.1 The Aiming High service supports the Council's statutory duty under the Short Breaks for Carers of Disabled Children Regulations 2011, which requires local authorities to provide a range of short break services. The Local Authority must perform their duty in the Children Act 1989 to provide breaks from caring, for carers of disabled children to support them to continue to care for their children at home

and to allow them to do so more effectively. Rutland County Council must:

- ensure that, when making short break provision, they have regard to the needs of different types of carers, not just those who would be unable to continue to provide care without a break.
- provide a range of breaks, as appropriate, during the day, night, at weekends and during the school holidays; and
- provide parents with a short breaks services statement detailing the range of available breaks and any eligibility criteria attached to them.

4.1.2 There is no prescribed offer that the Local Authority must provide under the Short Break Regulations. However, the service must be able to meet the requirements of carers as the regulations intended.

4.1.3 The Aiming High service in Rutland, fulfils an 'early help' function that enables children with SEND (up to the age of 25), and their carers to access support quickly and effectively without lengthy or unnecessary assessments or the need to resort to an EHCP. The short breaks offer is made up of two components:

- i. Aiming High Positive activities - which are group and club sessions which are available to all children and young people with SEND who are on the Aiming High register, and
- ii. Aiming High Short Breaks/ Respite - families with disabled children may opt for direct payments, (up to £1000 per annum, to those children who are aged 5-25, not receiving support from social care and meet specific criteria), rather than receiving a service provided or commissioned by RCC. They may wish to buy short breaks from a registered provider (for example day care, domiciliary care, or overnight child minding) or employ a personal assistant to provide the short break. The full range of short breaks can be provided through a direct payment, including overnight care away from home, providing care in the child's own home or accompanying the child to a leisure activity in the community.

4.1.4 The Aiming High spend for Short Breaks/Respite and Positive Activities for 19/20 was £96,000, forecast spend for 20/21 is £70,000.

4.1.5 Since April 2020 to end of January 2021, 74 SEND children and young people have accessed Aiming High positive activities and short breaks scheme.

4.1.6 Since April 2020, 47 SEND children and young people have accessed the Short Breaks Respite Scheme providing short break grants, and of those 36 had an EHCP.

4.2 Children's with Disability Service, (CWD) Social Care

4.2.1 All 'disabled' children are children 'in need', Section 17(10) (c) and (11), Children Act. There is no requirement for a child to have a particular level of disability or to need any support from the Local Authority to qualify as a child 'in need'. All that matters is that the child falls within the definition of 'disabled' in section 17(11), which reads as follows; '*a child is disabled if he is blind, deaf or dumb or suffers from mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity.*' The primary duty in relation to children 'in need' is to assess their needs in the family context.

4.2.2 As of January 2021, 17 children are open to statutory Children with Disabilities services, (CWD), as children in need (Section 17). These are children with very complex and life limiting and/or enduring additional needs. This number is slightly lower than in previous years.

4.2.3 The spend for CWD social care provision including direct payments was £356,000 in 19/20 and forecast spend is £267,000 for 20/21.

4.3 Inclusion Service and Education Otherwise

4.3.1 In addition to children with SEND, the Inclusion service has a duty to support children with additional needs without a EHCP or who are at risk of disruption to, or loss of their education because of their needs which often results in challenging behaviours. This group of children is made up of:

- 11 children who are not on school roll and not in receipt of full-time education. All children have an offer of education.
- 7 are successfully engaged with tuition.
- 5 children also attend an alternative provision.
- 4 children have an EHCP and in 3 cases the service is consulting for appropriate provision following school breakdown.
- 1 child is a child looked after (CLA) and the Virtual School Head is working with the SEND Case Officer and Inclusion officer to secure a suitable provision.
- 3 of the 11 cases are a result of permanent exclusions. 1 of the 3 cases is a Rutland resident.

4.3.2 The Inclusion service support schools with students on roll whether children are Rutland residents or not, and this is a reciprocal arrangement with other LAs.

4.3.3 In addition, 11 children who are on a school roll are currently not attending school full time due to medical needs but are in receipt of education support. These children have a dual roll placement with a hospital school or are receiving tuition or tuition and some time in school.

4.3.4 4 children are currently on a reduced timetable, 3 have an EHCP and 1 child is currently under assessment.

4.3.5 At the end of February 2021 there are 33 children identified as Electively Home Educated, compared to 25 children on our EHE register at this time last year. All of these have been contacted initially to ascertain plans for home education to ensure this is suitable. 1 child has an EHCP. Families are engaging well with the service and no cases have been escalated due to concerns.

4.3.6 Not all children are suited to mainstream or special school education. In Rutland there are currently 10 children, mainly curriculum Year 11 and above, receiving tuition or attending unregulated/unregistered provision, including a number with social and emotional and mental health difficulties and challenging behaviour. RCC's priority and preferred approach is to ensure all children with an EHCP are in an Ofsted registered provision, however if this provision were not in place a number of pupils would have no school place at all. These young people are now on target to achieve some level of recognised qualification at Year 11 and are being supported to move forward into FE. In another example over 30 providers, were consulted and they were unable to meet a child's highly complex needs and this

child is now settled and making good progress. The education providers primarily are:

- Melton Learning Hub
- New Leaf Triangle
- Sustainable Land Trust

4.3.7 The Inclusion service completes legal tests to ensure that these Providers meet the SEND Code of Practice and safeguarding requirements. Each provision has site visits and have detailed quality assurance checks in place. A report on each individual child is prepared and overseen by the Practice Oversight Group chaired by the Director for Children Services. All have robust justifications in place for the choice of learning model and all have clear evidence that this best meets the need of the child.

4.3.8 In addition, the Inclusion service has a duty to check and to issue sanctions on behalf of RCC, regarding school attendance through targeted school visits to monitor and identify children at risk of 'off rolling' or at risk of prosecution due to poor and unauthorised school absence. Term 3 saw no unauthorised absences; however, schooling was being delivered remotely then. Cumulatively for Terms 1 and 2, (Autumn term), 3 children were absent for term time holidays, for which six penalty notices were issued.

4.3.9 The service also has a duty to process performance licenses and chaperones to safeguard children who may be involved in entertainment or employment. Since September 2020, the service has issued 4 employment licences, 4 performance licences and no chaperone licences. The Covid 19 pandemic will have impacted on these numbers for example, there are usually more employment licences issues for cafes and restaurants and seasonal performances.

4.3.10 The spend on Education Otherwise provision, (funded from the HNF), was £116,000 in 19/20 and the forecast spend is £185,000 for 20/21. The increase is partly an accounting matter that will be addressed in the DSG funding arrangements for next year. However, there is demand on this budget, which is related to children without an EHCP, sometimes they are an emergency measure, others might be to avoid an EHCP or they may be from Further Education providers. Options to address this with FE Colleges and through the Education Inclusion Partnership (EIP) activity is being considered.

5 SEND AND INCLUSION SERVICE PERFORMANCE AND OUTCOMES FOR CHILDREN AND YOUNG PEOPLE

5.1 Rutland County Council has legal timescales, in which to work with Health and Education providers to assess children's needs, to provide provision and to review services and support for children with SEN and Disability. Rutland County Council's performance against statutory timescales, as of January 2021 is as follows:

Performance Indicator	Target	November	%	December	%	January	%
% of EHC assessment requests decisions within 6-week timescale	100%	56	97%	59	97%	4	100%
% of EHCP plans issued within 20-week timescale during calendar year.	100%	32	82%	32	73%	0	0%
% of annual reviews completed within 12-month period	90%	87	88%	128	90%	146	91%
% of EHCPs reviewed and issued in statutory timescales for transition	90%	25	89%	25	89%	25	89%
% of EHCPs issued, following amendments at review, within 12 weeks	90%	17	100%	49	100%	78	99%
% of medium-term outcomes achieved within EHCPs identified at annual review (academic year)	50%	9	53%	23	47%	33	41%

5.1.1 A percentage of assessments and EHCPs issued or EHCP reviews, (c30%), have been delayed due to Covid 19 restrictions - children not in school, school closures or families self-isolating. However, RCC's performance is well above the regional and national, pre Covid19 benchmark of 58% and 65% respectively. During the Covid 19 pandemic, all children, young people, and families have contact with the service and children's attendance in mainstream school and in out of County independent and special schools is monitored and their provision as set out in their EHCP is tracked.

5.1.2 Statutory Child in Need, (CiN) visits are taking place and all cases have up to date Covid-19 risk assessments to inform safe visits with all virtual visits having a clear rationale. Social Workers know their children well, and care packages and plans provide well targeted support for children.

Performance Indicator	Target	November	Baseline	%	December	Baseline	%	January	Baseline	%
% CIN reviews in timescales	100%	4	4	100%	8	8	100%	2	2	100%
% of children seen in last 6 weeks	100%	13	13	100%	16	16	100%	14	14	100%

5.1.3 The CWD team, (comprising 2fte social workers), continue to support EHCPs and development of section D, (social care), input into EHC Plans, (over 40 completed since April 2020), as well as attending annual reviews for priority children.

5.1.4 The service has received positive feedback about the quality of RCC's Section D reports by Dr Kevin Rowland, SEN Disability Professional Adviser, Department for Education, and has asked for colleagues from Leicester City Council to engage with RCC in learning from each other and sharing good practice.

5.2 Children and young people and families' satisfaction

5.2.1 The service currently has 7 tribunal appeals in progress. Of these 4 are appeals by parents against RCC's refusal to assess. 3 are appeals against sections of a child's EHCP, such as health provision or a parent wishing to change a child's provision, often from mainstream to an independent provision. Within this 7 are 3 families who have appealed before. Whilst we continue to address mediation and tribunal appeals the satisfaction survey conducted with families show a high percentage, (100% in December 2020), of families reporting being satisfied or very satisfied with progress towards EHCP outcomes following a child's annual review.

5.2.2 Performance in Aiming High remains strong - 100% of children report they had fun and felt happy during activities funded through Short Breaks scheme and 94% of carers report short breaks increases their ability to cope with their parenting and carer responsibilities.

6 FINANCIAL IMPLICATIONS

6.1 Rutland County Council has obligations to children with an EHCP up to 25 years. The Children and Families Act 2014 and the SEND Code of Practice, set out the duties for the Local Authority as detailed above and in addition, the LA has a duty to undertake Education Psychology assessments, commission Information Advice and Support, (SENDIASS), Dispute Resolution and Mediation services. The budget for this is £115k per annum, however an additional budget is allocated (10k) to account for where demand outstrips the contract capacity specifically in the EP service i.e., additional spot purchase is needed (allowed up to 20k above contract).

6.2 The DSG and High Needs Budget

6.2.1 The expenditure for high level SEND support in Rutland has increased significantly over the last 5 years to meet increased demand. This has resulted in an additional budget increase of 13% with the High Needs budget set at £4.25 million for 2020/2021. The high needs allocation for 2021/2022 is £4.65m.

6.2.2 The high proportion of children with EHCPs who are placed in out of county special provisions is driving overall expenditure. Where children are placed out of county in specialist schools, comparative regional fee levels and detailed cost breakdowns are used to understand each aspect of school spend and to achieve value for money.

6.2.3 The table below summarises the forecast 2020/21 DSG Outturn against each of the four spending blocks.

	Schools £000	High Needs £000	Early Years £000	Central Schools £000	Total £000
Surplus/(Deficit) Carry Forwards from 2019/20	19	(458)	135	37	(267)
DSG Allocations prior to recoupment and deductions for direct funding of high needs places by ESFA	25,261	4,224	1,833	166	31,484
Difference in Clawback					0
Transfer between blocks	(126)	126			0
Academy Recoupment	(23,288)	(234)			(23,522)
Expenditure in Year	(1,847)	(4,636)	(1,825)	(159)	(8,467)
					0
Under/(Over) spends in 2020/21	0	(520)	8	7	(505)
Surplus/(Deficit) Carried Forward to 2021/22	19	(978)	143	44	(771)
Percentage of DSG	0.06%	3.11%	0.45%	0.14%	

- 6.2.4 The High Needs budget is showing an overspend forecast of £520k compared to £504k forecast in November 2020. The in-year overspend will be added to the brought forward position of £458k, making a total deficit on the DSG reserve for high needs of £978k. This is the equivalent of 3.11% of total DSG allocated to Rutland in 2020/21.
- 6.2.5 This risk was highlighted at Schools Forum, (December 2020), following schools return to a new term in September and where demand has increased from 254 pupils in the budget to 268 pupils, of which 259 have an EHCP.
- 6.2.6 School Forum were informed that the increased demand on the High Needs Fund (HNF) was common across almost all local authorities and was not a local issue to Rutland. A national review of the SEND reforms is underway to acknowledge system challenges that had been created following the introduction of the SEND Code of Practice in 2015. Schools Forum approved the transfer of 0.5% from the Schools Block to the High Needs Block in 2021/22.
- 6.3 SEND Recovery Plan
- 6.3.1 Due to the deficit on the High Needs block and (as per para 5.2 in the DSG Grant Conditions 2020/21), a recovery plan must be available for the DfE to review on request.
- 6.3.2 However, RCC had taken decisive action to address this increasing pressure and since a school's summit meeting held with Schools' Head teachers in 2019, the SEND service has been working with our education sector and senior management team to both address the growing numbers of children moving into the SEND system and in turn to address the financial pressures on the HNF.

- 6.3.3 To this end Schools Forum have agreed a SEND Recovery Plan and a number of preventative actions, for which School Forum have supported £357k of additional annual investment from the High Needs Block. The financial modelling undertaken, supports our decision making and project investment, and a five-year projection of high needs expenditure has been developed utilising several demand-based assumptions e.g., the annual growth rate of education health and care plans (EHCP). The five-year budget model is being updated to account for several factors which will influence the initial projection, these include:
- i. Factors which are no longer in line with original assumptions including a higher rate of EHCPs maintained in Rutland and a higher rate of children moving in County with EHCPs last year than anticipated etc.
 - ii. The current pandemic and potential impact on SEND and Inclusion demand.
 - iii. Additional funding provided into the high needs block.

6.3.4 The financial model is based on several assumptions of success e.g., proportionate reduction in special school placements etc. and it must be noted that each action within the SEND Recovery Plan factors in assumed impact and there are no guarantees to each element. The success of projects is also subject to several influencing factors including the commitment of schools to engage, test and commit to alternative approaches.

6.3.5 An update on the financial model will be reported to the June 2021 Schools Forum when the forecast impact from the Covid-19 response is better understood.

6.4 SEND Recovery Plan Projects

6.4.1 The range of projects within the Recovery Plan, are delivering a number of initiatives new to Rutland, and which are intended to increase capacity within mainstream schools by assisting schools to act early where they see a child's social emotional and mental health (SEMH) needs escalating and put in place support or evidence-based interventions that may prevent children moving into the SEND system and thus help children to continue successfully in mainstream education without the need for an EHCP.

6.4.2 All projects have a focus on the three priority areas:

- i. Children with SEND should be supported, as far as is possible and appropriate, within the least restrictive education environment close to home.
- ii. High needs funding and support interventions for children with SEND are not appropriately distributed and require redistribution.
- iii. Additional support and funding are required earlier in the education system with investment in different types of support within and across mainstream schools.

6.5 Progress of Recovery Plan Projects

6.5.1 There are four work streams currently funded and during the first financial year (2019-20) a proportion of funding, £79k, was utilised as projects developed. It is anticipated expenditure will increase once all aspects are fully operational and full costs are realised across a full financial year. The table below outlines the amounts allocated for each area and the expenditure which is already committed for the year. The Covid-19 pandemic has impacted some elements of the project progress. Although it is anticipated that following the pandemic the demand for these may increase. The commitment above is reflected in the forecast deficit and will be

reviewed in line with reviewing the overall financial modelling.

Project	Initial Allocation	Committed for 20/21
Primary Nurture Model	£107k	£100k
SEMH Specialist Teacher	£80k	£52.7k
Education Inclusion Partnerships	£70k	£21.8k
Therapeutic Provisions	£100k	£33.2k
Total	£357k	£207.7k

6.5.2 Project Workstreams

Education Inclusion Partnerships (EIP)

The school-led inclusion partnership, set up in February 2020, shares responsibility and co-ordinates support and resources from universal support through to complex for children with additional support needs, when schools ask for assistance. It aims to help children reach their full potential in mainstream school when SEMH needs are a barrier to learning, and to build skills and give confidence to teaching staff to act quickly and at the earliest stage if children's needs seem to be escalating. Six primary schools form the primary partnership panel to act as representatives of the whole sector: English Martyrs, Catmose Primary, Ketton CofE, Cottesmore Academy, Uppingham CofE and Oakham CofE.

An experience external advisor provides the co-ordination and initial assessment function on behalf of schools, when cases are put forward, and links universal support services where this is appropriate. The EIP co-ordinator's time will be extended in April 2021 to 3 days a week (from two currently) to provide additional capacity to extend and develop Secondary EIP arrangements.

The Primary EIP has received 52 cases since launch, 7 have closed. 18 cases were received for the December 2020 panel. Feedback on the interventions and mechanisms for support to schools has been extremely positive. Since January 2021, the EIP has paused the acceptance of new referrals to help manage priority cases and allow for flexible support to schools who are accepting professionals on site, and where the intervention can be safely delivered. Year 6 children will be prioritised in Summer 2021 to support secondary transition.

The service has created a toolkit of resources for schools, which brings together all the services that can assist schools in implementing effective inclusion support for students. A Providers meeting is facilitated monthly by the EIP Coordinator to support the positive interaction of all the new Providers that have been commissioned to join resources alongside existing services.

The EIP is careful not to duplicate existing services but through the providers meeting helps communication and join up of services across charitable, independent, and statutory sectors. Mechanisms for a Secondary EIP are in development, the intention is to progress utilising a similar model as the primary sector. In the meantime, secondary cases are being resolved on an individual basis.

Primary Nurture Model

The nurture outreach model is helping to strengthen approaches across primary schools, through the delivery of expertise to schools to adopt evidence based 'attachment' principles and practice to support children with social, emotional, and mental health needs (SEMH). A nurture project board run by Edith Weston Academy meets monthly, capital works on site (funded through DfE Special Provision funding) are complete. Onsite provision continues to be delivered in 'The Nest'. Training via video call to most Primary SENDCos happened in the autumn term, and resources to support schools, were funded by Resilient Rutland.

The schools have had significant success in supporting children in making positive progress who have been or who might otherwise have required special school provision. The numbers of children supported by the provision so far are in line with initial cost modelling which underpinned the original business rationale.

Specialist Teacher Support

RCC commission Leicester City Council on behalf of Schools Forum to deliver additional specialist teaching support for children with Social, Emotional and Mental Health (SEMH). The contract provides one FTE teacher with linked, named teachers for each school. The specialist teachers support Rutland schools, and their role involves delivering practical advice and support and where case work may be required, they may be deployed as part of a case intervention, commissioned to specifically develop creative teaching, and learning approaches or suitable adaptations to enhance the inclusive environment for a child with additional needs in the classroom. A significant part of their role is to support sustainable and effective inclusionary practice in classrooms and build up the confidence and expertise of teaching staff.

The EIP has spot purchased interventions also, such as, specialist tutoring, specialist counselling, speech and language therapy, additional specific psychological interventions. A senior Speech Language and Communication Therapeutic professional is to be commissioned 3 days a week from Leicestershire Primary Trust (LPT), to assist better communication needs pathways across from Early Years to Secondary phase and to impact avoidable language delay. This is to supplement statutory work and to work at a lower level of need, for example, facilitating individual or group work for vocabulary, social use of language etc. The contract with LPT has been delayed due to LPT capacity. It is hoped it may be available in Summer 2021. In the short term the EIP are spot purchasing interventions from another Provider.

Linked to this work is the Wellbeing for Education package, a national delivery model, to support the transition of children back into school post Covid19. This work is being delivered by Partners in Psychology in Rutland and comprises national training content developed by the Royal College of Psychiatrists and the Anna Freud Centre. Partners in Psychology initiated a bespoke training and resource package for all local schools in the Autumn term based on the national training framework. Each school is to receive at least half a day each of support based on evidence-based approaches to transition, emotional well-being, and trauma.

Value for Money and System Review

SEND Consultancy, a team of SEND education experts, are working with RCC and Oakham CE Primary school to test and design a model of provision for the early

years and primary phase and to put in place a service level agreement to ensure a robust and sustainable financial model for the provision. This was initiated with a review and report about the current provision offers at the Oakham site, and has flowed into imagining a bold vision for excellent Early Years inclusion in Rutland. It has included site visits and working with the school leadership, including governors and the SEND team in the school. The work is at the stage of providing several Options to the school leadership, shaping how any future provision can meet our Inclusion vision. SEND Consultancy Team has provided an update report to Schools Forum in February 2021.

- 6.6 There are early and tentative indications that the interventions being deployed through the Recovery Plan projects are having a positive impact on schools' practice in maintaining students in mainstream education, firmer data to underpin the narrative evaluations so far, will be presented to Schools Forum in June 2021.

7. CONSULTATION

- 7.1 The SEND and Children with Disabilities, (CWD) services are legally obliged to consult with children and families during a child's assessment and in the creation of an Education Health and Care Plan/CiN Plan and annual reviews. The service utilises its current communication channels with parents and carers such as the Local Offer, and the Rutland Parent Carer Voice to consult on any new arrangements.

8. ALTERNATIVE OPTIONS

- 8.1 Not applicable.

9. LEGAL AND GOVERNANCE CONSIDERATIONS

- 9.1 Many of the Legal duties are detailed within the Report.
- 9.2 Legal duties in relation to short breaks include both duties owed to individual children and families in relation to assessment and care planning and wider commissioning obligations on local authorities. The short breaks duty is that the services provided by every local authority to children in need must include both 'crisis' breaks and breaks designed to ensure that family life can be sustained effectively.
- 9.3 The decision to assess the needs of a child with disabilities is made on receipt of a referral via the Children's Services Front Door and the assessment is completed by a qualified social worker in the children with disabilities, (CWD) team. Should this child move to Section 20 or become a Child Looked After the case remains with the CWD social worker.
- 9.4 Decisions to assess a child for an EHCP or issue an EHC Plan and any placement or resource decisions are overseen by RCC multiagency SEND Panel.
- 9.5 For some disabled young people, particularly those with profound and enduring impairments, a placement in a registered care home (with or without nursing) will be the most appropriate care and support arrangement which meets their needs. Disabled young people in registered care placements have the right to the full range of support services to meet their needs (i.e., appropriate day care/community -

based supports). As with supported living placements, where a local authority has determined that a person has a need that it proposes to meet by way of a residential care arrangements, the individual has the right to 'express a preference' for a particular accommodation and the local authority is required to provide or arrange that accommodation – even if it is in another Local Authority area.

- 9.6 The Care Act 2014, the Children and Families Act (CFA) 2014 and the Children Act (CA) 1989 (as amended) contain specific provisions designed to ensure that appropriate transition arrangements are put in place for disabled children. As disabled young people move into adulthood, the fundamental duties owed to them by public bodies remain the same – to assess their needs and to use person-centred planning to secure mainstream and specialist services and support that meet these needs.

10 ENVIRONMENTAL IMPACT

- 10.1 The DfE SEND Capital Grant, has enabled new SEND provision on school sites, with the creation of an Enhanced Resourced Unit at Uppingham Community College and a Nurture provision at Edith Weston school. A needs analysis is underway to inform how to utilise the remaining capital grant.

11 DATA PROTECTION IMPLICATIONS

- 11.1 A Data Protection Impact Assessments (DPIA) has not been completed.

12 EQUALITY IMPACT ASSESSMENT

- 12.1 Local authorities are required to ensure their services are accessible to disabled people, to promote equality for disabled people, and to encourage their participation in public life.

13 COMMUNITY SAFETY IMPLICATIONS

- 13.1 Children with disabilities by the nature of their disability and associated behaviours may pose a threat to themselves, their family, and members of their community. Their assessment and care plan will consider if this is a safeguarding risk or risk to the young person of entering the criminal justice system.

14 HEALTH AND WELLBEING IMPLICATIONS

- 14.1 Practitioners and families will be aware of the particular vulnerabilities of disabled children. Disabled children are three to four times more likely than non-disabled children to be abused or neglected. They are more susceptible to bullying and to mental health disorders. Their families are more susceptible to higher levels of stress, lower levels of parental wellbeing and poverty. It is therefore particularly important that Rutland County Council provides good services to these families and that the services are provided with appropriate safeguards.
- 14.2 Article 8 ECHR includes the right to respect for private and family life. For the purposes of Article 8 a disabled child's 'private life' includes their 'physical and psychological integrity' and their 'ability to function socially' – in essence, their well-being.

- 14.3 Children with disabilities specifically Autism or ASD or a learning disability will be subject to a Transforming Care process and will be noted on the NHS England Dynamic Risk of Admission Register and may be the subject of a Care Education Treatment Review, (CETR).
- 14.4 Under the Children and Families Act where a disabled child with complex needs has an Education, Health and Care Plan, the CCG must 'arrange the specified health care provision for the child or young person'. There are important duties on the NHS to provide short breaks to disabled children with complex health needs and to co-operate with local authorities in the provision of short breaks generally.

15 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 15.1 The SEND and Inclusion service has a number of areas for development and improvement intended to address the duties and demands outlined above, and specifically in detail, to address the increased pressure on the DSG High Needs Fund. Under current funding arrangements and with needs continuing to increase, it is extremely unlikely that the current deficit will be recouped. Although the Council carries the deficit in its accounts, it not responsible for it (as per statute). There remains a risk that the Council, at some point, may be required to cover these costs. The impact of the Recovery Plan on invest to save initiatives, and the creation of a Joint Commissioning Strategy to reduce the flow of children into the SEND system and better control of the SEND placement and provision market is an imperative.
- 15.2 We continue to take a focused early intervention approach to supporting children with disabilities. The location of the SEN and disability function in the Early Help structure ensures that RCC and partner agencies, consider children's emerging needs and address them early and before they require more specialist and expensive services.
- 15.3 Working with schools, the Recovery Plan projects are designed to underpin early action when children's social, emotional, or mental health needs start to escalate, and shape excellent inclusionary practice to prevent children needing EHCPs.
- 15.4 We are doing well at co-ordinating and offering an 'integrated' care package involving health, education and social care professionals in the assessment and management of children with disabilities. We are also engaging RCC in-house foster carers to deliver short breaks respite in our community and to reduce the dependency on more expensive group care providers. Our parents and carers will play an active role and be involved in developing this service.
- 15.5 The People DMT is exploring opportunities, driven by our Integration Strategy, (2021), to enhance integrated working between Children's Services and Adult Social Care, to improve the planning and support arrangements for young people with a range of complex needs, including SEND, with a particular focus on those young people who would not necessarily meet the threshold for Adult Social Care support.
- 15.6 There is increased pressure on Designated Special provision (DSP), places in Rutland, with our DSP Unit at Catmose College reporting full occupancy of its 25-place unit. Our ERP provision at UCC is meeting its intake targets and our Primary

DSP has children identified for September 2021. We are seeing increased pressure on DSP places especially for secondary, both within Rutland but in our bordering LAs, such as Leicestershire who are operating a waiting list and are not accepting any more children from Rutland in some of its schools for September 2021. Discussions are taking place with Catmose College to review its place planning for SEND and the review underway with Oakham C of E school, will inform a future model for our early years inclusion pathway and provision.

- 15.7 RCC are part of the development of a Joint SEND Commissioning Strategy across Leicester City, Leicestershire, and Rutland, which includes the LAs, CCGs, and Health Providers. Consultation on the Strategy has been completed at the end of January 2021 and the feedback is currently being collated with a view to having a live Strategy and Action Plan for April 2021.

16 BACKGROUND PAPERS

- 16.1 There are no background papers to the report.

17 APPENDICES

- 17.1 There are no appendices to the report.

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