

Cabinet 20 March 2018	 TOWER HAMLETS
Report of: Debbie Jones, Corporate Director, Children's Services	Classification: Unrestricted
Strategy for Children and Young People with SEND: Findings from Strategy Consultation and Proposed New Strategy	

Lead Member	Councillor Amy Whitelock Gibbs, Cabinet Member for Education and Children's Services
Originating Officer(s)	Christine McInnes, Divisional Director for Learning and Achievement
Wards affected	All wards
Key Decision?	Yes
Community Plan Theme	A Fair and Prosperous Community

Executive Summary

This paper provides a summary of feedback received during the consultation process for the proposed new Strategy for Children and Young People with Special Educational Needs and Disabilities (SEND) 2018 - 2023. The consultation took place in October and November this year and comments were invited to a draft SEND Strategy and submitted via online survey or, for some parent / carers, via consultative meetings.

There was a largely positive welcome to the draft SEND Strategy, with many respondents wanting to see the actions set out in the draft being taken forward. The main themes that emerged from the consultation were:

- Leadership
- Communication
- Transparency, finances and reporting
- Opportunities for young people post-16
- The SEND Charter
- Timeliness of assessments for different children with SEND
- Early intervention and early years.

The paper recommends changes to be made to the draft strategy for comment. A draft set of KPIs is also set out, with the proposal that these form the core of reporting and accountability for the strategy to leaders and to stakeholder in Tower Hamlets.

To ensure that the financial changes that need to be made to implement the strategy are understood and supported by one of the key stakeholder groups, school leaders, as review of the current use of the main ring-fenced funding was undertaken during the autumn. The group made recommendations for changes which are also outlined in this report.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Consider and comment on the draft SEND Strategy.
2. Consider and comment on the proposed key performance indicators for the SEND Strategy.
3. Consider the outcome of the consultation on the SEND strategy.
4. Approve the preparation of a document for stakeholders to communicate “what we heard; our response”.
5. Agree a date and how planning will begin for the launch of the new SEND Strategy in 2018

1. REASONS FOR THE DECISIONS

- 1.1 To report on the findings from this autumn’s consultation about a draft SEND Strategy, to ensure the findings are sufficiently addressed in the final Strategy and that the commitments can be delivered between 2018 – 2023.
- 1.2 Approval of the key findings and to make recommendations for revisions to the final, proposed SEND Strategy for presentation and consultation to leadership groups across the Council and CCG.

2. ALTERNATIVE OPTIONS

- 2.1 Not to update the SEND Strategy.

3. DETAILS OF REPORT

3.1 Scope of the SEND Strategy

Following an external review of SEND provision in the London Borough of Tower Hamlets which was completed in December 2016, there was agreement across all stakeholder groups of the need for change. All the special schools in the borough are judged Outstanding by Ofsted, however a range of concerns were identified including lack of compliance with statutory duties. This evidence informed a business case for the need to undertake a radical review of the strategy for SEND and financial decision-making. The strategy will set out the direction for 2018 to 2022 to establish a flexible and responsive SEND system across the London Borough of Tower Hamlets for children and young people with SEND aged from 0 to 25 years of age and their families. The strategy proposes five priorities in order to improve outcomes for children and young people:

1. Leading SEND - including good leadership, access to finance information and quality staffing for services

2. Timely identification and assessment - including faster assessments, more feedback from parent / carers and groups of schools making more SEND decisions.
3. Better outcomes and pathways - including access to personal budgets and a local set of outcomes so we know better how children are doing.
4. Clear information and involvement - including a new SEND Charter and greater involvement for parents/carers and young people in decisions.
5. Moving on - including support to make a better start in the early years, better work experience and more local, supported housing.

The SEND Strategy is jointly led by the London Borough of Tower Hamlets(LBTH) and Tower Hamlets Clinical Commissioning Group (THCCG). The budgets that will fall within its scope include:

- the high needs funding block (from the DfE), currently £44.7 million, plus a projected overspend for 2017-18;
- Children's social care expenditure on children and young people with SEND, largely the provision of short breaks and respite together with support and care for those who are looked after: £4.6 million.
- TH CCG also oversees contracts and expenditure on health care for children and young people with SEND. Preliminary analysis has identified at least £2.1 millions of support commissioned for children with the highest needs. It is anticipated that this is an under-estimate.

Following the external review of SEND, a process of early engagement was commissioned that took place during May and June 2017. This provided the opportunity to discuss key themes with stakeholders and begin a conversation in Tower Hamlets about the type of system we want to support children and young people with SEND. Findings from the early engagement were reported to DLT in July 2017. These findings and the SEN Review provided a strong foundation to draft the proposed SEND Strategy for consultation. The draft was subject to discussion and amendment by chief officers and members, prior to being made available for public consultation.

3.2 **Consultation**

The consultation was led by LBTH Communications Team, who provided the support to post the consultation on the Council website, to desktop publish the full draft SEND Strategy and to print 500 copies of an easy-read summary for distribution to stakeholders via schools, children's centres and specialist centres such as the Parents Advice Centre and the Child Development Team. The main channels for residents, parents / carers, young people and professionals to submit their comments on the draft strategy was via the online survey on the Council's website and promoted on the Local Offer website and by THCCG. The survey and information on the Council website were launched on 18th October 2017 and closed to responses on 27th November 2017.

In addition to the Council channels, the consultation was promoted on the Local Offer website and short presentations about the consultation were prepared for headteachers and SENCOs to use as part of encouraging

discussion and response by parents / carers and by pupils. These were circulated to all schools after half-term. Several consultative meetings were also held to inform parents / carers, in particular, about the draft strategy and also with SENCOs as part of their termly conference.

Engagement recorded in the consultation were as follows:

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| • Responses to the online survey | 91 responses |
| • Parents / carers and young people: | 140 participants |
| • SENCOs and other professionals | 86 participants. |

In addition to responses from individuals, the online survey offered the opportunity for responses to be submitted on behalf of organisations.

Responses submitted by organisations included:

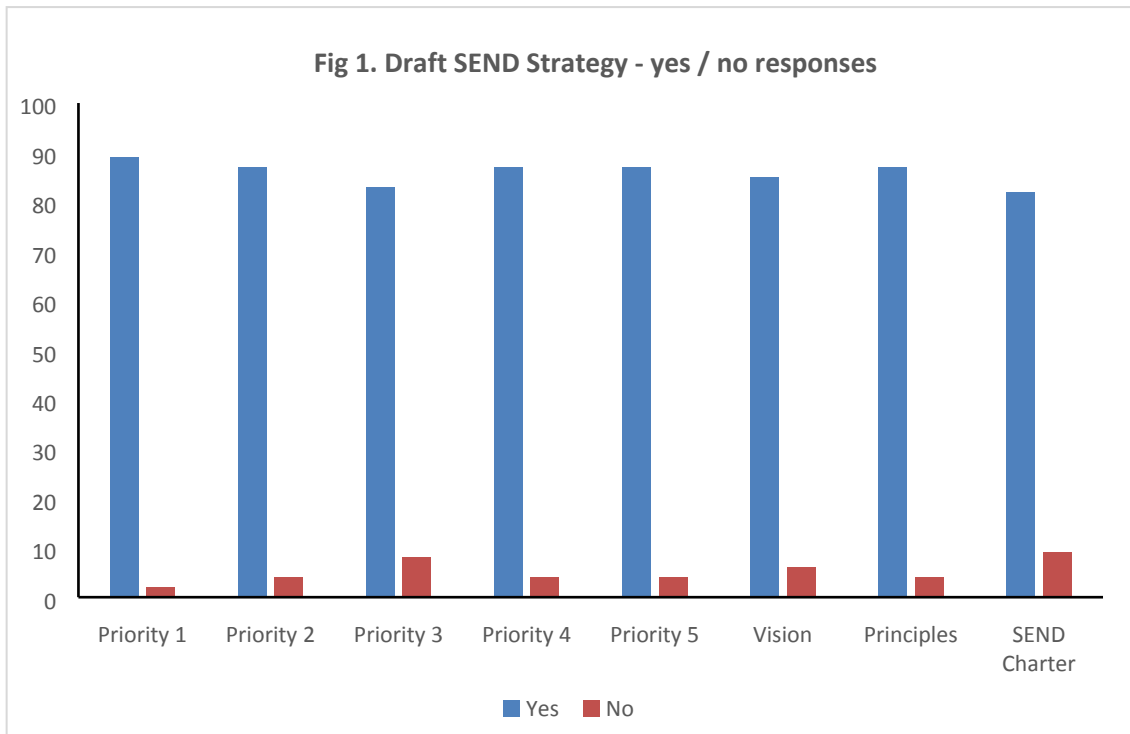
- Tower Hamlets Deaf Children's Society
- The Tower Hamlets Parent and Carers Council
- Tower Hamlets Education Partnership (THEP)
- Our Time, all-abilities young people's group
- The Phoenix Parents Advice and Support Group
- At least three early years settings and five schools.

A few key stakeholder groups were poorly represented in the responses, in particular social care professionals and health care professionals.

3.3 Findings

The overall response was a positive welcome that LBTH and THCCG are committed to work together to champion the long-term wellbeing of children and young people with SEND.

Before submitting comments, respondents were asked to indicate their broad support or disagreement with the core elements of the draft SEND Strategy: the proposed vision, principles, SEND Charter and each of the five priorities for development. Fig 1 illustrates that participants were very positive: with agreement being registered by over 90% of respondents, ranging from 98% for priority 1 (Leading SEND) to 90% in support of the SEND Charter.



Comments submitted that corroborate the welcome given to the strategy include:

- “With the correct structure and commitment this could drastically improve children's lives and futures in Tower Hamlets”;
- “A clear strategic vision is required in order to ensure all children with SEND in Tower Hamlets receive equal support no matter where they live in our borough”;
- “Joined up working will be critical, and not letting things slip or get delayed.”

The following themes were noted as prompting several comments and/or discussion at consultative meetings and will be considered in turn:

- Leadership
- Communication
- Transparency, finances and reporting
- Opportunities for young people post-16
- The SEND Charter
- Timeliness of assessments for different children with SEND
- Early intervention and early years.

3.3.1 Leadership

Throughout the development of the SEND Strategy there has been agreement about the need for concerted leadership of SEND in Tower Hamlets. This should address:

- the fragmentation experienced by parents / carers and professionals presently,
- provide visible leadership and reassurance for families (very few parents / carers know who is “in charge” beyond the headteacher at their child’s school)

- reach out to all Tower Hamlets' residents to increase understanding about children and young people with SEND.

With 1 in 7 children and young people in Tower Hamlets having SEND, they are an important group of vulnerable residents. There was almost 100% agreement from respondents to the consultation about priority 1, Leading SEND, and its commitment to establishing an SEND Board to lead the implementation of the new Strategy.

3.3.2 Communication:

Communication is an important cross-cutting theme for the SEND Strategy. In particular parents / carers are looking to improved communication to increase their trust in the SEND system and to enable them to be involved.

Communication arrangements should build on existing successes, such as how well parents / carers feel involved at special schools, as well as regularly seeking out the views of families whose child, or children, has SEND.

A communication plan should feature as part of the implementation planning, to ensure that there is continued improvement in communication at all levels of the SEND system this should include:

- active communication and updates for families as their child is undertaking or waiting for assessment, whether for autism, mental ill-health or for an EHC needs assessment;
- the SEND Local Offer website must continually focus on being as responsive and accessible as possible to Tower Hamlets parents / carers and young people with SEND, for example routine uploading of short information video clips;
- parents / carers views should be canvassed at least annually and findings from surveys or open meetings be communicated widely.

3.3.3 Transparency, finance and reporting:

There is strong support to increasing the information available publicly about the financing of SEND and how the use of the budget is consistent with the principles and priorities in the Strategy. Parents / carers want to know more about personal budgets ("yes, I should know how much is going where for my son"). There were demands to involve families about difficult budget decisions too, "if the SEND budgets are 2% overspent what is going to be cut?", and also a good summary about the difference that the SEND Strategy is making. A specific recommendation is to include a set of key performance indicators (KPIs) with the implementation plan and to report progress against these widely. A draft set of KPIs are set out in annex 1, for consideration.

3.3.4 Opportunities post-16:

There is strong support for an increasing focus on young people with SEND post-16, both to maintain improvements in their learning and wellbeing achieved at school and to orientate school and care to better equip young people with the skills to become as independent as possible. Young people consulted commented:

- "I want to be able to work and be independent"
- "I want someone who supports me as I do or find work experience (e.g. job coach)"

- “there should be clear paths to progression to employment for young people with SEND”.

Whilst others highlighted that, “Many young adults would do very well in supported living, so eliminate the stresses in the family unit.”

These changes and cross-sector partnership, education, business, health and care, together with young people and parental involvement, will be led by the new Preparation for Adulthood group. It is proposed that its work would fall under the Complex Adults Board, with accountability to the Children and Families Partnership too.

3.3.5 SEND Charter:

The large majority of respondents to the consultation agree with the proposal for a new Charter for SEND. Those that commented requested that parents and children and young people with SEND be involved in its development and implementation. Implementation was seen as vital: that it does not take too long, that its impact is monitored so there are clear differences the Charter achieves and that sectors beyond schools and SEND services are involved. The few dissenting voices questioned whether the Charter might just be a distraction or a ‘set of words’ that do not actually add anything to children and young people’s lives.

It is recommended that the commitment to develop the SEND Charter with parents / carers and children and young people is maintained in the SEND Strategy and this is an early target for the implementation of the strategy.

3.3.6 Timeliness of assessment:

Two earlier consultations, report in the SEND Review (2016) and the Early Engagement for the SEND Strategy (2017), and the current consultation heard from parents / carers that maintaining a strong focus on improvements to the needs assessment of children with SEND is essential. Whilst acknowledging there have been some changes for the better in the statutory EHC needs assessment process, there is still some way to go to re-establish trust in this system. Parents / carers were also vocal about improvements being needed in the timeliness of assessments for autism and for mental ill-health and for support to be provided for families whilst on a waiting list. Other parents / carers also raised the issue of existing EHC plans, many of which are of poor quality and have been criticised by families, and that there is no commitment in the Strategy to improve all EHC plans, new and existing. A few respondents also commented about the proposal for a larger role for “groups of schools” in needs assessment and there should be more information and consultation as part of any changes.

3.3.7 Early intervention and early years

Several respondents to the online survey highlighted the importance of maintaining and improving support for the young children so that needs can be identified early. The importance of early intervention for groups such as those with severe learning difficulties and impairments was cited and the evidence that this results in better life-long outcomes for the child. Ensuring more effective reaching of all families with young children with additional needs to be emphasised, with an emphasis on support rather than extensive assessments.

It is proposed that KPIs on early years and early intervention should feature in the regular reporting of progress with the SEND Strategy.

3.4 **Recommended revisions to the SEND Strategy**

As highlighted above, considerable support was given by respondents for the draft SEND Strategy. It is recommended that the final Strategy is based on the draft, with the following changes:

- Governance for the Strategy establishes a new SEND Board, led by Children's Services, and adds that the Preparation for Adulthood group is led by Complex Adults Board.
- Key performance indicators (see: Annex 1) are agreed for reporting to LBTH Children's Services and THCCG and to the SEND Board.
- Work starts on developing an implementation plan that includes a clear communication plan and the SEND Charter, as an early innovation.
- Clarification is sought about whether there is capacity for the Mayor's SEND Employment Challenge.
- Priority 2 includes a commitment to improving the quality of all EHC plans during the lifetime of the Strategy.

It is also recommended that a "you said ... we responded" summary of the consultation about the draft SEND Strategy is prepared and made available to stakeholders, particularly for families of children and young people with SEND.

3.5 **Reviewing the use of the High Needs Funding Block**

During the autumn term an advisory group of school leaders and officers examined the current use of the HNFB and how this matched with SEND needs and priorities within the borough. The group made the following recommendations for a three year transformation plan (2018-2020) which alongside work to reduce the current upward trend for individual Education, Health and Care Plans, should better meet current needs and demands as well as addressing actual and projected overspends in the budget. The recommendations have been agreed by Children's Service DLT and Schools Forum.

- a. To reduce the size of the budget retained by the LBTH from the HNFB.
- b. To expand the number of special school places to accommodate an additional 120 students by 2021 in areas of identified special need (through specialist pupil place planning)
- c. To undertake a review of the specialist social, emotional and mental health (SEMH) schools and places in order to establish a sustainable provision.
- d. To review the current specialist resource bases in school and ensure more equitable top-up funding and a greater responsiveness to future SEND need.

- e. For the Fair Access Panel (FAP) Review to report on ways to reduce the proportion of pupils and their length of stay in alternative provision (AP) as well as the size of the allocation for AP from the HNFB.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 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.
- 4.2 The costs of implementing the new SEND Strategy will be set out in the implementation plan. The approach to joint, implementation reporting to the SEND Board are yet to be agreed between THCCG and LBTH.
- 4.3 Some proposals that are put forward do have financial implications. Examples include:
 - increased pooling of budgets between education, social care and health to enable more extensive joint commissioning and increased deployment of personal budgets for the families of children and young people with high needs;
 - a joint statement about personal budgets and direct payments for children and young people with SEND between LBTH and THCCG;
 - scrutiny by the SEND Board of SEND budgets, including the high needs funding block from the DfE, and involvement in making recommendations for future expenditure, such as releasing funding for post-16, and cut-backs;
 - trialling local, school-led SEND decision-making groups, with a delegated budget to support early intervention and certain top-up payments;
 - increasing the availability of supported housing and other accommodation for young people with complex SEND.

5. LEGAL COMMENTS

- 5.1 In September 2014 the introduction of the Children and Families Act 2014 brought about major reforms to the way local authorities and other organisations support children and young people with Special Educational Needs or Disabilities. The aim of the changes was:
 - get education, health care and social care services working together
 - tell children, young people and their parents what they need to know about their disability or special educational needs

- make sure children, young people and families know what help they can get when a child or young person has special educational needs or a disability
- make sure that different organisations work together to help children and young people with special educational needs
- give children and young people and their parents more say about the help they get
- set up one overall assessment to look at what special help a child or young person needs with their education, and their health and social care needs, all at the same time
- give a child or young person just one plan for meeting their education, health and social care needs, which can run from birth to age 25 if councils agree that a young person needs more time to get ready for adulthood
- make sure children, young people and their parents can choose some of the help they need
- provide ways to help sort things out if a child or young person or their parent needs to appeal about the help they get

5.2 The Special Educational Needs and Disability Code of Practice 0 to 25 years is the related statutory guidance for organisations which work with and support children and young people. This places a duty on the Council to consult children with SEN or disabilities, and their parents and young people with SEN or disabilities when reviewing local SEN and social care provision.

5.3 Consultation has taken place on proposed new Strategy for Children and Young People with Special Educational Needs and Disabilities (SEND) 2018 – 2023. This paper provides a summary of feedback received during the consultation process for the proposed new Strategy for Children and Young People with Special Educational Needs and Disabilities (SEND) 2018 – 2023

5.4 There is a common law duty that applies to this consultation exercise and which imposes a general duty of procedural fairness when exercising functions which affects the interests of individuals. This requires:

- (a) that the consultation be at a time when proposals are still at a formative stage and the proposals are still formative and this has been complied with.
- (b) the Council must give sufficient reasons for any proposal to permit intelligent consideration and response and this has been complied with.
- (c) adequate time must be given for consideration and response and this has been complied with.
- (d) the product of consultation must be conscientiously taken into account and this report is asking the Mayor in Cabinet to consider the product of the

consultation before making considering and commenting on the draft Strategy.

- 5.5 The consultation exercise described in this report meets the common law duties in respect of procedural fairness, as well as the duties set out in the Statutory Guidance that child, young people and their parents must be consulted with in determining the Council's strategy for SEND.
- 5.6 In considering the recommendations in this report, 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.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 Children from black and minority ethnic (BME) backgrounds are over-represented in the cohort of children with SEND in Tower Hamlets. The reasons for this are not fully understood, however there are a number of contributory factors including consanguinity and lack of engagement with early years services. A strategy that supports the improvement of the delivery of services to this cohort will have a positive impact. The strategy will also champion services more pro-actively engaging with key BME communities to promote better understanding of SEND and ways to support families.
- 6.2 The strategy also aims to improve services and support to a cohort who explicit includes those with disabilities and it is incumbent upon the Council to work to eliminate any discrimination they may face, under the provisions of the Equalities Act.
- 6.3 A copy of the full equalities analysis can be found in Appendix 3.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 A new SEND strategy will set the framework for future budgeting decisions for the, annual SEND budget which is in excess of £50 million across LBTH and THCCG. Due to increased demand, this budget is under pressure and the strategy proposes that fairness should be a key principle underpinning decisions support and resources to enable this. There has been early implementation work underway with headteacher representatives to make recommendations about future scrutiny of the SEND budgets and of ways to make reductions in response to future budget pressures.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 None

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 The new SEND Strategy is built on SEND Review from 2016 and early engagement consultation during summer 2017, as well as the consultation with stakeholders on the proposed draft SEND Strategy.
A defined communication plan as part of the implementation planning for the new Strategy will go a long way to addressing the concerns of stakeholders and partners.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 None

11. SAFEGUARDING IMPLICATIONS

- 11.1 Children and young people with SEND are a key group of vulnerable residents of Tower Hamlets. The SEND Strategy will support increased consistency through establishing vision for all services across the Tower Hamlets and to make the identification and assessment processes more timely, resulting in better multi-agency support for some of the most vulnerable families.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- Appendix 1: SEND Strategy
- Appendix 2: SEND Strategy summary
- Appendix 3: SEND Strategy KPIs

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- NONE

Officer contact details for documents:

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