

BRIEFING NOTE

Agenda
Item No. 7

TO: Scrutiny Panel
DATE: April 2011

RE: Impact of Theme 2 – Those services supporting the special educational needs and inclusion framework in Walsall schools and with families in the Borough

Purpose

To inform the Scrutiny Panel of the work currently undertaken in supporting children with special educational needs through the inclusion framework and to inform Scrutiny Panel of significant government proposals currently under consideration in respect of this agenda.

1. Background

- 1.1 The Special Educational Needs (SEN) service provision is located in Theme 2 of the contract provision within 'Services Supporting the Welfare of Children and Young People. Section 2.14 describes service provision for the 'Inclusion Framework and Guidance for all Stakeholders' and Section 2.15 describes service provision for 'SEN Policy, Planning and Delivery'.
- 1.2 'SEN policy, planning and delivery' and the 'Inclusion Framework' are closely related but are distinct.
- 1.3 SEN policy and planning are primarily related to the process through which children have their special educational needs identified, assessed and provided for. This is a core statutory duty set out in the 1996 Education Act and governed by the 2001 Special Educational Needs Code of Practice.

The SEN Code of Practice prescribes how schools and partners will identify and assess individual additional educational needs through a framework of school based support initially at 'School Action' (SA) and then at 'School Action Plus' (SA+). In circumstances where an individual child or young person needs support which is beyond that which can be provided in school at SA+, then a Statement of Special Educational Needs (the 'Statement') may be required.

The decision about whether or not a Statement is required is made by carrying out a 'Statutory Assessment of Special Educational Needs'. This is a comprehensive individual assessment process that requires the collation of reports from a number of agencies including the child's headteacher, a medical officer, social care services and an educational psychologist. Crucially, the parent's views are formally sought as part of this assessment.

This assessment is subject to statutory time scales and the provisions of the final Statement of Special Educational Needs are subject to formal appeal through the Special Educational Needs and Disabilities Tribunal.

A significant proportion of the Statements of Special Educational Needs made both nationally and in Walsall provide additional support to children in their mainstream schools.

- 1.4 The majority of children who have special educational needs do not require a Statement and their needs are met in mainstream schools
- 1.5 The inclusion framework provides a set of guidance for schools to ensure that they are compliant with statutory requirements to support all children with SEN, including those who do not have Statements. It also seeks to ensure that that we are consistent across the borough in identifying children with additional needs and that available resources are deployed appropriately.
- 1.6 In addition, the inclusion framework covers the provision of a range of support services to assist schools in their work with children including, for example, the educational psychology service and the sensory support teachers for children with visual and/or hearing impairments.

2. The Identification, Assessment and Provision for Special Educational Needs

- 2.1 There are currently 1068 Statements maintained on children in Walsall schools. The special school population is currently 533 and 34 children with complex needs are educated in provision outside the borough. Approximately half of the children who have Statements of Special Educational Need are educated in their mainstream schools.

Currently more than one in five children (21%) in this country are identified as having SEN but only 2.7% have Statements.

The percentage of children who have Statements in Walsall schools is 2.2% and this compares to the national average of 2.7% and a regional West Midlands average of 2.9%.

- 2.2 Specialist provision for Special Educational Needs in Walsall is provided in seven special schools comprising three for children with Severe Learning Difficulties (Old Hall School, Oakwood School and Mary Elliot School), two for children with Moderate Learning Difficulties (Jane Lane Cognition & Learning College and Castle Business & Enterprise College) and two schools for children with Emotional and/or Behaviour Difficulties (Phoenix School and Elmwood School). Of these schools two are judged as 'outstanding' by Ofsted, three are 'good with outstanding features' and two are judged to be 'good'.

Since the Specialist Provision Review that took place in 2004 there have been a number of Additionally Resourced Based provision established in mainstream schools to improve and extend the 'continuum of provision' for children with SEN. These include additional provision for children with Autistic Spectrum Disorders, Specialised Learning Needs (Dyslexia), physical disabilities, sensory needs (visual and/or hearing impairments) and a nurture group for KS1 children who have emotional difficulties.

- 2.3 The requirement on the Council is to complete Statutory Assessments of SEN within a 26 week period from a request being made. The majority of requests (72.3%) are

made directly by headteachers in consultation with our support services whilst the remaining requests (27.7%) are made directly by parents.

Walsall's performance on this key performance indicator has been consistently excellent with 100% of statements being completed within statutory timescales during 2009-10. This level of performance is achieved nationally by only 13 Councils. Performance over the last 3 years on this measure is as follows:

Performance: NI 103a: Special Educational Needs; Statements issued within 26 weeks		
2007-08	Number	94.4%
2008-09	Number	100%
2009-10	Number	100%

This measure is reported currently under the National Indicator set (NI 103a: Special Educational Needs; Statements issued within 26 weeks) and is a local contract 'Table A' KPI (KPI 17)

3. The Inclusion Framework

- 3.1 Whilst there is a population of children that will always need access to the specialist SEN provision described above, the majority of children with an identified special educational need will be educated in mainstream settings. Those educated in mainstream schools include 50% of the Statemeted population and all those recognised at either SA or SA+. Currently, we have 1494 children in our schools who are identified at SA+ which represents 3.2% of the total school population compared to all England average 6.6% and West Midlands Regional average 6.7%
- 3.2 This distribution of SEN across mainstream settings is consistent with the policy of 'inclusion' that has been driven by central government since 1983. The expectation is that the majority of children with SEN will have access to mainstream education and this was given statutory weight by the Special Educational Needs and Disability Act 2001, delivering a strengthened right to a mainstream education for children with special educational needs. The Act has amended the Education Act 1996 and transformed the statutory framework for inclusion into a positive endorsement of inclusion.
- 3.3 A core strategic purpose in delivering an effective Inclusion Framework is therefore to build capacity in mainstream schools to meet a range of SEN. This has the impact of reducing demand on the need for Statutory Assessments which represent an expensive and time consuming resource that has to be targeted appropriately.
- 3.4 There is a comprehensive inclusion framework in place that supports this process and a set of 'Learning Development Indicators' guide schools on how to identify needs and deploy resources at SA and SA+ consistently across the borough. This has resulted in a very significant downward trend in the number of requests for statutory assessments from a peak in 2004-05 where demand could not be met by available resources.
- 3.5 The implementation of this framework has involved all stakeholders and has been supported by consultation, training and audit. The decision about whether or not a Statutory Assessment is undertaken remains a decision for the Local Authority. As

part of the Inclusion Framework in Walsall we have produced a comprehensive set of Indicators for Statutory Assessment. However, all decisions to make a statutory assessment are subject to the advice of a Statutory Assessment Panel that comprises headteacher and/or school representative, officers and agency partners from health and social care. This ensures that the process of assessment is open, transparent and robust in respect of any appeals to SENDIST.

- 3.6 The collaborative processes that support the SEN and Inclusion framework have resulted in a low number of tribunal appeals and all parents who wish to appeal against decisions are offered a comprehensive conciliation and/or mediation process to resolve differences without recourse to SENDIST.

Appeals to SENDIST

2008	5	appeals lodged	5	hearings
2009	5	appeals lodged	5	hearings
2010	10	appeals lodged	1	hearing

- 3.7 The Support Services made available to families and schools play a significant part in ensuring that the SEN and Inclusion framework operates effectively. The core activities of these services are agreed with schools through termly Inclusion Partnership Meetings where support staff meet with headteachers or their representatives. As these meetings represent an important process in supporting the inclusion framework they are currently monitored through the Table B contract KPIs where performance has been consistently 'good' with over 80% of these meetings taking place on a termly basis.

- 3.8 The Educational Psychology team play a significant role in the Council's ability to meet their statutory timescales in relationship to special educational needs. Educational Psychologists are required to provide a detailed assessment of all children who undergo a Statutory Assessment within 6 weeks of receiving a request. This activity is monitored through the Table B contract KPIs and performance has been consistently high at over 98% across the last three years. Walsall Children's Services-Serco has also been successful in recruiting and retaining this group of professionals, maintaining the capacity of the Council to meet its statutory duties in respect of SEN.

4. Future Developments

- 4.1 Activities delivered under the Inclusion Framework and the SEN policy, planning and delivery arrangements have performed well against local and national indicators. A range of surveys conducted over time have consistently shown stakeholder satisfaction. The most recent service user survey (Autumn term 2010) evaluated parental satisfaction with the SEN Team, reporting a 95% positive response rate.
- 4.2 The area of effective provision for special educational needs remains a complex one with multiple stakeholders. The current policy framework has been sustained in broad terms since 1983 following the publication of the Warnock Report in 1978. Following a number of reviews of special educational needs during the last Parliament, principally the House of Commons Education and Skills Committee report (2007) and the Lamb Enquiry - Special Educational Needs and Parental Confidence (2009), this government has introduced a potentially far reaching Green Paper, 'Support & Aspiration: A new

approach to special educational needs and disability' (March 2011) out for consultation until June 30th.

4.3 In this paper the government sets out proposals to fundamentally reform the SEN system to address a range of issues which have been perceived nationally as significant shortcomings within a highly regulated policy framework. The key issues that have been identified include:

- parents having to battle to get the support their child needs
- SEN statements not joining up education, health and care support
- children falling between the gaps in services or having to undergo multiple assessments
- multiple layers of paperwork and bureaucracy adding delays to getting support, therapy and vital equipment
- a confusing and adversarial assessment process, with parents' confidence in the system undermined by the perceived conflict of interest where the local authority must provide SEN support as well as assess children's needs
- Ofsted and others suggest that too many children are being over-identified as SEN, which prevents them from achieving their potential because teachers have lower expectations of them

In its response, the Government have put forward a range of proposals including:

- include parents in the assessment process and introduce a legal right, by 2014, to give them control of funding for the support their child needs (direct payments)
- replace statements with a single assessment process and a combined education, health and care plan so that health and social services is included in the package of support, along with education
- ensure assessment and plans run from birth to 25 years old
- replace the existing complicated School Action and School Action Plus system with a simpler new school-based category to help teachers focus on raising attainment
- overhaul teacher training and professional development to better help pupils with special educational needs and to raise their attainment
- inject greater independence from local authorities in assessments by looking at how voluntary groups might coordinate the package of support
- give parents a greater choice of school and give parents and community groups the power to set up special free schools.

A consultation process has been established within the borough to bring together headteachers and other professionals to make a response by the 30th June.

For further information on the Green Paper and the consultation process visit www.official-documents.gov.uk (enter SEN Green Paper).

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