

Non-Executive Report of the: Overview and Scrutiny Committee 9th May 2016	
Report of: Melanie Clay Director of Law, Probity and Governance	Classification: Unrestricted
Challenge Session Report – Children’s Social, Emotional and Mental Health (SEMH) provision in Tower Hamlets	

Originating Officer(s)	Kevin Kewin, Interim Service Head Corporate Strategy and Equality Mark Bursnell, Senior Strategy, Policy and Performance Officer, Corporate Strategy and Equality
Wards affected	All wards

REASONS FOR URGENCY

This report was published five days in advance of the meeting but not five clear days and pursuant to Rule 6.1 of the Access to Information Procedure Rules before the item can be considered, the Chair of the Overview and Scrutiny Committee needs to be satisfied that by reason of special circumstances the item should be considered as a matter of urgency.

The special circumstances are that it would be beneficial for the 2015/16 Scrutiny Challenge Session Report to be considered by the 2015/16 Overview and Scrutiny Committee and to defer for a cycle would result in reporting in the next municipal year.

1. Summary

- 1.1. This report submits the report and recommendations of the SEMH provision in Tower Hamlets Scrutiny Challenge Session for consideration by the Overview and Scrutiny Committee

2. Recommendations:

- 2.1. The Overview and Scrutiny Committee is recommended to:
 - Agree the draft report and the recommendations
 - Authorise the Interim Service Head Corporate Strategy and Equality to amend the draft report before submission to Cabinet, after consultation with the Scrutiny Lead.

3. Background

- 3.1. The challenge session took place on 9th March as a result of the concerns amongst some Members about perceived gaps in and pressures on, existing provision for children and young people with SEMH needs. The aim of the session was to achieve a better understanding of the full spectrum of SEMH needs in the borough, the range of specialist services available, the key partnerships with other providers and if provision was effectively aligned with need-especially in relation to services for girls.
- 3.2. SEMH is an umbrella term to describe a range of complex and chronic difficulties experienced by some children and young people. SEMH services form part of broader Special Educational Needs (SEN) provision in the borough. The Council has overall responsibility for supporting children with SEN needs (including SEMH) and to review the special educational and social care provision made for young people up to the age of 25. The Council is required to publish information about the SEN services available in the area for young people known as the “local offer”. At present SEN statements are being replaced with Education, Health and Care (EHC) plans for individual students with complex and acute needs. These plans identify specific needs and the inputs and interventions required from a range of professionals across the spectrum of specialist services to address these and improve individual outcomes.
- 3.3. According to Department for Education (DfE) statistics, in 2015 the number of pupils who attended schools in Tower Hamlets and had an SEN statement or EHC plan was 1,754 or 3.8% of all students schooled in the borough. This figure is higher than the national average of 2.8% and places a heavy burden on all the local agencies involved in supporting SEN students. The number of students - under 5's to 16 plus – where SEMH is the main presenting need in statements or plans was 240 in 2015, or around 15% of the SEN total.
- 3.4 The session raised important questions about equality of opportunity in the light of the fact that girls with more complex needs have to be placed out of borough. As a consequence, in 2015/16 (financial year) there were 24 girls with SEN statements or EHC plans educated out of borough in day placements. The breakdown of these places is as follows:
 - Two girls attended a local 14-19 provision one costing £11,741 and the other £19,278.
 - Five were at mainstream schools with top up values from £5,760 to £11,680.
 - One pupil educated locally has complex mental health issues and has a joint package of support with the educational element costing £58,500, though the provision did not receive the £10,000 Place Factor funding that is normally in place. Therefore if compared to the above pupils the top up value should be £48,500.

- Sixteen attended special schools nearby. Five of the girls have ASD diagnoses and significant learning difficulties as well as SEMH issues. The range of top up values for this cohort is £4,500 to £ 53,724 (Highest costs were of girls with those complex needs described earlier and all of them are primary aged).

- 3.5 The Learning and Achievement service in the Children's Service directorate have recently commissioned an external consultant to conduct a strategic review of general SEN provision, with a brief to examine if the current delivery model is sustainable with the resources available and how service priorities can be protected in future. The outcomes of the internally commissioned strategic review of special educational needs should take into account the recommendations of the scrutiny challenge session, if they are accepted, and where the conclusions reached are consistent they are implemented in a complementary way. This will include looking at the issues of equity and equality raised above in paragraph 3.4.
- 3.6 The session was underpinned by three core questions:
- a) Is the level and sustainability of current SEMH support services provided by the statutory agencies to schools adequate?
 - b) Does the way provision is organised –especially those for girls ensure that all need is properly recognised and resourced?
 - c) Is there sufficiently reliable data available on need to plan and provide
- 3.7 The report with recommendations is attached as Appendix 1. It should be noted that since the Challenge Session was held in March, Ian Mikardo High school has taken an in principle decision to apply for Multi Academy Trust status. This may have an impact on a number of the recommendations set out below and will be considered as part of the action plan development process.
- 3.8 The recommendations from the challenge session are outlined below:

Recommendation 1: The Children's Services Directorate:

- a) organise the consultation process around re-designating Ian Mikardo as a co-educational school that accepts a regular intake of girls throughout the academic year.
- b) investigate the potential for co-educational primary provision, following initial consultation with primary head teachers and Cherry Trees School.

Recommendation 2: Monitor the comparative cost of providing out of borough SEMH specialist school places, especially for girls, to ensure they remain competitive. If the council develops local provision in borough schools it should be on the basis this is better value in terms of cost and quality than paying for out of borough school places.

Recommendation 3: Produce comprehensive data and address gaps in service information, to help identify hard to reach groups who have been under represented in the data used to establish overall need.

Recommendation 4: Develop effective data sharing protocols with partner organisations, such as Tower Hamlets Child and Adolescent Mental Health Service and Tower Hamlets Clinical Commissioning Group, and put key data on a single database.

Recommendation 5: Promote early, whole family multi-generational working to ensure interventions by the relevant agencies are joined up. Encourage more integrated and co-ordinated outreach work from the different agencies.

Recommendation 6: Monitor the outcome of the “fairer funding” government consultation process and assess the impact this will have on the funding available for the education authority and local schools to maintain current levels of SEMH specialist services.

Recommendation 7: Ensure the outcome of the internally commissioned strategic review of special educational needs takes into account the recommendations of the scrutiny challenge session; and where the conclusions reached are consistent they are implemented in a complementary manner.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 This report makes several recommendations in respect of SEMH provision in Tower Hamlets, it is expected that these recommendations will be implemented within existing budgets within the Children’s Services directorate of the Council.
- 4.2 Any additional cost implications arising from the recommendations will need to be considered in the context of the Council’s Medium Term Financial Strategy.

5. LEGAL COMMENTS

- 5.1. The Council is required by section 9F of the Local Government Act 2000 to have an Overview and Scrutiny Committee and to have executive arrangements that ensure the committee has specified powers. Consistent with this obligation, Article 6 of the Council’s Constitution provides that the Overview and Scrutiny Committee may consider any matter affecting the area or its inhabitants. The Committee may also make reports and recommendations to the Full Council or the Executive in connection with the discharge of any functions.
- 5.2. The provision of Special Educational Needs (SEN) services, including Social, Emotional and Mental Health needs (SEMH), are now delivered within the legal framework set out in the Children and Families Act 2014. The Act introduces a new single system from birth to 25 for all children and young people with SEN and their families. The new arrangements combine the current separate arrangements for children in schools and 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 to replace the statement of Special Educational Needs (SEN)

- 5.3. Section 27 of the Act requires local authorities 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 local authorities review their services and they must be consulted about services currently available. Local authorities must also consider whether the provision is sufficient to meet children and young people's needs (Section 27(2)).
- 5.4. Section 25 of the Act places a duty on local authorities to promote integration between educational and training provision, health care provision and social care provision. This duty mirrors the duty placed on CCGs by the Health and Social Care Act 2012. The NHS Mandate also makes clear that NHS England, CCGs and Health and Wellbeing Boards must promote the integration of services if this will improve services and/or reduce inequality.
- 5.5. Section 26 of the Act places a duty on local authorities and 'partner commissioning bodies' to put in place joint commissioning arrangements. 'Partner commissioning bodies' are the NHS Commissioning Board (NHS England) and individual CCGs who provide services to children in that area. The purpose of the joint commissioning arrangements is to plan and jointly commission the education, health and care provision for disabled children or young people and those with SEN.
- 5.6. Any Data Sharing Protocols must be drafted in a manner which ensures compliance with the Data Protection Act 1998 and the Council's general duties in respect of confidentiality.
- 5.7. The Council has a duty under Section 3 of the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised having regard to a combination of economy, efficiency and effectiveness (the best value duty). Information as to meeting this duty is contained in the Best Value section of the report.
- 5.8. When making decisions, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty). A proportionate level of equality analysis is required to discharge the duty and information relevant to this is in the One Tower Hamlets section of the report.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 Potentially increasing in borough school provision for girls, maintaining the level and quality of specialist SEMH services (and broader special educational needs provision) and exploring ways of getting better value with existing

resources, all contribute towards the delivery of the One Tower Hamlets priorities and objectives.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 Several of the recommendations aim to achieve better value for the Council within the resources available. Examples include, investigating the potential to develop more co-educational capacity in the borough and improving joint working with other agencies.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 There are no direct greener environment implications arising from the report or recommendations.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 There are no direct risk management implications arising from the report or recommendations.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 There are no direct crime and disorder reduction implications arising from the report or recommendations.
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Linked Reports, Appendices and Background Documents

Linked Report

- [List any linked reports, for example those that went to other Committees on the same issue]
- State NONE if none.

Appendices

- State NONE if none [and state EXEMPT if necessary].

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.

- These must be sent to Democratic Services with the report
- State NONE if none.

Officer contact details for documents:

- [Or state N/A]