

EDUCATION AND CHILDREN'S SERVICES OVERVIEW AND SCRUTINY COMMITTEE

**Agenda Item
No. 8**

21 November 2017

Special Educational Needs, Disability and Inclusion (SENDI) in Walsall

Ward(s) All

Portfolios: Cllr A Nawaz – Children's Services and Education

Executive Summary:

The purpose of this report is to provide information to Scrutiny on the progress to date on the priority areas of the Walsall's SENDI (Special Educational Needs, Disability and Inclusion) Strategy and the further work that is needed.

This in advance of the as yet unannounced SENDI Area Inspection of the Walsall Local Area that will be carried out by Ofsted and the Care Quality Commission (CQC).

Reason for Scrutiny:

The local authority has a number of statutory responsibilities with regard to special educational needs, disabilities and inclusion.

Ofsted and CQC inspectors will consider how effectively the local area identifies, meets the needs of and improves the outcomes of the wide range of different groups of children and young people who have special educational needs and/or disabilities and the contribution of education, social care and health services to children and young people with Special Educational Needs and/or Disabilities (SEN&/or D).

Bi-annual reports to the Education and Children's Services Overview and Scrutiny Committee and to the Children and Young People's Partnership Board by the Independent Chair of the SENDI Challenge Board have monitored progress in SENDI and have identified areas where the rate of progress needs to be increased.

Recommendations:

That:

1. Members note the progress on the priority areas for SENDI in Walsall;
2. Members give guidance on the further steps that need to be taken in advance of inspection.

Background Papers:

Children and Young People's Partnership Board 14 September 2016 and 4 October 2017

Education and Children's Services Overview and Scrutiny Committee 4 April 2017.

Ofsted and Quality Care Commission inspection framework.

<https://www.gov.uk/government/publications/local-area-send-inspection-framework>

Special Educational Needs a Guide for Parents and Carers, Department for Education, 2014. <https://www.gov.uk/government/publications/send-guide-for-parents-and-carers>

An extract from this Guide is shown in **Appendix 1** of this report. This provides information on definitions and types of special educational needs as well as the key features of the new SEND system.

SEND Code of Practice 0-25 years, Department for Education 2015.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf

Resource and Legal Considerations:

The Children and Families Act 2014 introduced changes to the way in which support is provided for children with special educational needs. The 'SEND Code of Practice 0-25 years' gives guidance on the special educational needs and disability (SEND) system for children and young people aged 0 to 25, from 1 September 2014.

Citizen Impact:

There are over 51,000 pupils on roll in Walsall schools. Over 7,800 (15%) have some form of special educational need. Just under 1,800 pupils or 3.5% of the total pupils on roll have a statement or Education Health and Care Plan. Just over 620 pupils are on roll in Walsall's special schools. That is 1.2% of the total number on roll.

Environmental Impact:

None

Performance Management:

The SENDI Challenge Board oversees the development of the SENDI Improvement Strategy. The Children and Young People's Partnership receives regular reports to monitor and challenge performance. **Appendix 2** gives a comparison of some of Walsall's SEN data with those of similar local authorities.

Equality Implications:


Equality implications and impact assessments are carried out in the development of the SENDI Improvement Strategy where these apply.

Consultation:

There will be a joint presentation to Scrutiny based on this report by officers from Children's Services and the NHS Walsall Clinical Commissioning Group (CCG)

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Report

1 **Special Educational Needs and Inclusion (SENDI) in Walsall – the Views of the Challenge Board**

The Chair of both the Education Challenge Board and the SENDI Challenge Board has recently reported to the Children and Young People's Partnership Board. Frances Done's analysis of SENDI progress in Walsall and the current state of play is shown below. Frances's report summarises our SENDI strategy and the 10 priority areas for action. Areas of strengths and weaknesses are identified in the report. In each case, we provide an update or a comment on the priority areas.

1.1 **Background - The SENDI Challenge Board**

"The Board" was established in June 2016 [following the successful work of the Education Challenge Board]. The Board's terms of reference require it to oversee the development of Walsall SENDI Improvement Strategy. It also provides challenge and support for Schools, SENDI support and advisory services and others who are responsible for implementing the Strategy and delivering the associated Action Plan. The Board's overriding focus is on achieving substantially improved educational outcomes for pupils with SEND and other disadvantaged pupils."

1.2 **SENDI Strategy and The 10 Priorities**

"The Board has overseen the development of the Walsall SENDI Strategy 2016-2020.

The SENDI Strategy sets out the vision and priorities for Special Educational Needs and Inclusion for the next four years. The key priority is to drive up educational standards and to improve outcomes for all children particularly those with special educational needs and disabilities.

The overall objective is to ensure outcomes for children and young people with special educational needs and disabilities are good or better. This will be achieved by working with all early years' settings, schools, other education providers and health partners to drive up standards in attainment and progress. There are 10 priority areas for action:

- To commission high quality specialist provision that meets the needs of children and young people
- To develop SEND pathways of school to school support
- To strengthen and improve our co-production with children and young people, parents and carers
- To ensure the Local Offer provides the fullest amount of guidance and information
- To develop an all age disability service to secure the best outcomes for children and young people at key transition stages
- To continue to support and develop policies to ensure that all children and young people are in education, employment or training
- To update the Council's accessibility strategy

- To develop Personal Budget Guidelines
- To have in place timely and high-quality Education, Health and Care Plans, and
- To produce timely and useful data

The Challenge Board and all those involved in supporting children with SEND in Walsall are acutely aware that achieving the overall objectives set out above will be extremely difficult, given where we are at the present time. It will require strong leadership and commitment by all partners over the next few years.

A SENDI scorecard has been devised, based on the success measures in the SENDI Strategy and this is reviewed by the Board every two months.“

“Key to success will be developing inclusive practice across **all** schools and working with schools, parents and partners to join up the work of SENDI, health and education services”.

1.3 Areas of Progress

“There are some key priority areas where progress is being made. For example:

- The implementation of a secure electronic system to support the preparation of Education, Health and Care Plans (EHCPs)
- The development of appropriate data sets in relation to the achievement of children with SEND and other vulnerable children. Rigorous analysis of accurate data is essential to ensure that improvement support work focusses on the schools most in need of improving their practice in this area
- The delivery of inclusive practice across all schools so that each child with SEND in a mainstream school will benefit from best practice. This is being achieved by a refreshed approach to working with SEN coordinators (SENCOs); a focus by School Improvement Partners on the progress of children with SEND in every school; and a focus on developing school to school support mechanisms.
- The commissioning of additional Special School places”.

1.4 Areas of Concern

“However there are some key areas of the action plan where progress is too slow. Now that the Head of Service SENDI is providing the necessary leadership there is some clarity about what needs to be done in these areas but there are insufficient resources, both staffing and otherwise, for progress to be made at the necessary pace. These include:

- The processing of EHCPs within the statutory timescale. Whilst the situation has improved in recent months the temporary nature of leadership and staffing in the Walsall Council team coordinating this work is inhibiting the progress needed
- The requirement to transfer all remaining SEN statements to EHCPs by

31st March, the statutory deadline

- The improvement and accessibility of Walsall's Local Offer, which depends on accessing the necessary support at pace from the Council's web team and the co-operation of all partners involved in providing services to children with SEND
- The development of effective engagement with parents and carers
- The further development and embedding of the voice of children and young people both at a strategic and operational level in all aspects of supporting children with SEND
- The development and refinement of strong joint commissioning arrangements with health, where there is a need for the building of more consistent relationships between the Council's SENDI team, the CCG and other health bodies to achieve the necessary level of integrated working to support children with SEND in Walsall."

1.5 Conclusion

"The SENDI Challenge Board is very clear that achieving the objectives set out in the Walsall SENDI Strategy 2016-20 will be extremely challenging. The report has set out some areas for the Children and Young People's Partnership to consider where the pace of progress needs to be stepped up, and where resources may be an issue."

Members of the Education and Children's Services Overview and Scrutiny Committee were asked to note, among other things, "the very substantial amount of work needed to ensure Walsall's ambitions for pupils with SEND can be achieved, requiring an active contribution of Walsall's Adult Services and key partners such as those in health and further education".

2 Response to SENDI Challenge Board

2.1 General

Inclusion: The Children and Families Act 2014 is clear that children and young people with special educational needs (SEN) should be educated in mainstream schools and other mainstream provision unless their SEN require more specialist provision. The authority is working with all schools to promote and develop inclusion of children with special educational needs in mainstream settings and to improve the outcomes for those young people. As part of our strategic planning work for SEN, we are developing measures to support mainstream schools in meeting the special educational needs of a wider range of pupils, through workforce training and thorough developing and promoting the specialist expertise that exists within Walsall. An example of this work is in supporting school SENCOs (special educational needs coordinators) in the identification of particular types of special educational need and the appropriate response.

Joint responsibilities: The forthcoming inspection is an Area inspection. The inspection framework makes it clear that Inspectors will consider how effectively the local area identifies, meets the needs of and improves the outcomes of the wide range of different groups of children and young people who have special educational needs and/or disabilities as defined in the Act and described in the Code of Practice-... and [our emphasis] “*the contribution of education, social care and health services to children and young people with SEN&/or D*”.

2.2 Areas of Progress

Electronic EHCPs

- Implementation and training is underway for the pilot scheme.

Use of Data

- 2017 SEND Profile has been produced. This shows progress of children with SEND in each school setting. This is shared with schools and prompts support and challenge from School Improvement service and SEN reviews in schools through school to school support

Inclusive Practice

- Development of SEN reviews in schools. Focus on supporting and training of SENCOs (Special educational needs coordinators) in schools. SENCO forums are held three times a year, now provided free of charge. Support is being increased with additional training/workshop sessions on inclusive practice, identification of needs, graduated responses etc.

Special School Places

- A number of additional places were created for September 2017. Cabinet approval (25/10/17) for an additional 126 places at 6 existing special schools for September 2018 and September 2019 in Walsall in a £10m building programme
- Further proposals will be made for places for pupils with SEMH (Social, Emotional and Mental Health), Alternative Resourced Provisions, college places for post 19 students with SEND/ Learning Difficulties and for Alternative Provision/ Pupil Referral type places for pupils and students permanently excluded from school.

2.3 Areas of Concern

Statutory Assessments

- The annualised performance in 2015 was 5% of Education Health and Care Plans (EHCPs) completed within the statutory time frame of 20 weeks. At the beginning of 2017, the monthly rate was 37%. Currently, between 50-60% of EHCPs are completed within 20 weeks. The reasons for delays in the process are being addressed. The new Capita software will help. Additional staff have been appointed to the team, albeit temporarily.

Transfers from Statements to Education, Health and Care Plans

- These must be completed by the end of March 2018. Over 60% have been completed and additional staff have been appointed. For those statements transferred to an EHCP without an annual review, there is a commitment to do this next year at each young person's annual review meeting in school.

The Local Offer

- A number of improvements and updates have been made to the Local Offer which currently sits on an external IT platform and this has been commented on favourably by parents. The quality of information and its accessibility have been improved but there is much more to be done: we are working with Telford & Wrekin Local Offer team; a project with Walsall's Council web team to develop new Local Offer site hosted by the local authority - a first version has been prepared; an additional project officer appointed to work on Local Offer as well as engagement with parents, carers and children.

Engagement With Parents And Carers

- Recent improvements to working together with parents. Parent Participation group to be replaced by regular 'focus group' type meeting looking at shared areas of concern (preparing for inspection, the Local Offer, EHCPs etc.); ensuring parent/carer representation at 'strategic' level (such as the SENDI Challenge Board and Scrutiny Committees); regular meetings between Head of Service and Chair of Walsall FACE and colleagues; attendance at parent group organised drop in events for parents, services (such as transport, short breaks) and SEN teams and commitment to co-production – parental involvement in re-design and re-commissioning of services (achieved in home to school transport, to be rolled out to other services such as mediation and short breaks plus the new Local Offer). Also, there is the development of parent hubs, based in and around special schools such as Old Hall School that are also for parents of children with SEND in local mainstream schools.

Developing and Embedding The Voice Of Children

- The new approach to Education Health and Care planning is person/child centred and the voice of the child or young person is central. We have had displays of children's work (children from special schools/ specialist provision) touring the borough that reflects their experiences and aspirations.

Strong Joint Commissioning Arrangements

- Joint work and joint commissioning of services that support children and young people with SEND does occur. There is a commitment to work jointly to review and re-commission a range of services. There is close and coordinated work between health and local authorities in advance of inspection but all partners recognise this as an area for rapid improvement.

Appendices

Appendix 1: Extract from the Guide to Parents on Special Educational Needs and Disability (Department for Education 2014) - to provide information on the definitions and types of special educational need and the key features of the new system.

Appendix 2: Comparisons of Walsall's SEN data with those of similar local authorities (statistical neighbours).

Extract from:

**Special Educational Needs And Disability
A Guide For Parents And Carers
Department for Education, August 2014**

Definitions of Special Educational Needs and Disability

This section is about:

- Definitions of special educational needs and disability
- What to do if you think your child has special educational needs or a disability
- Where to go for help

The terms 'special educational needs' and 'disability' have legal definitions. These can be found in paragraphs xiii – xxiii of the Introduction to the 0-25 SEND Code of Practice.

Special Educational Needs (SEN)

Children and young people with SEN all have learning difficulties or disabilities that make it harder for them to learn than most children and young people of the same age. These children and young people may need extra or different help from that given to others.

If your child's first language is not English, does that mean they have a learning difficulty? The law says that children and young people do not have learning difficulties *just* because their first language is not English, although, of course, some of these children and young people may have learning difficulties as well.

Many children and young people will have SEN of some kind at some time during their education. Early years providers (for example, nurseries or childminders), mainstream schools, colleges and other organisations can help most children and young people succeed with some changes to their practice or additional support. But some children and young people will need extra help for some or all of their time in education and training.

Children and young people with SEN may need extra help because of a range of needs. Paragraphs 6.27 – 6.35 of the 0-25 SEND Code of Practice set out four areas of SEN:

Communicating and interacting – for example, where children and young people have speech, language and communication difficulties which make it difficult for them to make sense of language or to understand how to communicate effectively and appropriately with others.

Cognition and learning – for example, where children and young people learn at a slower pace than others their age, have difficulty in understanding parts of the curriculum, have difficulties with organisation and memory skills, or have a specific difficulty affecting one particular part of their learning performance such as in literacy or numeracy.

Social, emotional and mental health difficulties – for example, where children and young people have difficulty in managing their relationships with other people, are withdrawn, or if they behave in ways that may hinder their and other children’s learning, or that have an impact on their health and wellbeing.

Sensory and/or physical needs – for example, children and young people with visual and/or hearing impairments, or a physical need that means they must have additional ongoing support and equipment

Some children and young people may have SEN that covers more than one of these areas.

Categories of Special Educational Need

A child may be assessed as having one of the following types of SEN (SEN Code of Practice 2015). These are the categories used in EHC Plans. They are divided into 4 main areas:

- 1. Cognition and learning needs**
 - Specific Learning Difficulty (SpLD)
 - Moderate Learning Difficulty (MLD)
 - Severe Learning Difficulty (SLD)
 - Profound and Multiple Learning Difficulty (PMLD)
- 2. Social, Emotional and Mental Health**
 - Social, Emotional and Mental Health (SEMH)
- 3. Communication and interaction needs**
 - Speech, Language and Communication Needs (SLCN)
 - Autistic Spectrum Disorder (ASD)
- 4. Sensory and/or physical needs**
 - Visual Impairment (VI)
 - Hearing Impairment (HI)
 - Multi-Sensory Impairment (MSI)
 - Physical Disability (PD)

‘SEMH’ replaced the category ‘BESD’ – Behavioural, Emotional and Social Difficulties.

Disabilities

Many children and young people who have SEN may also have a disability. A disability is described in law (the Equality Act 2010) as ‘a physical or mental impairment which has a long-term (a year or more) and substantial adverse effect on their ability to carry out normal day-to-day activities.’ This includes, for example, sensory impairments such as those that affect sight and hearing, and long-term health conditions such as asthma, diabetes or epilepsy.

The Equality Act requires that early years providers, schools, colleges, other educational settings and local authorities:

- **must not** directly or indirectly discriminate against, harass or victimise disabled children and young people
- **must** make 'reasonable adjustments', including the provision of auxiliary aid services (for example, tactile signage or induction loops), so that disabled children and young people are not disadvantaged compared with other children and young people. This duty is what is known as 'anticipatory' – people also need to think in advance about what disabled children and young people might need.

The principles of the system

The principles of the system are set out in Chapter 1 of the 0-25 SEND Code of Practice.

The basic principles you need to keep in mind when thinking about your child's needs are:

- All children have a right to an education that enables them to make progress so that they:
 - achieve their best
 - become confident individuals and live fulfilling lives
 - make a successful transition into becoming an adult – whether that's into further and higher education, training or work

All children with special educational needs (SEN) or disabilities should have their needs met, whether they are in early years settings (like a nursery or a childminder), in school or in college.

When making decisions about SEN or disabilities, your local authority must:

- have regard to the views, wishes and feelings of children, their parents and young people
- make sure that children, their parents and young people participate as fully as possible in decisions that affect them
- provide support to children, their parents and young people so that children and young people do well educationally and can prepare properly for adulthood

Parents should have a real say in decisions that affect their children, should have access to impartial information, advice and support and know how to challenge decisions they disagree with.

Local authorities must also involve children, their parents and young people in developing local provision and services for children with special educational needs and disabilities. This includes developing their Local Offer.

Information, Advice and Support

All local authorities, by law, have to provide children and young people with SEN or disabilities, and their parents, with information and advice. There is an information, advice and support service in every local authority area. This service will be able to provide information, advice and support for you, and your children, about SEN, disability, health and social care.

The Local Offer

Every local authority must identify education, health and social care services in their local area provided for children, young people and families who have SEN or disabilities and include them in an information directory called the Local Offer. This will also help local authorities as they can use it to see where the gaps in provision are. The Local Offer also needs to include information about services provided outside your local area that local people are likely to use.

Local services should reflect what local people need. Your local authority must ask children, parents and young people what they think the Local Offer should include, and how they think people should be able to access it, and most authorities will have worked with their local Parent Carer Forum to develop this. They must publish what children, young people and parents tell them about their Local Offer and say clearly what they will do about the comments they receive. Your local authority also needs local schools, colleges, health services and other service providers to contribute to the Local Offer.

Support for Children And Young People With Special Educational Needs

This section looks at:

- **SEN support:** It aims to describe what it means and what the law requires. It tells you what you can expect and where you can go for help.
- **Education, Health and Care (EHC) needs assessment and plans:** It aims to describe who EHC plans are for and the process of an EHC needs assessment. It also covers how and when children, young people and parents are involved, what you can expect, and where you can get help. It also explains what a Personal Budget is and how you can find out more about them.

SEN support

Any support your child gets from their school or other setting should meet their needs. If your child has SEN, they will be able to access help – called SEN support – from their early years settings, such as nurseries or childminders, schools and further education institutions such as colleges and 16-19 academies.

SEN support replaces school action/school action plus (in schools) and early years action/early years action plus (in early years settings).

Children and young people with more complex needs might instead need an Education, Health and Care (EHC) plan. EHC plans replace statements of SEN and Learning Disability Assessments (LDAs).

SEN support is part of what is known as the ‘graduated approach’ and in general should work as follows. (This approach varies in how it works depending on the age of your child – for example, it may work differently in a nursery than it will in a school.)

You may be contacted – for example in schools, this will be by your child’s teacher or SENCO – if your early years setting, school or college think your child needs SEN

support. Or you can approach your child's school or other setting if you think your child might have SEN. You will be involved and your views will be needed throughout the process, and you will be kept up to date with the progress made. Young people aged 16 to 25 will be fully involved in designing their own SEN support and provision.

The four stages of SEN support are :

- Assess
- Plan
- Do
- Review.

Assess: Your child's difficulties must be assessed so that the right support can be provided. This should include, for example, asking you what you think, talking to professionals who work with your child (such as their teacher), and looking at records and other information. This needs to be reviewed regularly so that the support provided continues to meet your child's needs. That might mean getting advice and further assessment from someone like an educational psychologist, a specialist teacher or a health professional.

Plan: Your school or other setting needs to agree, with your involvement, the outcomes that the SEN support is intended to achieve – in other words, how your child will benefit from any support they get – and you need to be involved with that. All those involved will need to have a say in deciding what kind of support will be provided, and decide a date by which they will review this so that they can check to see how well the support is working and whether the outcomes have been or are being achieved.

Do: The setting will put the planned support into place. The teacher remains responsible for working with your child on a daily basis, but the SENCO and any support staff or specialist teaching staff involved in providing support should work closely to track your child's progress and check that the support is being effective.

Review: The support your child receives should be reviewed at the time agreed in the plan. You can then decide together if the support is having a positive impact, whether the outcomes have been, or are being, achieved and if or how any changes should be made.

Education, Health and Care Needs Assessments and Plans

Your child's school or other setting will often be able to meet the needs of children through SEN support. But sometimes a child or young person needs a more intensive level of specialist help that cannot be met from the resources available to schools and other settings to provide SEN support. In these circumstances, you or your child's school or other setting could consider asking your local authority for an Education, Health and Care (EHC) needs assessment for your child. This assessment could lead to your child getting an EHC plan. Some children and young people will have needs that clearly require an EHC needs assessment and plan and once the local authority is aware of them it should start this process without delay.

An EHC plan brings your child's education, health and social care needs into a single, legal document. Your child must have special educational needs to be eligible for a plan.

Requesting an EHC Needs Assessment

You can ask your local authority for an EHC needs assessment if you think your child needs one. Anyone at your child's school (such as your child's teacher) can also ask for an assessment to be carried out. Others who work with your child can also tell the local authority if they think an assessment is needed (such as your doctor, health visitor or nursery worker).

Deciding Whether to Conduct an EHC Needs Assessment

Once your local authority identifies that your child has SEN or receives a request for an assessment, they have up to six weeks to decide whether to carry one out. During that time, they will ask you and others – such as your child's school or other setting – for information to help them make that decision. You may wish to gather together all the reports and letters from your child's school or other setting, doctors' and any other assessments that have been produced about your child. You may also want to write about your child's needs and how long they have had them.

If your local authority decides not to carry out an assessment, they need to let you know their decision within six weeks of receiving a request for an assessment. Your local authority is expected to help you find other ways that your child can be supported in their school or other setting.