

## **CABINET**

**19 NOVEMBER 2019**

### **JOINT SPECIAL EDUCATIONAL NEEDS AND DISABILITY STRATEGY**

Portfolio Holder:	Councillor Mrs Josie Iles, Portfolio Holder for Children's Services (Lead Member)
Report from:	Ian Sutherland, Director of People – Children and Adults Services
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#### **Summary**

Medway Council and Medway CCG have consulted on a Joint Special Educational Needs and Disability (SEND) five year Strategy. This Strategy, which is attached at Appendix 1 to the report, sets out the Local Area's vision, guiding principles and the key areas of development that will be the focus for Medway's children and young people with SEND over the coming five years.

The Strategy was considered by the Children and Young People Overview and Scrutiny Committee on 3 October 2019 and the Health and Wellbeing Board on 5 November 2019, and the comments are set out at section 7 and 8 of the report.

#### **1. Budget and Policy Framework**

- 1.1 The Strategy is consistent with the priorities set out the Council's Plan 2016 – 2021 to enable Medway's people to realise their potential, through enabling older and disabled people to live independently, ensuring that families are resilient, and all children achieving their potential in schools.
- 1.2 It also links to the Council Plan priority to maximise regeneration and economic growth, by ensuring that residents have the skills to access jobs and are able to get around Medway. Therefore, approval of the Strategy is a matter for Cabinet.

## **2. 0-25 Joint SEND Strategy background**

- 2.1 A Strategy for Medway children and young people who have special educational needs and disabilities (SEND) was developed by Medway Council in 2016. During the SEND Local Area Inspection in December 2017, the inspectors commented that the SEND Strategy was a Council Strategy and did not include the wider Local Area partners and agencies. They suggested that a Local Area Joint Strategy, reflecting shared strategic direction of travel for the local area, including key partners in health and education settings and parents and young people be devised as part of our SEND Improvement Plan.
- 2.2 This Joint SEND Strategy was informed by the views of parents and young people and focuses on key areas for improvement across the Council, health, social care and education with the key aim of improving the opportunities for young people with SEND to live fulfilled lives and achieve independence in or near their local community.
- 2.3 The Strategy, attached at Appendix 1, reflects our vision for children and young people in Medway. These are:-
- Be happy, healthy and safe.
  - Achieve their potential.
  - Be part of, and contribute to, their communities.
  - Be resilient and as independent as possible and able to make choices about their future.
- 2.4 The Strategy also sets out our seven joint strategic priorities and a set of principles for the delivery of these priorities for children and young people (CYP) who have SEND.
1. Provide early identification and intervention at all ages to support CYP and their families to prevent escalation to more specialists.
  2. Make sure that SEN provision in early year's settings, schools, colleges and training providers is of high quality so that children and young people with a wide range of SEND can be included and that they attend school, make good educational progress and achieve outcomes that are consistently good services.
  3. Ensure sufficiency of specialist provision in schools, settings and services within Medway so that children and young people can have their health, social care and educational needs met locally.
  4. Improve outcomes, life chances and opportunities for children and young people with SEND so that they can be as independent as possible with effective transition into adulthood.
  5. Ensure participation and co-production with CYP and their parents and carers so that they are at the centre of all that we do.
  6. Provide high quality integrated and accessible services through effective joint commissioning so that vulnerable CYP can have their needs met locally wherever possible.
  7. Enable CYP with SEND to have the best possible physical and mental health and wellbeing.

2.5 We have the highest expectations for Children and Young People with SEND in Medway. To deliver the vision and achieve these priorities our principles for all of our services across partners and agencies are to:

- Put children and young people and their families at the heart of service design and delivery through coproduction and a person centred approach with the opportunity to work together to find solutions.
- Ensure that children and young people with SEND feel safe and protected from harm. They are seen and heard and supported at as early a stage as possible to prevent escalation to more specialist services.
- Ensure CYP with SEND are included in all educational settings effectively, removing barriers to learning with high quality teaching and support from services and access to opportunities.
- Deliver services within local settings and communities wherever possible.
- Break down the cultural and structural divisions between agencies in the interest of improving outcomes for CYP so that professionals can work seamlessly and effectively together.
- Make best use of resources that are jointly planned to meet needs and allocated fairly and openly.
- Work together to evaluate and plan for change and continuously improve.

### **3. Options**

There are two options for consideration:

- 3.1 Option 1: there is no statutory requirement for a local authority to have a Joint SEND Strategy and members may decide not to proceed with a strategy, or to amend the current draft. However, “the lack of a clearly communicated strategy that is understood and shared by leaders across the area” was identified as a serious area of concern during the Medway Local Area SEND Inspection in 2017. It is an action in the Written Statement of Action that a Joint SEND Strategy would be developed and published. Having no agreed joint strategy may mean that the expected SEND Re-Visit Inspection will not be positive.
- 3.2 Option 2: The Cabinet approve the Joint SEND Strategy with the aim of immediate implementation. This is the recommended option as it satisfies the recommendation of the Local Area SEND Inspection to have a Joint Strategy in place allowing leaders of the CCG and Local Authority a clear way forward to work together to ensure their statutory duties across health, education and social care for children and young people who have special educational needs and disabilities are met.

### **4. Advice and analysis**

- 4.1 The last special educational needs strategy was agreed by Cabinet in May 2017. This strategy was concerned with the statutory duties of the local authority only.

- 4.2 In December 2017 Ofsted and the Care Quality Commission completed a Local Area SEND Inspection. The inspection outcome letter comments on the “the lack of a clearly communicated strategy that is understood and shared by leaders across the area”. This proposed Joint SEND Strategy describes the joint strategic direction that the council and Clinical Commissioning Group may wish to take.
- 4.3 The SEND reforms introduced in 2014 places a duty on the local authority and health partners to work together. This proposed joint SEND Strategy has been developed jointly and describes joint priorities and actions.
- 4.4 The Strategy sets out aims for children and young people including early identification of special educational needs, high quality inclusion provision in mainstream schools, sufficiency of school places in Medway, promoting independence skills in preparation for adulthood, increasing co-production with parents and young people at an individual and strategic level, joint planning and pooled resources to ensure accessible services and enabling children and young people to have the best possible physical and mental health and wellbeing.
- 4.5 The Strategy applies not only to pupils with special educational needs and disabilities resident within Medway, but to children looked after by Medway Council who are placed out of the local authority area.
- 4.6 The Strategy identifies that the level of fixed term and permanent exclusions is high in Medway schools. In 2016/17, the rate of permanent exclusions in primary schools was lower than the national average but higher in secondary schools. Fixed term exclusions were higher than national in both primary and secondary schools. Research also indicates that children with SEND are more likely to be excluded.
- 4.7 Analysis of data in January 2018 shows that in primary schools in Medway for children who either have an EHCP or who are supported at SEN Support stage, the most prominent need recorded by schools is Speech and Language Communication Disorder and this has increased over the last four years. This area of need often changes as children move to secondary school. By this time they may have had a diagnosis of Autistic Spectrum Disorder.
- 4.8 The next two highest areas of need in primary schools in Medway are Social Emotional and Mental Health needs. This is a significantly growing area of need in Medway and Moderate Learning Disability.
- 4.9 A Diversity Impact Assessment has been completed and is attached at Appendix 5 to the report. This Joint SEND Strategy aims to have a positive impact in children and young people aged 0-25 who have special educational needs and/or disabilities. It promotes inclusion for this group of children and young people who can be at risk of being excluded from mainstream education. The Joint SEND Strategy aims to promote timely interventions to assist children and young people to achieve their potential as adults.

## **5. Consultation**

- 5.1 This joint Strategy was co-produced with parents, carers and young people and their views and input have informed the key priorities and actions included in the SEND Strategy.
- 5.2 Medway Parent Carers Forum sought views online from their member parents and carers. Parents were further consulted at coffee mornings arranged by Medway Parent Carers Forum and local authority officers and young people were consulted via the Young Persons Participation Groups. Their comments and opinions were carefully listened to and used to co-produce the Strategy. The consultation response form is attached at Appendix 3 to the report.
- 5.3 The strategic priorities jointly identified by parents, young people and local area partners were then agreed by the SEND Improvement Board.
- 5.4 Formal consultation on Medway's draft Joint 0-25 SEND Strategy started on 24 April 2019 and ran until 31 May 2019. The consultation was far reaching with views sought from parents/carers, young people and other agencies and stakeholders all of whom offered important views and feedback to be taken into consideration.
- 5.5 The consultation was promoted through a number of channels. This included direct contact with young people, parents and carers through focus groups/coffee mornings. There was online availability of the consultation documents available through the Local Offer, Medway Council, Medway CCG websites and Medway Parent Carers website and social media page. Individual emails were sent to all schools and to key health departments. The SEND Newsletter ran an article on the consultation with details on how to get involved.
- 5.6 Respondents were asked to complete a consultation form and send this back to an email address at the Council.
- 5.7 There were ten consultation forms returned. Feedback was given face-to-face at meetings with parents and young people. The majority of stakeholder feedback was from young people and parents.
- 5.8 A summary of the consultation responses has been included at Appendix 4. Findings have informed the revision of the SEND Strategy.
- 5.9 Broadly, those consulted agreed with the key areas that had been identified for development. Feedback was greatest in the area 'Joint Working' and the need for more SEN school places in Medway. There was also some feedback from schools on the accessibility of health services for children with SEND. These issues are now reflected in the updated SEND Strategy.

## 6. Governance pathway for approval and implementation

6.1 The Joint Strategy is scheduled to be presented at the following meetings:

<b>Committee / Board</b>	<b>Meeting Date</b>
CCG Governing Board	September 2019
CYP Overview and Scrutiny Committee	03/10/2019
Health and Wellbeing Board	05/11/2019
Cabinet	19/11/2019

6.2 An implementation action plan with key milestones, clear accountabilities and agreed measures of impact has been developed and will be subject to the Governance of the SEND Improvement Board with links into the Health and Well-Being Board. The SEND Strategy Joint Action Plan is attached at Appendix 2 to the report.

6.3 Parents and young people will be key to assisting this implementation and measuring the impact of the actions and changes.

## 7. Children and Young People Overview and Scrutiny Committee – 3 October 2019

7.1 The Head of Integrated 0-25 Disability Services introduced the report, explaining that the strategy was a joint strategy between the Council and Medway Clinical Commissioning Group (CCG) and had been co-produced with young people, parents and carers. It had been developed following the SEND Local Area Inspection in December 2017 which had recommended the creation of a local area joint strategy.

7.2 A representative from the Medway Parent and Carer Forum explained that the local authority and CCG had worked well with parents and carers to produce the strategy which was very much welcomed by young people with SEND and their families.

7.3 Members then raised a number of comments and questions, which included:

7.3.1 **Designated Schools Grant (DSG) deficit** – in response to a question about the recovery plan that had been submitted in relation to the Council's DSG deficit, officers undertook to circulate the plan to Members. They explained that demand in Medway was growing and was growing at a faster rate than some other local authorities and this was causing concern that it would be difficult to completely close the deficit gap. However, additional Government funding had been announced that would assist with reducing the deficit. It was also explained that the Department for Education (DfE) had delayed their feedback on the recovery plan submission until firm announcements of Medway's allocation of the additional Government funding were made.

- 7.3.2 **Voice of Young People** – in response to a question about how involved young people had been in the development of the strategy, officers confirmed that young people had been greatly involved. It was explained that there were two consultation groups of young people with SEND, one for 13-18 year olds and another for over 18 year olds and officers undertook to provide a breakdown of how they had commented on and input into the strategy. It was added that Healthwatch Medway were setting up a specific group of young people to ensure the voice of young people was heard and officers welcomed this and the opportunity to join up with this group once it is established.
- 7.3.3 **Capacity to deliver** – concern was raised about the local authority's ability to deliver the aspirations of the strategy, particularly given the funding difficulties. Officers confirmed this was a partnership strategy which would be implemented across partnerships.
- 7.3.4 **Special Educational Needs and Disabilities Information and Advice Support Service (SENDIAS)** – a question was raised about the role of SENDIAS and how well families were informed of the service. Officers confirmed that the current SENDIAS contract was coming to an end and re-tendering would include the requirement for more rigorous marketing and re-branding.
- 7.3.5 **Written Statement of Action** – in response to a question about where Medway was in relation to its Written Statement of Action following the SEND inspection in December 2017, officers confirmed that the monitoring of progress was now coming to an end and a re-inspection was anticipated by the end of 2019. It was added that updates on the inspection and progress with SEND would also include updates on the progress made against the Strategy's action plan.
- 7.3.6 **Rivermead School**– a question was asked about the commissioning of places at the specialist provision at Rivermead School for children with serious emotional and mental health issues, called Enhanced Triple R. Officers confirmed that they had met with the school recently and had agreed the number of places to be commissioned and the funding for these places.
- 7.3.7 **Transition** – in response to concerns raised about transitional arrangements for young people, officers confirmed this was an area of focus by the Department for Education and NHS England and officers were working to start transitional conversations with young people when they were in Year 9. Reference was also made to supported internships which were proving successful in getting young people who have special educational needs and/or disabilities into employment.
- 7.4 The Committee recommended the draft Strategy, as set out at Appendix 1 to the report, to the Cabinet for approval.

## **8. Health and Wellbeing Board – 5 November 2019**

8.1 The Health and Wellbeing Board considered a report concerning the Joint Special Education Needs and Disability (SEND) Strategy, which had been co-produced with local area partners, parents, carers and young people in response to feedback from the Medway Local Area SEND Inspection in 2017.

8.2 There were seven joint strategic priorities, set out at paragraph 2.4 of the report and there were also a series of principles for all services across partners and agencies to deliver these priorities; these were set out at paragraph 2.5 of the report.

8.3 The following issues were discussed:

8.3.1 **Value for money** – a Board Member commented that the need to ensure value for money was not included within the strategic priorities. This was of particular concern owing to the potential risks associated with joint working. The Head of Integrated 0-25 Disability Services considered that joint working would reduce duplication and ensure that intervention was timelier and therefore would generate greater value for money.

8.3.2 **Inclusion** – a Board Member recognised that there were significant challenges associated with SEN inclusion within mainstream schools in Medway. It was explained that the number of children with an Education, Health and Care Plan (EHCP) educated in mainstream schools within Medway was below the national average. In addition, there was a comparatively high rate of exclusions of pupils with SEN.

To address these challenges, the School Improvement and Challenge Team had undertaken a targeted programme with head teachers and SEN coordinators at schools with the highest rates of exclusions to upskill them and increase their confidence to meet the needs of pupils with an EHCP or pupils in need of SEN support. This had significantly reduced exclusion rates. A second phase of this programme had recently commenced. This programme included 25 schools and involved reviewing best practice; developing champions of inclusion within schools; and bringing together a network to support and challenge.

8.3.3 **Prioritisation** – in response to a question about how actions were prioritised in light of finite resources, the Head of Integrated 0-25 Disability Services explained that there were short, medium and long term actions within the action plan.

In the short term, the partnership would regularly review high cost placements to ensure that they met the needs of children and were value for money. Over the longer term, there was an aspiration to develop an 'ordinarily available' document which would set out what support schools should provide. This would be developed with schools and health partners.



It was considered that this document would drive standardisation and upskilling of the workforce which in turn would better support pupils to remain in mainstream schools and reduce the need for special schools and placing children out of area and within high cost placements.

The Director of People – Children and Adults Services added that the Council also jointly commissioned specialist services from NELFT and Medway Community Healthcare (MCH). The quality of the services provided by these organisations were closely monitored in partnership with NHS Medway Clinical Commissioning Group (CCG).

#### 8.4 The Health and Wellbeing Board:

- a) noted the comments of the Children and Young People Overview and Scrutiny Committee set out at section 7 of the report;
- b) recognised the importance of prioritising value for money, particularly as work would be undertaken with partners;
- c) recognised the importance of support needed by and for young people; and
- d) commented as set out within the minute on the draft Strategy set out at Appendix 1 to the report, and recommend it to Cabinet for approval.

### 9. Risk Management

Risk	Description	Action to avoid or mitigate risk	Risk rating
The demand on Medway schools both in respect of resources and outcomes may result in them becoming less inclusive of pupils with SEND	With ever greater emphasis on results, mainstream schools may become more reluctant to include and make provision for pupils with SEND, particularly those who also have social, emotional and mental health difficulties (behaviour).	The current pilot funding project has demonstrated that with additional support, schools are willing to include pupils with high level SEND (including those with behavioural needs) and can ensure that appropriate provision can be made leading to pupil progress.	C2

<p>Schools funding is insufficient to meet the increasing demand of pupils who require additional support. The government is proposing to reform the way in which schools and education is funded.</p>	<p>The cost of supporting young people in both schools and other settings for example specialist provision fostering and residential accommodation, is increasing and creating significant financial pressure of the high needs funding block.</p>	<p>Wherever possible and appropriate, place pupils in local educational provision which will, to some extent, offset the high cost of out of area placements.</p>	<p>C2</p>
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## 10. Implications for Looked After Children

- 10.1 This proposed Joint SEND Strategy applies to children and young people who are looked after by Medway Council if they have special educational needs and disabilities and whether or not they live in Medway area.

## 11. Financial implications

- 11.1 Funding for children with SEND comes to the Local Authority through a High Needs Block Grant from the Department for Education. This funding is announced annually and the total allocation for Medway for 2019/20 is £38.226m.
- 11.2 At the end of the 2018/19 financial year, Medway overspent its high needs Designated Schools Grant (DSG) allocation by £3.688m. This overspend was transferred into the High Needs DSG reserve and pushed the reserve into an overall deficit for the first time. The Quarter 1 forecast predicts an overspend of £4.521m and if the overspend is transferred into the reserve at the end of the year, it will increase the total overspend to £8.209m.
- 11.3 The overspend is being driven by increased pressures in demand, with numbers of children with an EHC Plan standing at over 2,500, compared with 1500 statements of SEN in 2014, an over-reliance on special provision and the independent sector are key drivers.
- 11.4 The pressures on LAs as a result of funding levels not keeping pace with that demand is a national issue. Schools also face funding pressures and should not be expected to meet shortfalls in high needs funding.
- 11.5 Further, the DfE has introduced, as a condition of the 2019/20 DSG, the requirement to provide recovery plans for DSG deficits for any LA whose DSG is 1% in deficit. Medway Council is one of 32 LAs subject to this and submitted their plan at the end of June 2019. There are other LAs who have

fallen into deficit on their DSG but have not had to submit recovery plans as they have not reached the 1% limit.

- 11.6 The scale of the challenge of managing a balanced High Needs budget is such that this requires all partners within the Council, in education, children's and adults social care, schools and health partners and the voluntary sector to work together to better meet needs in local state-funded education. This Strategy helps to address this challenge over the medium term.

## **12. Legal implications**

- 12.1 The Council has statutory duties under the Children and Families Act 2014 and the Care Act 2014 to provide for children and young people with special educational needs and disabilities. The Joint 0-25 SEND Strategy sets out an approach which supports the achievement of positive outcomes for young people with SEND, within the framework of the legislative duty to ensure efficient use of public resources.

## **13. Recommendations**

- 13.1 The Cabinet is asked to:

13.1.1 note the comments of the Children and Young People Overview and Scrutiny Committee and the Health and Wellbeing Board, set out at sections 7 and 8 of the report; and

13.1.2 approve the Strategy, as set out at Appendix 1 to the report.

## **14. Suggested reasons for decisions**

- 14.1 The Strategy is a Local Area Joint Strategy, reflecting shared strategic direction of travel for the local area, including key partners in health and education settings. The Strategy was informed by the views of parents and young people and focuses on key areas for improvement across the Council, health, social care and education with the key aim of improving the opportunities for young people with SEND to live fulfilled lives and achieve independence in or near their local community.

## **Lead officer contact**

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## **Appendices**

- Appendix 1 – Joint SEND Strategy
- Appendix 2 – SEND Strategy Joint Action Plan
- Appendix 3 – Consultation Response Form
- Appendix 4 – Responses to Joint SEND Strategy Consultation
- Appendix 5 – Diversity Impact Assessment

## **Background papers**

None