

<b>Decision maker:</b>	<b>Cabinet member children and families</b>
<b>Decision date:</b>	<b>Wednesday 11 September 2019</b>
<b>Title of report:</b>	<b>Executive response to the Review of Special Educational Needs and Disability Provision</b>
<b>Report by:</b>	<b>Head of Additional Needs, Childrens Wellbeing</b>

## **Classification**

Open

## **Decision type**

Non Key

## **Wards affected**

(All Wards);

## **Purpose and summary**

To approve the executive response to the recommendations from the task and finish group's review of Special Educational Needs and Disability (SEND) provision. The task and finish group assessed SEND provision in Herefordshire and made thirteen recommendations to the executive. It is proposed that twelve of the recommendations are accepted and the responses are set out in appendix 1.

## **Recommendation(s)**

**That:**

- a. the response to the children and young people's scrutiny committee's recommendations regarding the review of SEND provision in Herefordshire, as attached at appendix 1 are approved**

## **Alternative Options**

1. None proposed; it is a statutory requirement to provide a response to recommendations made by the children and young people's scrutiny committee. It is open to the executive to

accept, partially accept or reject a recommendation from scrutiny committee; should a recommendation not be accepted an explanation should be provided.

## Key considerations

2. The Children and Young People Scrutiny Committee established a task and finish group to review of SEND provision in Herefordshire and the placement of children and young people with SEND in appropriate educational settings.
3. The review was carried out between October 2018 and February 2019, during which the review group learnt about legislation and processes; statistics and trends; and independent support relating to SEND. The group engaged with a range of individuals including a parents' representative group, a former educational psychologist, a head teacher from a local special school, a head teacher from a mainstream school and Special Educational Needs Coordinators (SENCOs) from schools in Herefordshire.
4. The children and young people's scrutiny committee met on the 11<sup>th</sup> March 2019 and approved the report and recommendations from the task and finish group for submission to the executive.
5. The task and finish group was supportive of the approach to meeting the needs of children and young people with SEND; they made a number of recommendations; these are contained within appendix 1 along with proposed responses. Twelve of the thirteen recommendations were accepted. The first recommendation asking for the Accessibility Strategy to be included in the SEND Strategic Action Plan was not accepted because the work is nearing completion and is therefore not a priority for the new plan.

## Community impact

6. In accordance with the adopted code of governance, Herefordshire Council achieves its intended outcomes by providing a mixture of legal, regulatory and practical interventions. Determining, the right mix of these is an important strategic choice to make sure outcomes are achieved. The council needs robust decision-making mechanisms to ensure our outcomes can be achieved in a way that provides the best use of resources whilst still enabling efficient and effective operations and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development and review.
7. The SEND provision for children and families in Herefordshire is an important and integral part in the provision of education, health and care services for vulnerable children and their families throughout Herefordshire. This enables the council to work with children, young people and their families where this is possible to keep children and young people safe and give them a great start in life; and secure better services, quality of life and value for money.

## Equality duty

8. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. This is a factual report highlighting recommendations that indicate how the work is to be taken forward and therefore we do not believe that it will have an adverse impact on anyone that shares a protected characteristic or on our ability to deliver our equality duty.

## Resource implications

9. The recommendations largely reflect work that was planned in the area of SEND, some of it already underway. There are no additional cost implications to these recommendations as actions will be met from existing budgets. The following recommendations/actions have additional time implications for the people shown:-

Recommendation 6 – A formal, written dispute resolution process is written (Children's Joint Commissioning Manager)

Recommendation 7 and 13 – To produce a map of SEND need across Herefordshire and to consider the resulting information it provides ( Manager of the Education Performance Team)

Recommendation 11 - A 'dip sample' of annual reviews is conducted to determine the proportion of reviews where appropriate information is provided and by which agencies (Business Support Team)

## Legal implications

10. In accordance with the Scrutiny Rules and specifically paragraph 4.5.44 of Herefordshire Council's constitution, a report containing the recommendations of a scrutiny committee following a review or investigation should be submitted to the chief executive to arrange for consideration by the executive. Under paragraph 4.5.50 (and section 9FE of Schedule 2 of the Localism Act 2000) the scrutiny committee should be notified of the response of the executive and the authority within two months of the receipt of a scrutiny report.
11. The recommendations arising from this task and finish group were sent to the chief executive on 2 April 2019. Due to the local elections which took place on 2 May 2019 and the change of administration at the Council it has not been possible to arrange the production of a response to the scrutiny committee until August 2019.
12. With regard to recommendation 6 that the executive and Herefordshire CCG expedite the completion and introduction of a dispute resolution process as required by section 26 of the Children and Families Act 2014, the section requires the council and its partner commissioning bodies to make joint commissioning arrangements about the education,

health and care provision to be secured for children and young people for whom the council is responsible and for those children and young people who have a disability.

## **Risk management**

13. There are no risks associated with agreeing the content of this report as the recommendations provide information and indicate how the work is being taken forward.

## **Consultees**

14. None

## **Appendices**

Appendix 1 – Summary of recommendations and executive response to the Review of Special Educational Needs and Disability Provision

Appendix 2 - Review of Special Educational Needs and Disability provision task and finish group report

## **Background papers**

None identified