

<p>Non-Executive Report of the:</p> <p>Health and Wellbeing Board</p> <p>Monday 13 May 2019</p>	
<p>Report of: Debbie Jones, Corporate Director - Children and Culture Denise Radley, Corporate Director - Health, Adults and Communities</p>	<p>Classification: Unrestricted</p>
<p>SEND Improvement Update</p>	

Originating Officer(s)	Tricia Boahene, Senior Strategy and Policy Manager – Senior Strategy and Policy Manager
Wards affected	All wards

Executive Summary

This report has been produced to provide an update regarding:

- SEND inspection preparations
- Governance
- Progress against the SEND review
- SEND demand and financial pressures
- Data and intelligence
- Next steps

This report originates from the SEND Improvement Group and on its way to the Health and Wellbeing Board has been discussed at Tower Hamlets Together and Born Well Growing Well.

Recommendations:

The Health and Wellbeing Board is recommended to:

1. Note the contents of the report.
2. Provide feedback and direction to the SEND Improvement Group on points raised

1. REASONS FOR THE DECISIONS

- 1.1 The Health and Wellbeing Board has ultimate oversight of the developing SEND system and therefore need to be satisfied that they are happy with the reports they receive from the SEND Improvement Group and are confident that they have a good understanding of strengths and areas for development.

2. ALTERNATIVE OPTIONS

- 2.1 This is not applicable as this is an update report on the SEND improvement work.

3. DETAILS OF THE REPORT

3.1 SEND INSPECTION PREPARATION

- 3.1.1 Following the SEND review in November 2018, a decision was taken to fundamentally change how we have been developing the Self-Evaluation Framework (SEF) to make it easier to follow and understand. To that end, a new draft SEF is being developed. The document begins with a historical narrative about our SEND improvement journey up until the end of 2018. Work is in train to make the narrative punchier and accurately reflect the social care element of this journey.

- 3.1.2 The new SEF—organised around the three key questions of the inspection—begins from January 2019 as the reference point. To keep the SEF current, updates provided to the bi-monthly SEND Improvement Group will be used as a basis for timelier self-evaluation than was occurring with the old SEF.

- 3.1.3 A flow diagram has been drafted to clarify the inspection process from the point that the Corporate Director for Children and Culture receives the initial Ofsted call, including actions to be taken by key individuals (Appendix 1). A similar process diagram is planned by the CCG.

- 3.1.4 Email templates have been produced to be circulated to staff when the Corporate Director for Children and Culture receives the call from OFSTED to announce the inspection. A spreadsheet has been produced listing the full contact details of all staff likely to be involved and is organised into email recipient groups. This will be updated on an ongoing basis. Logistical leads for the inspection have been identified in the local authority and the CCG in the event that a local area inspection is announced.

3.2 GOVERNANCE

- 3.2.1 A governance structure has been agreed and a detailed overview of how the various groups are expected to work together is attached (Appendix 2).

- 3.2.2 The structures and reporting are yet to embed, and this is the next area of challenge for the SEND Improvement Group. This report is the first of its kind from the SEND Improvement Group, using the new reporting structure to

disseminate information. This will happen on a quarterly basis up to Tower Hamlets Together with bi-annual reports going to the Health and Wellbeing Board. Discussions are in the pipeline to ensure better oversight of the various sub-groups sitting below the SEND Improvement Group.

- 3.2.3 A secondary part of this work is to ensure that the right people are attending the right meetings, to reduce the duplication which colleagues are experiencing when they attend. It should also help to facilitate timelier decision making.

3.3 PROGRESS AGAINST NOVEMBER 2018'S SEND REVIEW

- 3.3.1 Following the SEND review, an action plan has been developed which looks at addressing the areas of concern outlined by the former-HMI alongside actions which have been agreed and laid out to deliver on the SEND Strategy (Appendix 3).

- 3.3.2 The resulting action plan is owned by the SEND Improvement Group, who focuses on the system-wide issues captured in the action plan on a bi-monthly basis. At each bi-monthly meeting colleagues are required to provide an update on progress and offer a RAG rating; to date reporting has been inconsistent as some leads have not engaged consistently.

- 3.3.3 Moving forward, the fortnightly SEND Progress Group (who are acting as a proxy for the SEND Improvement Group to drive forward work between meetings) will continue to invite key lead officers to provide progress updates and monitor activity to ensure it is progressing to timescales. In preparing for the SEND Progress Group, leads are required to provide written updates on activity and these are fed into the SEND action plan, where recommendations will be rag-rated on a monthly basis.

3.4 DEMAND AND FINANCES

- 3.4.1 In Tower Hamlets we have had changing SEND populations which will inevitably impact on the costs which are incurred by services. The population changes in SEND are relatively straightforward. The number of pupils with Education, Health and Care plans (EHCPs) / statements increased by 35.4% between 2013/14 and 2017/18.

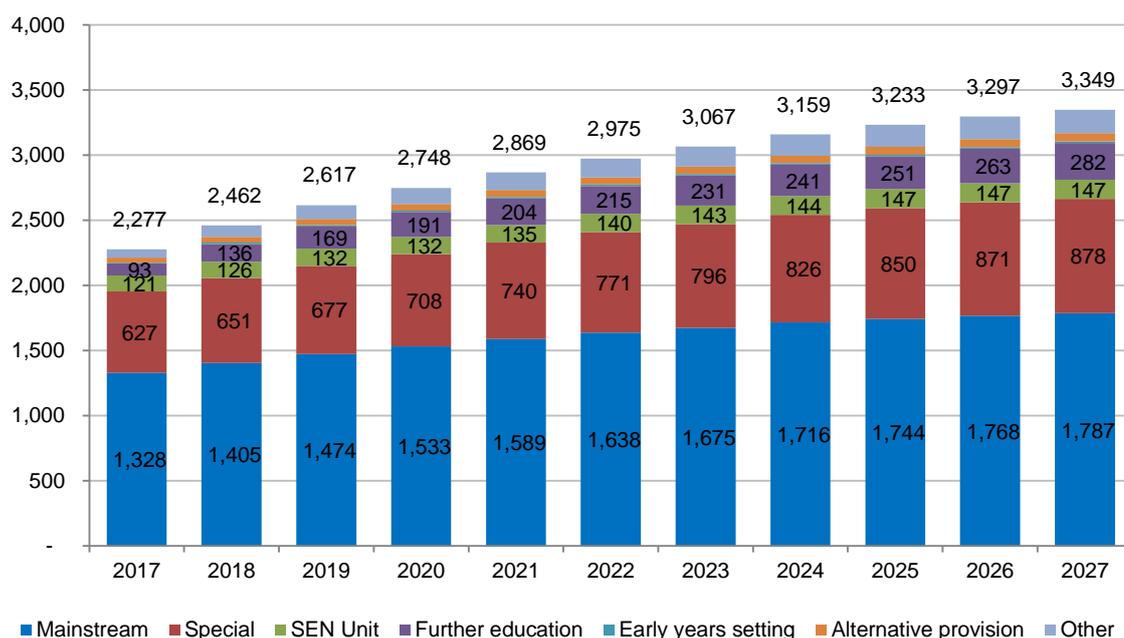
	2013/14	2014/15	2015/16	2016/17	2017/18
Total number of pupils with EHCPs/statements	1,805	1,940	2,065	2,212	2,444

- 3.4.2 In addition to increases in the SEND population, we are also expecting a correlating increase in demand for SEN transport. Projections indicate a 40.4% increase in demand over the ten years to 2027 from 646 to 907 children and young people.

- 3.4.3 The changing need and projected demand have resulted in the expansion of the specialist provision for Profound and Multiple Learning Disorders (PMLD)

at Stephen Hawking School (Primary) and Beatrice Tate School (Secondary). Diagnoses of Autistic Spectrum Disorder (ASD) have risen significantly and associated learning needs for children with ASD is now the number one reason for requests for EHCPs. Requests from parents for specialist provision at Phoenix School have also increased and led to the expansion of provision on the Old Bow Boys school site.

3.4.4 Projections on setting type have been developed based on 5 years of historical trend data, for the numbers of pupils with an EHCP by setting type up to 2027. The projections consider the probabilities of children joining the SEND population, moving between different settings, or leaving the SEND population. From the graph below, it is clear that pressures in relation to SEND will continue to be a factor in Tower Hamlets for the foreseeable future:



3.4.5 High Needs Budget

3.4.6 The amount of high needs funding received by Tower Hamlets for 2018-19 is just under £49.5m. This is complemented by spending through health and social care. 90% of the high needs funding block (HNFB) is used to pay placement funding and top-up funding for individuals with an EHCP. The HNFB cannot be used to pay for transport for children and young people as this is funded through the council's core budget.

3.4.7 Over 75% of local areas are reporting overspends on both their high needs budget and their SEN Transport budget. The over spend on the high needs budget in Tower Hamlets will be approximately £3.2 million in 2018-19. One of the major cost drivers is the total number of pupils with EHCPs.

3.4.8 The increasing numbers of SEND have led to more parents seeking specialist school places, rather than mainstream school places and where these specialist provisions are at capacity, councils are increasingly having to fund places at expensive independent non-maintained special schools.

3.4.9 Within the last 15 months Tower Hamlets have delivered a review of the HNFB to Schools Forum (January 2018). Linked to this, there is key work going on to improve systems, make recommendations for developing inclusive practice and where necessary reallocating elements of the high needs funding retained by the local authority to develop capacity within the system and have the greatest impact. These work streams include:

- A review of the business model of the Support for Learning Service – which covers the Sensory Impairment Team and the Behaviour and Support Service
- A review of Alternative Provision
- A review of provision for children and young people with Social, Emotional and Mental Health (SEMH) needs
- The expansion of specialist provision in response to need
- The development of resource base provision in mainstream schools
- A review of the current banding structure.

3.4.10 It should be acknowledged that there are real issues around the capacity within the SEND system for implementing some of the changes needed to reduce the pressure on the HNFB. The most effective way to do this would be through a more strategic role around the management of HNFB finances, including both SEND and alternative provision.

3.4.11 SEN Transport

3.4.12 In terms of cost, the increasing demand would translate to circa. £5.9 million by 2027 based on costs of £2,488,020 for internal transport and £1,719,150 for external transport in 2017. Costs have been increased proportionately to the number of pupils requiring transport.

3.4.13 For 2018-19, the total overspend on SEN Transport (including Staffing) is likely to be in the region of £1.6m. Analysis is yet to be completed, but the increase is thought to mainly be due to transport to out of borough schools and the retendering of the external contract.

3.4.14 A further growth bid of £1.2m was awarded for this financial year to reduce the financial impact of the predicted overspend. Both home to school and external transport costs have accelerated over the last couple of years, due to the increased uptake for both services, child numbers continue to rise as do service provision costs (fuel). A transport spending review across Children and Adult Services has just been completed. The external transport service has recently been recommissioned resulting in an increased cost, which is currently being analysed by Commissioning and SEND . It has been identified that there is a need for further investment in an additional 30 seater coach. The School Transport Advisory Group is being convened to enable all stakeholders to discuss improvements to the delivery of the service.

3.5 DATA AND INTELLIGENCE

- 3.5.1 Development work on the SEND dashboard is taking place in response to feedback from the SEND Progress Group. Regular reporting against these measures will take place from the start of the new financial year; the measures will be reviewed after the first quarter to ensure the dashboard is working effectively in supporting the improvement journey.
- 3.5.2 Intelligence and Performance colleagues in the council are working with ICT to identify a solution for capturing data on children worked with by the Children with Disabilities social care team in the relevant system for EHCP data (Synergy) and information on SEND needs and EHCPs in Frameworki (social care data system). This will remove the need for the onerous data matching exercises that have been taking place and ensure that social care and education teams can base their decisions on a fuller understanding of the needs of their clients. Work is ongoing to implementing a solution to ensuring that the youth offending system, Child View, is also regularly updated with SEND information.
- 3.5.3 The SEND JSNA is currently being revisited by Public Health colleagues and further work on addressing the data gaps identified in the JSNA will begin in the first quarter of 2019/20.
- 3.5.4 The most recent EHCP figures publicly available are for the 2017 academic year. 2017 averages have been added to the tables on the following pages to enable analysis of progress:

2017	LBTH	Inner London	London	National
Including Exceptions	21.4%	45.4%	52.4%	61.3%
Excluding Exceptions	21.4%	51.9%	58.4%	64.9%

Average Completion Rates – published in Statements of SEN and EHC plans: England, 2018 (DfE 2018)

- 3.5.5 EHCP completion rates have continued to improve from 2017 to date. The final rates for 2018 as reported to the Department for Education (DfE) were that 38% of EHCPs were issued with 20 weeks, including exceptions and this rises to 40% completion with exceptions removed. Both of these figures are up on the 21% reported in the 2017 SEN2 return. For the first 2 months of 2019 the EHCP completion rate is 53%. A more systematic process for the monitoring of annual reviews is now in place and data on the compliance aspects of the annual review process will be provided regularly to the SEND Progress Group.
- ### **3.6 NEXT STEPS**
- 3.6.1 Update the narrative story of SEND improvement in Tower Hamlets to include more on social care, edit so that it is shorter and more succinct and share with the next scheduled update.

- 3.6.2 A sub-set of the SEND Progress Group has just met to work on producing the first draft of the new SEF. The SEF will be shared with the next update.
- 3.6.3 A briefing will be produced on the messages from the SEF which will be shared across the SEND system.
- 3.6.4 If there are further changes to the governance, these will be reported as part of the next update alongside an assessment of the effectiveness of the structure as it begins to embed.
- 3.6.5 A more detailed update on progress against the action plan will be included in the next update.
- 3.6.6 A draft set of measures for the SEND dashboard will be available for comment from 30 April. The measures will be shared as part of the next SEND improvement update.
- 3.6.7 SEND JSNA refresh—which was recommended as part of the SEND review—is due to complete by September 2019.]

4. EQUALITIES IMPLICATIONS

- 4.1 The work of the SEND Improvement Group and across the SEND system in Tower Hamlets seeks to ensure that no child or young person is disadvantaged in the services and support that they receive due to any special educational need or disability that they have.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 The financial context for the SEND Strategy is determined by the funding provided by the Government through the Dedicated Schools Grant (DSG). This is a ring fenced grant provided by the DfE to fund all education provision. Like many aspects of the public sector this has experienced recent changes in the approach and will no doubt be subject to further change. However, for the purposes of the SEND strategy it is important to have clarity about the

available funding because if the Strategy is to realise its aims, then there will be financial implications and they will need to be achieved within the available resources and agreed by the Schools Forum.

- 6.2 The pressures for SEND transport have continued to increase during 2018/19. A total overspend of £1.6m against the General Fund is expected at out turn. Agency staff have contributed to the over spend due to backlog of Education Health & Care Plans (EHCP) and new caseloads. In addition there is no budget allocation for the Head of SEND.
- 6.3 The recent recommissioning of external transport has led to increased costs for the service. Internal audit have been instructed to investigate the absence of controls in the existing process for commissioning transport services. External consultants, Grant Thornton are currently leading a review of expenditure on this area.

7. COMMENTS OF LEGAL SERVICES

- 7.1. The provision of Special Educational Needs (SEN) services are delivered within the legal framework set out in the Children and Families Act 2014. The Act introduced a new single system from birth to 25 for all children and young people with SEN and their families. This includes children in schools, young people in post-16 institutions and training up to the age of 25 and provides for an integrated Education, Health and Care (EHC) Plan.
- 7.2. Section 27 of the Act requires the Council to keep the education, training and social care provision made for disabled children or young people and those with SEN under review. The views of children, their parents, and young people should be central to the way services are reviewed and they must be consulted about services currently available. The Council must also consider whether the provision is sufficient to meet children and young people's needs (Section 27(2)). The oversight provided by the Health and Wellbeing Board is consistent with these duties.
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Linked Reports, Appendices and Background Documents

Linked Report

- NONE.

Appendices

- Appendix 1: Flow diagram
- Appendix 2: Governance
- Appendix 3: SEND Action Plan

Local Government Act, 1972 Section 100D (As amended)

List of "Background Papers" used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None

Officer contact details for documents:

Tricia Boahene / John O'Shea