

Children and Young People's Scrutiny and Performance Panel

8 April 2014

Update on Special Educational Needs Priorities

Ward(s) All

Portfolios:

Executive Summary

The purpose of this report is to provide the Children and Young People's Scrutiny and Performance Panel with information on special educational needs (SEN) priorities.

We are reforming practice and processes across Health, Children's and Adults' Services to meet the requirements of new special educational needs and disabilities (SEND) reforms. The Children and Families Act 2014 will transform policy and practice for children and young people with special educational needs and disabilities. It places children, young people and their families at the centre of service delivery and places a duty on agencies to work collaboratively. A multi-agency strategic group involving parent/carers is working on these developments for Walsall. Related work includes reviewing and reshaping SEN services to ensure they are reform ready. Decision making for children and young people with special educational needs must be consistent, timely and robust; this too is being reviewed and new approaches linked to the reforms are being piloted and evaluated.

Special educational provision in Walsall was last reviewed in 2004 and since then there has been an increase in the number of children with complex needs in schools. This is a national trend. Consequently it is necessary to conduct a review of the sufficiency and appropriateness of special educational provision in the borough to identify needs and gaps with the aim of ensuring there is a continuum of effective and appropriate provision in place.

Reason for Scrutiny:

In January 2014 an update on progress towards implementing the SEN Reforms was provided to the Children and Young People's Scrutiny and Performance Panel. This report provides further information about this work and wider SEN priorities.

Recommendations:

To note progress to date and to endorse proposed action

Background Papers:

Overview of SEN reforms: paper presented to Children and Young People's Scrutiny and Performance Panel dated January 2014

Draft SEND Strategy Document February 2014

Resource and legal considerations:

SEN reforms will place a requirement for collaborative working and joint commissioning between health, social care and education. Parents, carers and young people will have access to redress through special educational needs and disability tribunal.

Current statements of special educational need will be reviewed and where appropriate converted to education health and care plans, this will have implications for staff time.

Citizen impact:

Integrated, more timely assessment and single education, health and care plans will mean children and young people with special educational needs and disability have their needs identified in a person centred way. Families and children and young people will be better engaged at individual and strategic levels and will help shape services so they meet local needs.

Performance and risk management issues:

Failure to develop processes, professional roles and train the workforce would risk Walsall not being ready to implement the reforms by September 2014 and could mean failure to meet statutory requirements under the Children and Families Act 2014. There is a risk that key multi-agency partners fail to commit to the reformed process. Failure to strengthen the continuum of provision could result in gaps and insufficiency in appropriate provision to meet the range of special needs experienced by children and young people in Walsall.

The SEN strategic working group monitors progress and impact on a monthly basis. A multi-agency senior managers group will also be ensuring continued multi-agency commitment, and evaluation.

Equality implications:

The Special Educational Needs and Disabilities reforms are designed to ensure that children with SEND are given the help and support they need in a timely and personalised way.

Has an Equality Impact assessment been carried out? No

Consultation:

There has been ongoing engagement with Headteacher, special educational needs coordinators, colleagues from health, education and social care at a strategic level in relation in the review of SEN provision and the SEN reforms. Activities to engage with parents, parent groups and young people about the SEN reforms have taken

place and further work is planned. A newsletter for parents has been published and further editions are planned. Further work is required in relation to staff briefings and training.

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1. Report

1.1 SEN Reform – Children and Families Act 2014

SEN reforms will transform systems for working with children and young people with special educational needs and those with disabilities with the aim of ensuring services consistently support the best possible outcomes for them: Key highlights:

- Children/young people and their parents will be fully engaged in decision making at individual and strategic level – co-production
- New statutory protections for 16-25 year olds
- Integrated, single assessment process – shorter timescales, person centred
- Education, health and care plan (EHCP) to replace statements of SEN
- Personal budgets
- Local offer – publish information so parents and children/young people know what they can reasonably expect to be available and know how to access it; work with parents and young people to ensure that the local offer is fit for purpose and meets needs.

Update:-

- We are piloting a single Education, Health and Care Plan (EHCP) with a range of children in special and mainstream schools. The plan is produced *with* children and parents rather than *for* them. It will be 'person centred'; less bureaucratic, quicker to produce than currently and more useful. Statutory responsibility for providing what is agreed in the plan will be shared by all the agencies. The local authority will co-ordinate the process on behalf of all agencies.
- We are changing the way we assess children and young people to support the new person centred planning process and multi-agency. We should expect that families 'tell my story once' and that assessments complement rather than repeat elements of others so that we build up a full picture of a child's needs and abilities with a shared plan for next steps in their journey towards adult life.

- The reforms also bring the opportunity for those with an EHCP to have a personal budget for actions identified and agreed during the planning process. The budget will be an 'indicative budget' (with an upper limit) based on age and needs and this will be funded by the DSG High Needs allocation. A personal budget does not include schools' delegated funding although schools may decide to contribute towards any relevant costs from the 'top up' element of pupil funding. A personal budget cannot be used to fund a school place.
- In relation to the local offer, we have consulted parents on their experience of current information - what information they look for; where and how useful it is. We will now set up a number of workshops (focus groups) so that we can adapt and improve this information with their help and support. At the same time we will consider if there are any gaps in the actual offer and gain feedback on the appropriateness of what we do have.

1.2 SEN Services and Processes

The SEN reforms require local authorities to engage effectively with parents and children and for agencies to work more collaboratively in planning and delivering services to children and young people with special educational needs and disabilities. This means there is a need to review and reshape SEN services and processes to ensure:

- reliable and timely **identification of need**
- robust, fair and timely **decision making**
- mainstream schools are confident and able to meet high incidence special educational needs
- parents, children, young people and schools are able to access effective support agencies/professionals

Update: -

We have set out a summary of what services we have; in April we will begin a review of how reform ready they are and to what extent they are 'fit for purpose' in the context of the new way of working and parent feedback on the 'offer'.

1.3 Review of SEN provision in Walsall

Special educational provision across Walsall is being reviewed to ensure we have an appropriate and effective continuum of provision to meet the range and complexity of special educational need experienced by children and young people in the borough. An effective continuum of provision will help young people ensure that pupil progress and achievement is outstanding. Headteachers of special schools and Headteachers and colleagues from schools with Additionally Resourced Provision have worked with representatives from partner agencies to develop principles and options for

strengthening the continuum of provision. Consultation involving mainstream school Headteacher colleagues, parents and others is taking place. The principles for the review of the continuum of provision are:

1. To maximise expertise and seek economies of scale
2. Walsall children in Walsall schools
3. The right children in the right places
4. A sustainable continuum of provision that provides a match of provision to need and aspiration (... too many 'provisions' in this sentence!)

Update: -

We have conducted three workshops and briefings for mainstream and special school headteachers and SENCOs, to consider the current continuum of provision and discuss options for improving and developing this so that we can effectively meet the range of special educational needs experienced by Walsall children and young people. Collaboration and partnership working has been positive and productive with a range of options agreed and ready for Elected Members' consideration. Like all authorities, our special schools' populations are not 'single need' – all schools cater for a range of needs, particularly ASD (autism), SLCN (speech and language) and behaviour. This is also true of mainstream schools. The main factors in determining 'appropriate' placement are 'degree and complexity of need or challenge'. In order to ascertain 'sufficiency' we have considered the data about incidence and trends in different types of special educational needs in Walsall. We have analysed national data (with an emphasis on statistical neighbours) to:

- Review our identification of SEN - this is average; we do not 'over identify' (an area of focus for the DfE and Ofsted). The incidence of SEN is increasing, although less than the pupil population overall. Nationally, growth is evident in ASD, PMLD/SLD (profound and multiple; and severe learning difficulties) and speech and language needs. In Walsall there is a similar profile with the exception of a significant increase in MLD (moderate learning difficulties).
- We have an average number and percentage of statements of SEN
- We place significantly fewer pupils with statements of SEN in mainstream schools than other authorities and our performance is declining. This is most notable for pupils whose primary identified need is MLD. This sector has expanded in an unplanned and unchecked way significantly beyond capacity. All our special schools are 'full' and the review will consider if additional places are needed. This must be considered in the context of national funding which has been capped at last year's figures.
- We are on track to submit options in April for discussion about changes to special educational provision in Walsall.

Corporate Management Team

20 March 2014

Special Education Needs & Disability: the national policy context

The Green Paper: Support and aspiration: A new approach to special educational needs and disability (March 2011) signalled the start of a radically different system. The case for reform is that:

- Too many children and young people who are disabled or identified as having SEN and disability do less well than their peers at school and college and are more likely to be out of education, training and employment at age 18;
- Children and young people's needs are often picked up late;
- Families and young people have to battle to find out what support is available and to get the help they need from education, health and social care services;
- Schools can focus on the SEN and disability label rather than meeting the child's needs; Teachers and lecturers often feel they lack the skills and confidence to meet those needs;
- Young people over age 16 with SEN and disability have weaker entitlements to support in colleges than if they had stayed at school.

The reforms are being taken forward through the Children and Families Act and will:

- Replace the separate SEN statements and Learning Difficulty Assessments with a new birth-to-25 Education, Health and Care Plan, giving new rights and protections to 16-25 year olds in further education and training; and offer families personal budgets to give them more control over their support;
- Improve cooperation between all the services that support children, young people and their families, in particular, local authorities and health authorities, so that they work together to provide the right support when it is needed; and
- Make sure local authorities involve children, young people and parents in reviewing and developing provision and publish a clear and transparent 'local offer' of support across education, health and social care.

The SEN and disability reforms are taking place in the context of wider reforms, including reform of: school and college funding, introduced in April 2013; the school curriculum and assessments; teacher education; infrastructure, with increasing numbers of Academies and Free Schools; and changes in the organisation of health services. The Adult care system is also being reformed significantly through the Care Bill and close alignment between the two new systems is vital if young people with SEN aged 18-25 are to get coordinated help and support. In both the health and care systems, managing the transition from children's to adult services will be a major factor in ensuring the SEN reforms are a success.

National gaps

- Children and young people with SEN or disability perform less well than those with no identified SEN at all stages of education and are very much less likely to achieve 5 GCSE's at grade A*-C, or equivalent, at 16 and at 19 and are more likely to be NEET at age 19.
- The destinations of young people who had a statement of SEN at 16 are very different from those of their peers. They are less likely to be attending a sixth form college or in full time work either with or without training, despite similar scope and level of ambition at age 16.
- Many parents find the system for supporting children, young people and families overly complex, bureaucratic and adversarial and want better information.
- The most important factor in determining the best outcomes for children with SEN is the quality of the provision made to support their needs but that quality can be very variable.
- Parents with disabled children have higher levels of stress and lower levels of wellbeing than parents with non-disabled children.
- There are a number of preventable costs to the family such as lost earnings, sick days, residential care and family breakdown costs that could be saved if the stress involved in caring were reduced, such as through provision of short break services.
- The average weekly income of households with disabled children (in 2000) was £50 less than that of households with no disabled child. Across a range of measures and comparisons households with disabled children are more likely to be in poverty.
- Children and young people who report being disabled are less likely to say that they are happy and children with special educational needs are more likely than others to experience poor and declining wellbeing through middle childhood and adolescence, although this does vary with specific type of need.

National Priorities:

Measuring System Performance

- How can innovative methods be used to measure the performance of the SEN system? What additional outcome measures are available?

Identification

- What methods are schools, colleges and early education settings using to identify children and young people with SEN and what evidence are they based on? Does the method and process of identification make a difference to provision and outcomes?
- Is there a variation between local areas in identifying and classification of SEN need and level? What are the factors leading to such variation?

- What is driving the increase in identification of SEN at lower levels of provision and over and under representation of different groups of children within this cohort? What evidence is there of good practice nationally and internationally to reduce this?

What works: developing an evidence based sector

Which approaches to teaching and learning have been demonstrated as having positive impact on educational attainment for particular groups of children and young people with SEN? Is the quality of our evidence base robust enough to make meaningful comparisons across different interventions and approaches? How does the approach to SEN and disability categorisation, identification, provision and planning in England compare to other countries, and what are the associated differences in outcomes? Are there any examples of best practice that can be identified internationally that would be relevant in England? How can developments and new research in neuroscience be utilised to inform practice in assessing and supporting young people with SEN?

Wider education reform

- What differences are there in the types of support provided in different types of schools and colleges? What impact do these differences have on the outcomes of children and young people?
- Which approaches to assessment of achievement are most effective for children and young people with SEN? Are schools and colleges changing their approaches in light of reforms of curriculum/study programmes and assessment arrangements?
- Are school and college funding reforms changing the support for children and young people with SEN in different settings?
- How are changes to teacher education impacting on the competence and capacity of the workforce in identifying and supporting children and young people with SEN and disabilities?

Medium and long-term outlook

- Has there been a cultural shift in the ways in which education, health and social care professionals work together and with families reflecting the increased aspiration and following the reforms in SEN and Adult Care?
- How can a more family focused approach be sustained over time?
- Which factors promote effective engagement with parents and young people at individual and strategic level? What impact does engagement have on outcomes?
- Which factors encourage effective collaboration between local partner organisations? What are the efficiencies and savings of integrated working?
- In what ways will the size and demography of the SEN and disability population change nationally, locally and by subgroup in the medium- to long- term? Are

there effective ways of modelling this to predict future demand on services and consider the capacity needed to meet demand?

- How are the reforms to the health service and adult social care affecting the support being made available to children and young people with SEN and Disabilities?

SEN Reform in Walsall

Walsall has a strategic, multi-agency working group preparing for implementation of the reformed system

Review of SEN Provision

We are embarking on a review of special educational provision across Walsall with the intention of strengthening our continuum of provision. We need to ensure our provision meets the range of needs experienced by our children and young people and secures outstanding progress and achievement for them. Provision was reviewed last in 2004 so this work is timely.

What the data tells us

In Walsall we identify SEN well; compared to our statistical neighbours we do not over identify. The number of new statements of SEN we produce is within the average range compared with statistical neighbours. Since 2011 there has been a decline in the percentage of children with new statements who are placed in mainstream rather than special schools. In 2012 this was 48.8% while three years ago the figure was 60.9%. Only one of our statistical neighbours has placed a smaller % of pupils with new statements in mainstream schools in 2012.

Most of our special schools are full and we have continued to place children in special schools after we have filled the admissible 10% in excess of their total places.

Review so far

Two half day workshops with key stakeholders to consider a range of options have taken place. We agreed:

- To maximise expertise and seek economies of scale
- Make sure Walsall children can attend Walsall schools
- Ensure quality provision across the continuum – build capacity in inclusive mainstream schools; specialist resourced provision and units, special schools that cater for the most complex needs
- Address the gaps in provision for speech, language and communication needs and autism spectrum needs

A further two half day workshops with Headteachers of mainstream schools will take place on 21 March to enable us to identify preferred options for strengthening our continuum of provision.

Children and Families Act 2014

The new Children and Families Act – which gained royal assent last week - will mean changes to the law to give greater protection to vulnerable children, better support for children whose parents are separating, a new system to help children with special educational needs and disabilities, and help for parents to balance work and family life.

The act also ensures changes to the adoption system can be put into practice, meaning more children are placed faster. Reforms for children in care can be implemented including giving them the choice to stay with their foster families until their 21st birthday.

The Act includes a number of new measures to protect the welfare of children, including:

- Changes to the law to give children in care the choice to stay with their foster families until they turn 21
- A new legal duty on schools to support children at school with medical conditions better
- Making young carers' and parent carers' rights to support from councils much clearer
- Reforms to children's residential care to make sure homes are safe and secure, and to improve the quality of care vulnerable children receive
- A requirement on all state-funded schools - including academies - to provide free school lunches on request for all pupils in reception, year 1 and year 2
- Amendments to the law to protect children in cars from the dangers of second-hand smoke.

The Act will also help people to better balance their work and home life with the following measures:

- From April 2015, mothers, fathers and adopters can opt to share parental leave around their child's birth or placement. This gives families more choice over taking leave in the first year - dads and mothers' partners can take up to a year, or parents can take several months at the same time
- From 1 October 2014, prospective fathers or a mother's partner can take time off to attend up to 2 antenatal appointments
- Adoption leave and pay will reflect entitlements available to birth parents from April 2015 - no qualifying period for leave; enhanced pay to 90% of salary for the first 6 weeks; and time off to attend introductory appointments. Intended parents in surrogacy and 'foster to adopt' arrangements will also qualify for adoption leave and pay
- Extending the right to request flexible working to all employees from 30 June 2014

- Replacing the current statutory procedure, through which employers consider flexible working requests, with a duty on employers to consider requests in a 'reasonable' manner

Family Justice

The Act will also create a more efficient and effective family justice system which improves the experiences of children and families who go to court.

The family justice measures in the Act include:

- Making it compulsory for people applying to the family courts to consider family mediation first (unless exemptions apply - such as in cases of domestic violence);
- Sending a clear signal to separated parents that courts will take account of the principle that both should continue to be involved in their children's lives where that is safe and consistent with the child's welfare
- Introducing a new "child arrangements order", replacing residence and contact orders, and making changes so that when a child arrangements order is breached, the court can direct the parties to undertake activities designed to help them understand the importance of complying with the order and making it work
- Ensuring expert evidence in family proceedings concerning children is permitted only when necessary to resolve the case justly, taking account of factors including the impact on the welfare of the child
- Introducing a maximum 26 week time limit for completing care and supervision proceedings (except where an extension is needed to resolve the proceedings justly)
- Making it explicit that, when the court considers a care plan, it should focus on those issues essential to deciding whether to make a care order
- Allowing the court to make interim care and supervision orders for the length of time it sees fit, up to the point the proceedings are concluded
- Streamlining court processes in proceedings for a decree of divorce, nullity of marriage, or judicial separation (or, in relation to a civil partnership, for a dissolution, nullity or separation order).

The changes will come into force on 22 April, on the same day that the new single Family Court is launched.

Adoption

The adoption and family justice provisions of the Act will be commenced by May 2014 and the majority of the regulations will be in force in summer 2014 following consultation exercises. The exceptions are post adoption contact (section 9) which will come into force on 22 April 2014, and adoption support personal budgets (section 5). DfE is piloting personal budgets within the prototype of the Adoption Support Fund in ten local authorities between March 2014 and spring 2015. The date of implementation of the regulations will be decided following the outcome of the pilots.

The pilot Public Law Outline will be extended to cover the period from end March to when it comes into force on 22 April 2014.

Consultations on regulations and statutory guidance of the following are on-going:

- *Court Orders relating to Family Law* – consultation ends 26 March 2014
- *Adoption: Getting It right, Making It Work* – consultation ends 11 April 2014.