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| <p>Non-Executive Report of the:</p> <p><b>Health and Wellbeing Board</b></p> <p>24<sup>th</sup> March 2020</p> |  |
| <p><b>Report of:</b><br/>Debbie Jones, Corporate Director - Children and Culture</p>                           | <p><b>Classification:</b><br/>Unrestricted</p>                                      |
| <p><b>SEND Improvement Update</b></p>  |   |

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| <p><b>Originating Officer(s)</b></p> | <p>Christine McInnes, Divisional Director Education &amp; Partnerships<br/>John O'Shea, Head of SEND &amp; Educational Psychology<br/>Anthony Harris, Interim Head of Children's Commissioning<br/>Linsey Bell, Strategy and Policy Officer, Children &amp; Culture</p> |
| <p><b>Wards affected</b></p>         | <p>All wards</p>  |

## Executive Summary

This report has been produced to provide an update regarding:

- Inspection preparation
- SEND strategy
- SEND improvement
- Monitoring against the SEND improvement plan
- Data and intelligence
- SEND demand and financial pressures
- Next steps

This report originates from the SEND Improvement Board and the majority of the briefing has been discussed separately at Born Well Growing Well, before coming to the Health and Wellbeing Board for a joint senior discussion.

## 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 Board on points raised
3. Sign off the refreshed SEND Strategy

4. Support the preparation for local area inspection by ensuring that SEND inspection work is a priority for services across the local area
5. Support the on-going SEND improvement work to ensure local area services are aware of their responsibilities in relation to supplying information to inform action planning and performance reporting
6. Ensure that the various parts of the local area SEND system have data readily available for use during the inspection and to support strategic decision making.

## **1. REASONS FOR THE DECISIONS**

- 1.1 Under the *Children and Families Act 2014*, all local authorities have a statutory duty to identify resident children and young people under 25 who have special educational needs and/or disabilities (SEND) and ensure that the necessary statutory provision is in place to deliver their entitlement to education. The *SEND Code of Practice* goes further by outlining roles, responsibilities and statutory duties for health, commissioners and the local authority.
- 1.2 Ofsted and the Care Quality Commission (CQC) have been tasked with inspecting local areas on their effectiveness in fulfilling these duties. The SEND inspection process makes its judgements on the local area, that is, the Local Authority and the Clinical Commissioning Group (CCG). The inspection process evaluates identification, assessment, provision and outcomes for children and young people with SEND.
- 1.3 With the joint inspection of the SEND system imminently expected, it is important that the Health and Wellbeing Board are confident that they have a good understanding of strengths and areas for development across the local area. The Board is asked to support the recommendations in this report, including sign off of the refreshed SEND Strategy, which has been developed and endorsed by the SEND Improvement Board (SIB) to improve progress and outcomes for children with SEND.
- 1.4 The draft strategy has been presented for comment at Council meetings and the CCG Joint Management Team as well as the Born Well Growing Well Board, before being brought to the Board for sign off.

## **2. ALTERNATIVE OPTIONS**

- 2.1 This report provides an important update to the Health and Wellbeing Board in advance of the upcoming SEND inspection. No alternative option is set out as the report is the product of extensive cross-partnership engagement on priorities and options.

## **3. DETAILS OF THE REPORT**

### **3.1 SEND INSPECTION PREPARATION**

### 3.1.1 **SEND self-evaluation**

The self-evaluation was finalised in October 2019, including a SEF summary version, which has been shared with colleagues across the local area. The self-evaluation will be presented as evidence for the inspection and includes contextual and governance information. Key messages in the SEF will need to be reviewed ahead of inspection so we can ensure that the strengths and weaknesses listed still paint an accurate picture of SEND provision in the local area.

### 3.1.2 **One Minute Guides**

A series of One Minute Guides (OMGs) have been produced to raise awareness of critical SEND issues, including the Education, Health & Care (EHC) needs assessment process, annual reviews and the inspection process. These have been published on the Local Offer website ([www.localoffertowerhamlets.co.uk](http://www.localoffertowerhamlets.co.uk)) and disseminated amongst the local area. Work is in train to produce additional OMGs following feedback to ensure consistent messaging; including one focused on Section 23 Notifications.

### 3.1.3 **Key Lines of Enquiry (KLOEs)**

Work on developing responses to possible KLOEs for inspection is progressing and is being driven by the SEND progress group. A set of seven evidence-based responses has been finalised and will be disseminated amongst all local area colleagues likely to be involved in the inspection process to ensure all have a full understanding of the current position.

### 3.1.4 **SEND Progress Group**

The focus of the SEND Progress Group has shifted to inspection preparation and the group meets every week. An inspection plan has been produced and reviewed on a weekly basis to ensure progress against preparatory activities.

### 3.1.5 **Intranet SEND resource**

A dedicated Waltham Forest & East London (WEL) CCG staff intranet SEND page is being established including key inspection documents such as One Minute Guides and the SEND Self-Evaluation to ensure that health colleagues can easily access this information ahead of inspection. This complements the existing council intranet page, which was publicised amongst staff via TH Now in January 2020. Consideration will need to be given to ensure that the resource page is publicised via WEL CCG internal channels to raise awareness.

### 3.1.6 **SEND discussion groups**

KLOES are being shared amongst SEND discussion groups to promote ownership and to ensure colleagues are familiar with key messages as part of inspection preparations. Discussion groups are led by members of the SEND progress group, with ongoing themes including; transitions, vulnerable groups with SEND, early intervention and early years. The Designated Medical Officer (DMO) also recently ran an ASD themed discussion group for health colleagues.

### 3.1.7 **SEND Roadshows**

SEND Roadshows were held in September to raise awareness of the inspection process amongst staff and SEND professionals in the local area. They were also attended by SEND Ambassadors (a group of parents who have been trained to take part in strategic meetings) and young people from the Our Time Forum. Attendees were briefed on the inspection questions; statutory responsibilities under the SEND Code of Practice, inspection tips and the messages from the draft SEF were tested. The events were well-attended and further information sharing events have been held for staff within clinical health settings, the Tower Hamlets Clinical Commissioning Group (THCCG) and Public Health.

## 3.2 **SEND STRATEGY 2020 - 2024**

3.2.1 The refreshed SEND strategy is attached as appendix 1 for comment and sign off by the Board. Over the past year the context has changed rapidly and since the strategy was first developed in 2018, we have undertaken two external reviews; A SEN review conducted by a former Ofsted inspector and a review of health and the THCCG by the Council for Disabled Children (CDC). Feedback and recommendations from both have helped us better understand the strengths and weaknesses in our local area and the steps we need to take to improve. Therefore, one year on, the SEND strategy has been reviewed & refreshed to ensure a sharper strategic direction.

3.2.2 A summary of the revised priority areas in the strategy is included below:

- **Leading SEND**  
The development of a more joined up approach and a shared direction between the council and the CCG, both at a strategic and operational level remains a priority. This will build on the work undertaken in the past year to strengthen and embed clear governance and accountability systems, including meaningful involvement of parents and young people with SEND at a strategic level. For each year of the strategy an annual report will be produced to document our progress and increase our public accountability.
- **Early identification & assessment**  
Activities will build on work to improve the timeliness of needs assessment across the SEND system, including EHC plans and ASD diagnosis. Analysis of an audit of reception age children with previously unidentified needs will help to inform strategic actions around early identification and intervention and strengthen this core function of the SEND local offer moving forward.
- **Commissioning effective services to respond to local needs**  
This priority has been renamed to focus on joint commissioning and emphasises the need for a shared and robust local area data set to inform effective commissioning decisions. In the past this has presented a challenge, as analysis has been hampered by issues with the quality of data and inconsistencies in recording service level information. It is anticipated that these issues will be mitigated by ongoing joint work to

improve the quality and consistency of SEND data. Effective commissioning will also be supported by the newly developed SEND commissioning plan, by strengthening links between commissioning decisions and care packages, and work to better measure the impact of commissioned services.

- Good quality education provision for all children  
This priority has been reframed with an emphasis on enhancing the inclusivity of all mainstream schools in the borough. This will include developing the offer of capacity building support to schools and clarifying the statutory, core and traded offer from the council. Specialist SEND provision will be strengthened by development of additional resource base provision for children with ASD and progression of recommendations from the Social, Emotional, & Mental Health (SEMH) review.
- Supporting successful transitions & promoting independence  
Transitions has consistently been highlighted as an area for further development, particularly the progression from children's to adult services, when changes in eligibility can have a significant impact on the lives of young people with additional needs and their families. It is right therefore that this crucial area continues to form an important priority, with a focus on joint working across agencies to better enable smooth transitions at key points. This will be accomplished by building on work to develop effective annual review processes, clarifying pathways into adulthood and broadening the range of post-16 opportunities for those with SEND.

### 3.3 **SEND IMPROVEMENT**

#### 3.3.1 **Governance**

The SEND Improvement Board is now chaired by the Corporate Director for Children and Culture at the council and membership has been refined to ensure proportionate representation from across the local area; including, representation from the GP Care Group, East London Foundation Trust, Bart's Health and the voluntary sector. There is also regular attendance from parent, young person and headteacher representatives. The Terms of Reference have recently been revised to strengthen the Board's role in holding the SEND system to account.

#### 3.3.3. **SEND travel assistance**

A consultation on proposals to revise the travel assistance offer for children and young people with a SEND launched on 26<sup>th</sup> February 2020 and will run until 6<sup>th</sup> May 2020. Stakeholders are being consulted on proposals around promoting independence, including expanding the use of personal travel budgets and the range of available travel assistance options.

- 3.3.5. A decision on whether to progress the proposals will be taken by Cabinet in June 2020 informed by the outcome of the consultation, with implementation planned for September 2020. The consultation features on *Let's Talk Tower Hamlets*, the council's new online consultation hub. The consultation process

includes an online survey, as well as a series of engagement for children and young people with SEND and their families. The consultation can be viewed at [https://www.towerhamlets.gov.uk/News\\_events/2020/February-2020/SEND\\_travel\\_assistance\\_consultation\\_open.aspx](https://www.towerhamlets.gov.uk/News_events/2020/February-2020/SEND_travel_assistance_consultation_open.aspx)

### **3.4. MONITORING AGAINST THE SEND IMPROVEMENT PLAN**

3.4.1. The plan has been developed significantly and charts progress against delivery of the 2018 SEND Strategy, as well as capturing actions from the SEN and the CDC reviews carried out in 2018-19. The plan is regularly updated, with activities rag-rated and reviewed by the SIB at each bi-monthly meeting.

3.4.2. An overview of the improvement plan dashboard is attached as appendix 2, based on the full plan presented to the SIB in February 2020. Most action plan activity is currently rated as amber (56.6%), with a smaller proportion rated as green (28.3%) and some actions completed (12.6%). Since the last report progress on the following items has been noted:

- **Adult health input into EHC plans**

The SIB approved recommendations to formalise the procedure for provision of health input into EHC plans for young people aged 19-25, as specific responsibilities for this age group had previously been unclear. Whilst all requests are currently sent to the Community Paediatric Team, the new process will stipulate that GPs provide input when a young person is not known to community health services. This change is subject to sign off by the GP Care Group.

- **Section 23 notification process**

The SIB approved recommendations to make the current council process more efficient. Namely, the SEND panel will review all Section 23 notifications and explicitly consider whether needs assessment is the correct response. This will also ensure that notified children are tracked in terms of the support they are receiving and potential needs they will have when starting education. The revised process will operate from March 2020, with Section 23 data to be reviewed by the SEND working group on a termly basis.

- **Transitions**

A preparing for adulthood working group has been jointly convened by the council's Divisional Directors for children's and adult social care to explore different models of effective transition support. This work will be informed by a benchmarking report comparing approaches from other local areas to identify best practice. A process of mapping the different transition pathways for children and young people with SEND has also begun and will feed into the work of this group. Once completed, it is envisioned that this will be widely disseminated and provide a useful resource for families and professionals alike.

3.4.3. Since August 2019, the percentage of improvement plan activities rated red has decreased from 19% to 3.1%. Two items are rated as red:

- **SEND Workforce capacity and development**

Work to better understand and address pressures across the local SEND workforce has stalled due to capacity issues. The refreshed SEND strategy recognises that the systems and processes we adopt can only be as effective as those who are delivering these on the front line and therefore there is a need to accelerate robust planning for the future of the SEND workforce across the local area.

- **Achieve balanced SEND budgets**

Further information on this activity is provided under item 3.6 in this report.

### 3.5 **DATA AND INTELLIGENCE**

3.5.1 The SEND strategic performance report now provides a clear picture of data, enabling the SIB to hold the performance of the SEND system to account and measures continue to be refined as a result of ongoing feedback from the Board. Measures presented in the report chart progress against the five priorities of the SEND Strategy and performance is updated on a bi-monthly basis. A summary of recent performance outcomes is included below:

- **Educational attainment**

Broadly this continues to be strong, but analysis indicates a decline in SEN support attainment at EYFSP since 2015-16, which could point to under identification of SEN in this age group. The ongoing early years (EY) school survey has been initiated to identify children with additional needs previously unknown to agencies and unpick their journeys to gain a better understanding of this issue.

- **Education, Health and Care (EHC) plan timeliness**

The improving picture of EHC assessments and EHC plan completion rates within timescale has reduced, with the December 2019 completion rate falling below the figure recorded in January 2019 (42% vs 48%). This is a consequence of a significant spike in the number of referrals being received which is outstripping capacity in the SEN Service. Of the 515 requests for an EHC needs assessment received in 2019, 188 were parental requests (37%), the highest number of parental requests ever recorded in Tower Hamlets. In part, this increase may be linked to a widely held misconception in the community that requests for assessment made by parents are more likely to be successful. Requests from parents typically lack educational information which must then be requested from schools, which has particularly impacted on delays in the first six weeks of the needs assessment process.

- Clearer thresholds and improvements in the decision making process have resulted in a reduction in the number of EHC plans issued, with 315 new plans issued last year matching the number of new plans issued the

previous year. This is a significant development with regard to reducing budget pressures going forward.

- Weekly tracking of EHC plan completion has begun, to minimise the impact of identified bottle neck areas. Longer term, a re-organisation of the SEND Service has been initiated which will seek to address some of these issues.
- The average number of days to complete an EHCP has reduced from 255 days in the 2017 calendar year to 200 days in 2019. This means that on average children and young people are having their plans issued approximately 2 months earlier in 2019. The most days taken to complete an EHCP issued in 2019 is 692, the fewest number of days to completion was 97.
- **ASD assessment timeliness and diagnostic pathways**  
Although the average waiting time for ASD assessments has significantly decreased over the last six months (the maximum wait for an ASD assessment reduced from 87 weeks in June 2019 to 69 weeks in January 2020), no children and young people have been assessed within 32 weeks. An action plan is in place to address this, although it is acknowledged there is a need for a better collective understanding of strategic ASD pathways across the local area.
- **CAMHS assessment timeliness**  
100% of children and young people were assessed by CAMHS within five weeks between July and December 2019; however, there is a risk that this measure is not reflective of schools' and parents' perception of assessment timeliness. SIB members suggested that a health and wellbeing reporting measure with a lower threshold should be explored. With regard to the forthcoming inspection, such a wide discrepancy in views of the CAMHS service is a risk and it is important that professionals understand the reason behind the discrepancy and have a plan in place to address this issue.
- **Communication and engagement for children & young people with SEND and their families**  
The number of parents and young people engaged with through SEND ambassador sessions increased in Quarter 3, with 408 parents attending sessions in October. There is a need to more explicitly convey how involvement in training sessions and workshops translates into real improvement of outcomes for parents and young people. Additional information collected via Parent Advice Centre (PAC) monitoring exercises will help to provide a broader qualitative overview of feedback and experiences within future performance reports and in the longer-term influence service provision
- Available data primarily reflects council engagement and better representation of health engagement is required. A Tower Hamlets Together (THT) user and stakeholder group has been established

consisting of engagement leads across the partnership with the aim of better coordination of engagement activities. Work is underway to liaise with this group to ensure that a cycle is agreed whereby SEND partners can share information on engagement activities across the local area and work on mapping activities across the partnership can be fed back to the SIB to inform performance reporting.

### 3.5.2 **Joint Strategic Needs Assessment (JSNA)**

The SEND Joint Strategic Needs Assessment (JSNA) has been refreshed and published. A one-side summary and short animation have been produced articulating the key messages from the JSNA in a more accessible format. This information will feature on the local offer website and be disseminated amongst local area staff.

## 3.6 **DEMAND AND FINANCES**

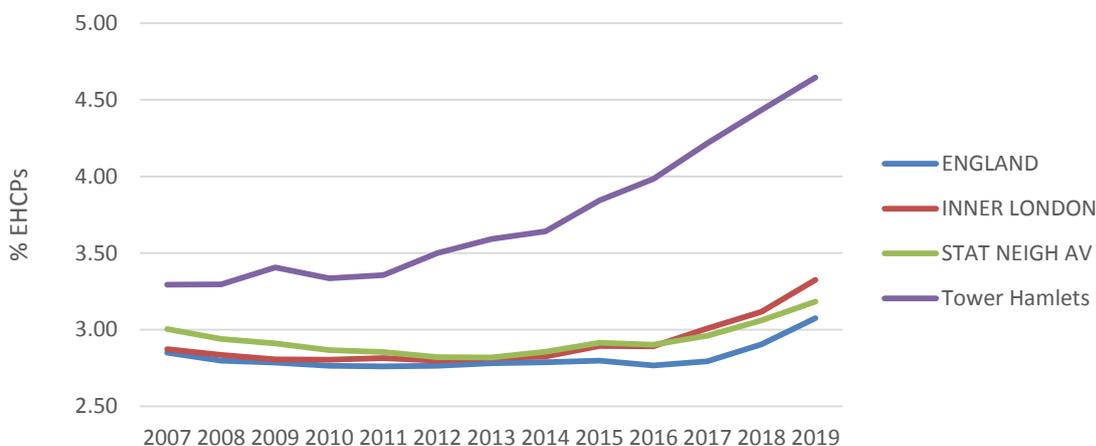
3.6.1 The High Needs Funding Block (HNFB) is one part of the overall Dedicated Schools Grant (DSG). The HNFB provides funding for education, support and services required by children and young people with SEND. It also provides resource for those who have been excluded from mainstream school or cannot attend for other reasons and require alternative provision.

3.6.2 A Recovery Plan to bring the DSG deficit back into balance over the next three years was submitted by the council to the Department for Education (DfE) and a meeting with DfE finance advisors took place on 20<sup>th</sup> February 2020 where the plan was scrutinised, and next steps clarified. The DfE provided positive feedback on the action being taken by the LA.

3.6.3 In 2018-19 Tower Hamlets received circa £50.5 million from Government to meet the needs of children with SEND, up £0.8 million from £49.7 million. Despite this, the Council spent more than £56 million last year; an overspend of approximately £7 million. This overspend has largely been the result of continued increases in the numbers of EHCPs.

3.6.4 Following the consultation process on the way the HNFB is spent which took place in 2019, a 2% reduction in top-ups for mainstream schools will be implemented in 2020-21. The LA cannot make changes to the funding for SEND schools and alternative provision without the agreement of the Secretary of State but discrepancies in the funding levels do need to be addressed and the DfE supports the LA's intention to scrutinise this issue over the coming year.

## EHCPs as % of Pupil Pop: Benchmarks



3.6.5 Over the four years, 2014-2018, EHC plans increased by 15 per cent a year, compared to a national rate increase of 11 per cent per year. In 2019 -20, 315 new plans were issued, in line with the previous year, however a combination of rigorous annual review which resulted in a higher than average number of plans being ceased in the post statutory school age group and a forensic data cleansing exercise, reduced the number of plans so that overall the annual percentage increase for 2019-20 fell to 7%. The average spend per pupil based on the number of EHC Plans and the total HNFB spend continues to reduce. The spike in referrals over this same period is discussed above.

3.6.6 Tower Hamlets remains committed to a mixed economy of schools within the local area educational offer – including mainstream schools, specialist schools and mainstream schools with resource-based provision. Tower Hamlets places a high proportion of CYP with EHCPs in mainstream schools - 57%. This is the fifth highest percentage of all local authorities in England. Ensuring high quality provision within the local area will reduce the costs of expensive out of borough provision as well as reducing pressure on the SEND external travel budget.

3.6.7 Despite an expansion of special school provision in the LA’s two Profound and Multiple Learning Difficulties (PMLD) schools (Stephen Hawking School - Primary, and Beatrice Tate School - Secondary) and its specialist Autistic Spectrum Disorder (ASD) School (Phoenix School), pressure remains on the specialist school system. There are over 370 pupils in Phoenix School and the Phoenix Outreach team now have a caseload of over 500 pupils in mainstream education.

3.6.8 The increased budget pressure on the HNFB is mirrored by increasing pressure on the budget for SEND travel as the number of CYP requiring

transport increases; however, funding is not increasing in line with these numbers. Recent analysis projects that SEND transport costs (combined internal and external transport) will rise to £5.9 million by 2027, from £4.21 million in 2017. The council is currently out to consultation on proposals to make changes to the travel assistance provided to pupils with EHCPs and the full consultation can be viewed at

[https://www.towerhamlets.gov.uk/News\\_events/2020/February-2020/SEND\\_travel\\_assistance\\_consultation\\_open.aspx](https://www.towerhamlets.gov.uk/News_events/2020/February-2020/SEND_travel_assistance_consultation_open.aspx)

3.6.9 Changes are also being made internally to reduce budget pressures.

### 3.7 **NEXT STEPS**

3.7.1 Once the SEND strategy has been signed off the strategic improvement plan and performance report will need to be re-drafted and aligned to ensure that progress against each priority can be measured, tracked and delivered.

3.7.2 Discussion group meetings will continue to be held including officers likely to be called into inspection focus groups by Ofsted. The SEND progress group will monitor feedback from these groups and keep the need for these meetings under review

3.7.3 Responses to outstanding KLOEs will be progressed and sense checked by the discussion groups and the SEND progress group, with a view to finalising a full set by mid-March, for dissemination amongst local area colleagues.

3.7.4 A One Minute Guide on Section 23 notifications will be developed to raise awareness of the revised local authority procedure for parents and local area colleagues.

3.7.5 The SEND progress group will need to consider how the Self- Evaluation will be reviewed once we receive the inspection announcement; options include development of a 'position statement'.

3.7.6 ASD pathways - following a report tabled at the SIB it was agreed that a stand-alone meeting with relevant local area stakeholders would be convened to map out the current ASD pathway, including gaps, cross-over and areas for improvement.

## 4. **EQUALITIES IMPLICATIONS**

4.1 The work of the SEND Improvement Board 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 There are no direct financial implications arising from this report which provides an update on SEND Improvement.
- 6.2 The report also provides an update on the financial pressures being faced by the High Needs Block of the Dedicated Schools Grant as a result of the continued increase in EHCPs. This increase in demand is also causing a financial pressure on SEND travel. These areas will be monitored and reported as part of budgetary control process.

## **7. COMMENTS OF LEGAL SERVICES**

- 7.1. The Children and Families Act 2014 (the Act) The SEND Code of Practice requires the council to keep the education, training and social care provision made for disabled children or young people and those with special educational needs and disabilities (SEND) under review. Further, the counsel is required to ensure integration of services through joint commissioning with clinical commissioning groups. It is the role of the Health and Wellbeing Board to develop Joint Strategic Needs Assessments and Joint Health and Wellbeing Strategies, to support prevention, identification, assessment and early intervention and a joined-up approach, and the recommendations in this report are consistent with those duties.
- 7.2. 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.
- 7.3. High needs funding is provided to local authorities through the high needs block of the dedicated schools grant. Local authorities must spend that funding in line with the associated conditions of grant, and the School and Early Years Finance (England) Regulations 2020. The high needs funding system supports provision for children and young people with SEND from their early years to age 25, enabling the Council and schools to meet their statutory duties under the Act.

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- NONE.

### **Appendices**

- Appendix 1: Refreshed SEND Strategy
- Appendix 2: SEND Improvement Plan – dashboard overview

### **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:**

Linsey Bell / John O’Shea