

## **AGENDA ITEM**

### **REPORT TO HEALTH AND WELL BEING BOARD**

**MARCH 2017**

### **REPORT OF DIRECTOR OF CHILDREN'S SERVICES**

## **SPECIAL EDUCATIONAL NEEDS AND/OR DISABILITIES (SEND) LOCAL AREA INSPECTION AND DEVELOPMENT WORK**

### **SUMMARY**

The Children and Families Act 2014 introduced significant changes to the systems and approaches for children and young people aged 0-25 with special educational needs and/or disabilities (SEND). In 2016 an inspection framework was introduced to assess the effectiveness of local areas in fulfilling their statutory duties and in identifying and meeting the needs of children and young people with SEND. This report provides information about the inspection and associated implications and ongoing development work in Stockton-on-Tees in respect of SEND.

### **RECOMMENDATIONS**

1. The Health and Wellbeing Board notes the information about the SEND local area inspection.
2. The Health and Wellbeing Board notes the information about development work in respect of SEND and the links to inspection preparation and support this work.
3. The Health and Wellbeing Board notes the current issues in progressing development work and supports the resolution of these.

### **DETAIL**

#### SEND Local Area Inspection

1. In May 2016 the Government introduced the inspection of local areas' effectiveness in identifying and meeting the needs of children and young people who have SEND. The inspection covers education, health (commissioners and providers) and social care.
2. The local area is the geographical area of the Local Authority, but the responsibility of the local area for children and young people with SEND extends to those who are residents of the local area but attend education provision or receive services outside the local area boundaries.
3. The inspection is primarily about how well the local area fulfils its responsibilities towards children and young people with SEND from 0-25 years. The starting point is the expectation that the local area has a good understanding of how effective it is. Whilst there is no statutory requirement for a local area self-evaluation it is seen as good practice.

4. The inspection is carried out by OFSTED and CQC. Inspectors will focus on three questions:
  - A. How effectively does the local area identify children and young people who have special educational needs and/or disabilities?
  - B. How effectively does the local area assess and meet the needs of children and young people who have special educational needs and/or disabilities?
  - C. How effectively does the local area improve outcomes for children and young people who have special educational needs and/or disabilities?
5. The nearest local area to be inspected so far is Hartlepool in October 2016. The Hartlepool local area has been asked to produce a written statement of action due to the inspection finding areas of significant weakness. This has implications for Stockton-on-Tees as the local areas share the same CCG and health providers. The Middlesbrough local area is due to be inspected in week beginning 20<sup>th</sup> March 2017.

#### Development work for SEND

6. The requirements of the Children and Families Act 2014 (supported by the SEND Code of Practice 2015 – statutory guidance) have been being implemented in Stockton-on-Tees since 2014. Reports have been provided to the Children and Young People's Partnership, the Children and Young People's Health and Well Being Joint Commissioning Group and Cabinet. Good progress in implementing the requirements was noted by the regional Department for Education (DfE) Adviser in December 2015.
7. The SEN Development Group has oversight of work relating to SEND. Since September 2016 the membership of the group has been refreshed and the group's strategic role emphasised. Membership includes the Director of Children's Services, the AD Schools and SEN, senior representation from education, social care and public health from the Local Authority, representation from the CCG and health providers, and representation from schools. Importantly the group also includes representation from Stockton United for Change, the local parent/carer forum.
8. The SEN Development Group provides challenge across partner agencies in respect of duties and responsibilities for SEND and promotes joint and partnership working.
9. Since September 2016 the group's work has focused on:
  - Taking forward a revised approach to SEND
  - Self-evaluation of the local area's work and development/monitoring of the resulting action plan
  - Progressing collection of data and work on a needs assessment for SEND to feed into the JSNA.
  - Joint commissioning
  - Work towards an SEND strategyThe group has also considered information emerging from SEND inspections and used this to inform its work.
10. Extensive work has been carried out on self-evaluation of the local area's position in respect of SEND. There has been engagement with services across education, health and social care which resulted in an initial version of a self-evaluation framework (SEF) which was largely service specific.
11. In January 2017 a multi-agency working event was held by the SEN development group. The aim was to introduce a different approach to self-evaluation across

partners and including parents/carers which was rooted in a common agreement and understanding of what the local area regards as good for our children and young people with SEND. The purpose of the event was therefore:

- To agree what we in Stockton-on-Tees regard as good for our children and young people with SEND
- To progress self-evaluation of the local area's strengths and areas for development for SEND and inform the SEND action plan
- To collect information for the SEF, the action plan and the SEND strategy
- To develop working relationships and co-production.

12. The event was well attended, challenging and well received. An agreed document for the local area's view of what is 'good' has been produced. The SEF and action plan have been revised in the light of the work completed. They both feed into the SEND strategy and are essential documents for the SEND Local Area Inspection.

13. The self-evaluation has identified some positives in respect of outcomes for children and young people with SEND. However the following areas for development have also been identified in respect of SEND:

- The local area SEND strategy (including a needs assessment)
- Joint commissioning for SEND
- Engagement and co-production with parents/carers and children/young people
- Development of the Local Offer
- Development of pathways for children and young people with SEND
- Development of joined up and multi-agency approaches in the early years for SEND
- Development of the SEN Support offer
- SEND assessment and provision

The Action Plan (Appendix 1) focuses on these areas. Groups are working on each area and feeding back to the SEN Development group. There are certain issues however, linked to these areas for development which need to be brought to the attention of the Health and Well Being Board and these are highlighted in paragraphs 14 to 22 below.

14. A data working group for Stockton-on-Tees across the Local Authority and the CCG is progressing work to collect and analyse data about children and young people with SEND. This work is supported by teams in the Local Authority. This data and analysis is required for the self-evaluation and action plan, but also for the SEND needs assessment. Capacity has been secured for work on the needs assessment from Public Health. Alongside this officers from Stockton-on-Tees have liaised with Hartlepool Borough Council and the CCG to take forward work on data.

15. Some progress is being made with collection and analysis of data, particularly from a Local Authority point of view. There are significant issues, however, in accessing detailed health data due to current recording and systems not including SEND information and to information governance. Short, medium and long term solutions are being pursued, but at present there is insufficient health data and analysis of this data on which to base a needs assessment, joint commissioning and to understand SEND cohorts and their outcomes.

16. The Special educational needs and disability code of practice: 0-25 years is the statutory guidance for SEND from the Children and Families Act 2014. The Code states that 'CCGs, NHS Trusts and NHS Foundation Trusts **must** inform the appropriate local authority if they identify a child under compulsory school age as

having, or probably having, SEN or a disability' (paragraph 1.16.). Such notification is essential to ensure young children's needs are correctly identified and supported, as well as to assist in ongoing needs assessment and joint commissioning. This issue has been raised regularly with health commissioners and providers for Stockton-on-Tees and has been identified through the self-evaluation and action plan as needing to be addressed. It is a concern that little or no progress has been made as yet.

17. Joint commissioning for SEND is a statutory duty and is an urgent and high priority. There are some examples of joint commissioning for individual children and young people but joint commissioning on a wider scale has not progressed. The recent event for autism will identify a number of areas joint commissioning potential, and a way of working which could be replicated across other themes such as Speech and Language Therapy.
18. The Children and Young People's Health and Well Being Joint Commissioning Group has received reports on SEND joint commissioning and given the high priority currently has it as a standing agenda item. The Commissioning Group has requested that the SEN Development Group take forward work in the areas of joint commissioning for Speech and Language therapy and Occupational Therapy. A working group of commissioners (including schools) has been set up to do this. A joint commissioning scope has been agreed and work on it is ongoing.
19. The Local Authority is currently progressing changes to education provision focusing on additionally resourced provisions (ARPs) in mainstream schools. The model of provision being developed introduces the concept of 'enhanced schools' and:
  - Identifies a revised number of places for children based on the present cohorts of children. It also identifies the focus of the provision in line with the areas of need as defined in the SEN code of practice - Communication and Interaction, Social, Emotional & Mental Health (SEMH), Physical and Medical, Cognition and Learning, Visual and Hearing Impairment.
  - Streamlines provision so that it provides cross phase pathways so children do not need to make transitions after the end of every key stage and can progress to secondary provision enhanced schools within the same locality.
  - Enables needs to be met in each of the three areas of Stockton - central, south and north.
  - Aims to provide earlier support and intervention by specialist services; resources such as Occupational Therapy, Speech and Language Therapy, Educational Psychology advice, specialist teaching assistants. The model would ensure each enhanced school is able to offer advice, support, guidance and challenge to schools on an outreach and in reach basis. This would mean the enhanced schools would become hubs of support. Staff within council services would also be possibly located within these hubs.
20. The development of this model requires attention to be paid to joint commissioning of the support services required, and links closely to the work on Speech and Language Therapy and Occupational Therapy already taking place.
21. The Special educational needs and disability code of practice also states that there should be a Designated Medical Officer (DMO) to support the CCG in meeting its statutory responsibilities for children and young people with SEND (paragraph 3.45). At present there is no permanent DMO for Stockton-on-Tees, and there has not been since the introduction of the SEN reform over two years ago. Arrangements in place have been temporary and have not fulfilled the DMO role. This was noted as an issue in the SEND local area inspection in Hartlepool. The appointment of a DMO is crucial

to successful further development and improving outcomes for children and young people with SEND.

22. The DMO role is also crucial to the successful operation of the process for Education, Health and Care (EHC) assessments and EHC plans. CCG representation on the EHC panel, where decisions are discussed has been patchy and the DMO should have the role of attending the panel. Such attendance is essential to reach explicit agreement about the content of EHC plans including outcomes, responsibility and funding and to facilitate sign off of plans.

### **FINANCIAL IMPLICATIONS**

23. Meeting the needs of children and young people with SEND is the responsibility of education, health and social care. The costs can be high, however effective early intervention and joint commissioning should meet needs at as early a level as possible in order to minimise later high costs.

### **LEGAL IMPLICATIONS**

24. The Children and Families Act 2014 is the legal basis for the changes to the SEN system which places legal duties on the Local Authority and partner agencies (across education, health and social care) in respect of children and young people with SEND and their families.

### **RISK ASSESSMENT**

25. There is a risk to the Local Authority and partners from the following:
  - All partners not meeting statutory duties under the Children and Families Act 2014.
  - Lack of improvement in outcomes for children and young people with SEND.

### **CONSULTATION**

26. The Children and Families Act places parents/carers and children and young people at the heart of the SEN reforms. Consultation, engagement and co-production with them is a requirement.

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