



Task & Finish Group Report

**Review of Special Education Needs
and Disability Provision**

February 2019



Review of Special Education Needs and Disability Provision

Chairperson's Foreword

The Children and Young People Scrutiny Committee agreed the formation of a task and finish group to undertake a review of Special Educational Needs and Disability provision.

The group met on four occasions and with the expert input of officers was able to interview witnesses with a view on the provision of SEND. These included members of a parent representative group, a former educational psychologist, and Head teachers and Sencos from local schools . We stressed that we were there to listen to their views, to assess the strengths and weaknesses of the system, and produce recommendations that we felt would enhance and positively contribute to the work already being done.

We are particularly indebted to the role played by the witnesses in giving up their time and speaking freely and constructively when interviewed.

We would like to place on record our thanks to all who contributed. The manner in which officers presented a complex and technical subject with clarity and conciseness was a great assistance in facilitating the understanding of the task and finish group.

I would like to offer my own personal thanks to all who contributed to and supported the work of the group for their professionalism, dedication and hard work. In particular I would like to thank Matt Evans who has worked tirelessly in organising meetings, contacting witnesses, writing up minutes and finally in producing this very thorough report

I must also thank my fellow group members Cllr Polly Andrews, Mr Andy James, Cllr Jon Johnson and Cllr David Summers for their helpful input, incisive questions and suggested recommendations.

Councillor Felicity Norman, February 2019
Chairperson of the SEND Provision Task and Finish Group

1 Executive Summary

1.1 The establishment of a task and finish group to focus on Special Education Needs and Disability (SEND) provision in Herefordshire was agreed by the children and young people scrutiny committee on 16 July 2018.

1.2 The task and finish group was established to assess SEND provision in Herefordshire and the allocation of pupils with SEND to appropriate educational settings. The scope of the task and finish group, as agreed by the committee at the meeting above, is attached as appendix 1.

1.3 The group undertook four meetings between October 2018 – February 2019. At the initial two meetings the group learned about: legislation and processes; statistics and trends; and independent support relating to SEND. The latter two meetings of the group were witness sessions where the group engaged a range of individuals including members of a parents representative group, a former educational psychologist, a head teacher from a local special school, a head teacher from a local mainstream school and Special Education Needs Coordinators (SENCOs) from schools in Herefordshire.

1.4 The group examined evidence of the allocation of children to special schools. Whilst it was noted that there were incidence of inappropriate allocation and examples of children who were in the wrong educational setting the group did not consider that the issue was widespread across Herefordshire. Due to the small size of special schools in Herefordshire and the relatively low number of special school places the group were assured that where a child is wrongly placed in a special school this is challenged by the leadership of the school. The group felt that there may be a perception among some parents and groups that children were allocated to inappropriate settings. Such perceptions could be the result of no designated Autistic Spectrum Disorder (ASD) school in Herefordshire or a lack of awareness surrounding SEND provision and a lack of involvement in decision-making in determination of the needs of children (co-production). It is important that such perceptions were challenged by ensuring understanding and awareness of issues relating to SEND provision and meaningful involvement in co-production. The provision for SEND in mainstream schools also required a quality and consistency to ensure confidence on the part of parents that need could be met in the mainstream setting.

1.5 The group considered methods that were required to ensure parents/carers and professionals had a good understanding of: the legislation; local authority processes and responsibilities; thresholds; and the importance of co-production. Support services for children and young people and their parents were recognised as a valuable element of the SEND landscape which needed to be nurtured and protected. The group's considerations and recommendations focused on the following:

- Increasing awareness of legislation, processes and responsibilities in respect of SEND.
- Support for the principle of inclusion and increasing confidence on the part of parents/carers that needs can be met in mainstream settings.
- Increasing parental involvement and co-production in processes and decision-making around SEND assessments and provision.
- Support for independent advice and support services.
- The development of engaging forms of communication for parents/carers on topics relating to SEND provision.
- Consistency in identification of SEND.
- SEND and areas of relative deprivation.
- Engagement between the council and local interest groups.

- Training for practitioners and school staff.
- Process and practice in relation to Education and Health Care (EHC) Plans.
- Interaction between different agencies with responsibilities for children and young people wellbeing.

1.6 There is agreement in the group that the summary of our findings are a true reflection of the discussions undertaken which can be condensed into 13 topics. The recommendations focus on:

1. Accessibility plans
2. Information to parents following initial assessment of SEND
3. Advice, support and communication
4. Quality of assessments, consistency of identification and SEND type
5. Guidance on meeting SEND through an appropriate and proportionate range of interventions
6. Dispute resolution in joint commissioning arrangements
7. Areas of deprivation and SEND identification
8. SEND information, advice and support service (SENDIASS)
9. Engagement with the Parent Carer Voice (PCV)
10. EHC Plan advice
11. Multi-agency attendance at annual reviews of EHC Plans
12. SEND continuous professional development
13. Multi-agency mapping and child-centred team

2. Composition of the Task and Finish Group

2.1 Members of the task and finish group were:

Councillor Felicity Norman (chairperson)
 Councillor Polly Andrews
 Mr Andy James
 Councillor Jon Johnson
 Councillor David Summers

2.2 Lead directorate officers – Lisa Fraser and Les Knight

3 Context

Why did we set up the group?

3.1 The Children and Families Act 2014 introduced wide-ranging changes to the organisation and arrangement of special education needs and disability (SEND) provision. Since the introduction of this legislation there have been claims that the number of children with SEND, allocated to inappropriate forms of educational provision, has increased. It has been contended that children with moderate needs are too readily admitted to schools offering specialist SEND provision when their education and development would be better served in mainstream educational establishments with SEND support. The claims maintain that the consequence of this trend has been a detrimental impact on the principle of inclusion and the broader educational and development needs of all pupils in the county.

3.2 This review examined claims that children were too readily admitted to inappropriate forms of SEND provisions in greater detail and assessed the introduction of the new legislative requirements and the impact on SEND provision in Herefordshire.

What were we looking at?

3.3 The focus of the review was to enable the task and finish group to:

- develop a detailed understanding of SEN provision across Herefordshire;
- gain an awareness of the legislative context for SEN provision, including guidance and codes of practice (and local interpretation). Including local policies and practices;
- examine the introduction of new legislative requirements included in the Children and Families Act 2014;
- develop an understanding of the processes around Education, Health and Care Plans (EHC Plans) and assessments of need in educational provision;
- examine trends and statistics relating to children with EHC Plans and consider national and regional comparative data;
- examine how the Council co-ordinates EHC Plan assessment /SEN provision with Academies and Free Schools
- develop an understanding of and assess Herefordshire's Local Offer;
- examine evidence to establish whether Herefordshire children with SEN are being allocated to an appropriate educational setting; and
- test the contention that children with moderate needs are allocated to specialist SEN schools which are not appropriate to their level of need.

3.4 Through the review the task and finish sought to establish:

- Assurance that children with SEN are allocated to appropriate educational settings;
- Assurance that the development and educational needs of all children in Herefordshire is met by local SEN policy and practice; and
- Assurance that the Local Offer provides good access to information for parents to raise awareness of EHC Plans and SEN Provision.

Who did we speak to?

3.5 Between October 2018 – February 2019, the group convened four meetings and engaged the following officers and witnesses:

- Les Knight, Head of Additional Needs
- Lisa Fraser, Assistant Director Education, Development and Skills
- Richard Watson, Children's Joint Commissioning Manager
- Chris Boxall, Team Manager, SENDIASS
- Catherine Williams, Senior SEN Officer
- Head teachers – special school and mainstream school
- SENCOs from local schools
- Representatives from the Parent Carer Voice
- Former principal educational psychologist

What did we read?

3.6 The group looked at the information below to undertake this review:

- Presentation 1 – SEND – Legislative and Policy Context – 19 October 2018

- Presentation 2 – SEND – Trends and Statistics – 19 October 2018
- Herefordshire IASS report – 2018
- Presentation 3 – SENDIASS – 14 December 2018
- SENDIASS report 2014 – 17
- Evidence from the Parent Carer Voice – 18 January 2019
- The consequences on inclusion of recent legislation on the education of children with special education needs – article from Dr Lorna Selfe December 2018
- Special Education Needs Provision – evidence from Dr Lorna Selfe
- Witness submission from former employee of Independent Support

What did we ask?

3.7 In order to undertake the review the task and finish group agreed the lines of questioning below:

- Has the number of children in specialist SEN schools increased since 2014? Is this in proportion to population growth in the county? Is it consistent with regional/national trends;
- Has the number of children with SEN in mainstream schools increased? Is this in proportion to population growth in the county? Is it consistent with regional/national trends;
- Has the proportion of children with EHC Plans increased, what has been the trend since 2014;
- What have been the consequences of the transition to EHC Plans under the Children and Families Act 2014;
- How is the appropriate SEN provision for a child assessed? Does an assessment carried out in an EHC Plan determine the educational establishment to which a child with SEN is allocated; and
- Does the information contained in the Local Offer raise awareness of appropriate provision for children with SEN to their parents; and
- Are parents aware of the Local Offer and does it enable them to understand EHC Plans; the allocation to SEN provision and consequences of such allocation.

What did we find from our research?

LEGISLATIVE AND POLICY CONTEXT

3.8 The group learned of the SEND Code of Practice 2015 and the statutory guidance on duties, policies and procedures relating to Part 3 of the Children and Families Act 2014 and associated regulations. The provisions of the guidance applied to a wide range of bodies including LAs (education, social care, housing), CCGs, health trusts, youth offending, governing bodies/proprietors of all educational settings and covered an age range of 0-25 years.

3.9 The definition of Special Educational Needs (SEN) contained in the act was: a child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for him or her. A child of compulsory school age or a young person has a learning difficulty or disability if he or she:

- has a significantly greater difficulty in learning than the majority of others of the same age, or

- has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age.

3.10 The definition of SEN and learning disabilities was read in conjunction with the definition of Disability (a protected characteristic) in the Equality Act 2010. Disability was a physical or mental impairment which has a long-term and substantial adverse effect on their ability to carry out normal day-to-day activities.

3.11 The group learned of inclusive practice and Articles 7 and 24 of the United Nations Convention of the Rights of Persons with Disabilities which binds the UK government to provide inclusive education of disabled children and young people (CYP) and work to ensure the progressive removal of barriers to learning and participation in mainstream education. The Children and Families Act 2014 secures the general presumption in law of mainstream education in relation to decisions about where children and young people with SEN should be educated. Where a young person has SEN but does not have an EHC plan they must be educated in a mainstream setting except in specific circumstances.

3.12 Arrangements for the admission for pupils with SEND were researched by the group. The School Admissions Code of Practice required children and young people with SEN to be treated fairly. As such, admissions authorities: must consider applications from parents of children who have SEN but do not have an EHC plan; must not refuse to admit a child who has SEN but does not have an EHC plan if they do not feel able to meet need; and must not refuse to admit a child on the grounds that they do not have an EHC plan. Further it was understood that the Equality Act 2010 prohibits schools from discriminating against disabled children and young people in respect of admissions for a reason related to their disability.

3.13 The group learned of the Core Principles of Participation, as contained in Section 19 of the Children and Families Act 2014. The section required that the views, wishes and feelings of the child or young person, and the child's parents would be taken into account during decision making. In addition the section emphasises the importance of the young people and parents participation in decisions as fully as possible and being provided with the information and support necessary to enable participation in those decisions. These are key principles throughout the statutory guidance which also include a requirement for local authorities to arrange for the provision of information and advice relating to their SEND. The core principles also require local authority support for early identification of children and young people's needs and early intervention to support them; greater choice and control for young people and parents over support; collaboration between education, health and social care services to provide support; and high quality provision to meet the needs of children and young people with SEN

3.14 The group developed an understanding of SEN Provision. For children aged two or more, special educational provision is educational or training provision that is additional to or different from that made generally for other children or young people of the same age (Section 21 of the Children and Family Act 2014). For a child under two years of age, special educational provision means educational provision of any kind. The section requires that local authorities must ensure that all providers delivering funded early education places meet the needs of children with SEND.

3.15 With respect to identification and assessment, education settings must use their best endeavours to ensure that such provision is made for those who need it. The principle exists that special educational provision is underpinned by high quality teaching and is compromised by anything less. Education settings: must ensure that children with SEN engage in the activities of school alongside children who do not have SEN; must designate a qualified teacher to co-ordinate SEN provision; must inform parents when making special educational provision; and must keep records including how the setting supports pupils with SEND. In

addition all educational settings should identify and assess SEN through an ongoing cycles of 'assess-plan-do-review' using the existing delegated funding to meet need.

3.16 The group learned of the requirements on the local authority to identify need. Through the Children and Families Act 2014 local authorities must carry out their functions with a view to identifying all the CYP in their area who have or may have SEND. Anyone has the right to bring a CYP who they believe has or probably has SEN or a disability to the attention of a local authority and parents, early years providers, schools and colleges have an important role in doing so. Also CCGs, NHS Trusts and other relevant bodies must inform the appropriate local authority if they identify a child under compulsory school age as having, or probably having, SEND.

3.17 The group gained an understanding of the statutory assessment beginning with the decision to assess. Parents, young people, schools and colleges have specific rights to request an assessment for an EHC plan. The legal test of when a child or young person requires an EHC plan is the same as for a statement under the Education Act 1996. A local authority must conduct an assessment of EHC needs when it considers that it may be necessary for special educational provision to be made. Recent tribunal judgement 'rough and ready rule' threshold is the same point as where additional funding is needed. The local authority must notify the young person, the parent, CCG or NHS England, social care; school/setting to say it is considering an assessment. The assessment operates within the statutory timescales and determines if an EHC Plan is required.

3.18 If the statutory assessment determines that an EHC Plan is required then the local authority must notify all parties of the decision. It must ensure that the child's parent or the young person is fully included from the start and know their rights to give views and appeal decisions. Local authorities must provide all children and parents, with **impartial** information, advice and support in relation to SEN to enable them to take part effectively in the process.

3.19 Section 37 of the Children and Families Act 2014 concerns Education, Health and Care Plans (EHC Plans). The group learned that the local authority must consider how best to achieve the outcomes sought based on assessment. EHC Plans must have following sections: Views/aspirations of CYP; child's SEN; health needs; social care needs; outcomes sought; SEN provision; health provision; social care provision; placement; and personal budget. The draft Plan does not name the setting but there was a need to consult with a setting identified as appropriate before it was included on a Plan. The parent or child has the right to request that the setting is named in the EHC Plan, and local authorities have a duty to name that setting in the final EHC plan unless, following consultation with the institution, the local authority determines that it is unsuitable for the young person's age, ability, aptitude or SEN, or that it would be incompatible with the efficient use of resources or the efficient education of others. The local authority must review that plan as a minimum every twelve months. Schools must co-operate with the local authority which can require schools to convene the annual review on its behalf.

3.20 The group reviewed the SEND Local Offer which is available through the following weblink: www.herefordshire.gov.uk/info/200228/local_offer. The group developed an understanding that local authorities were required to publish a local offer which must contain information about provision they expect to be available across education, health and social care for children and young people with SEND. It must include provision outside the local area that the LA expects to be used by children and young people with SEND. In total the local offer covers 108 specific requirements as specified in the SEND regulations from 2014. The group learned that the local offer must also include eligibility for services, provide detail of where information, advice and support could be found and detail how to make complaints about provision or appeal against decisions. In developing the local offer the local authority must be collaborative and involve parents and children and young people in its production. Local

authorities and partner agencies must cooperate with each other in the development and review of the Local Offer and the local authority must publish comments received on the Local Offer annually. Schools must also publish a SEN 'information report' describing their offer of provision on their website.

STATISTICS AND TRENDS

3.19 The group learned of statistics surrounding SEND provision in Herefordshire:

Proportion of school population on SEN support – Herefordshire was 3% above national in 2014, 4% above in 2018. The county was the highest in statistical neighbour group every year from 2014-2018. This suggests that Herefordshire schools maybe over-identifying SEND relative to other local areas. The percentage for Herefordshire has recently reduced to 14.6% which brings it closer to the median for statistical neighbours.

Total number of statutory plans – The total number of statutory plans (Statements and EHC Plans) includes those in post-16 and has risen from 623 in 2014 to 903 in August 2018. Although there has been an increase in numbers nationally, Herefordshire's rate of growth is faster.

Proportion of school population on statutory plans – Herefordshire was below national average until 2016, rising above the national average by 0.2% in 2018. Middle of statistical neighbour group until 2017, above by 0.3% in 2018. Each plan carries a financial tariff and continuing increase in demand places a pressure on the High Needs Block of the Dedicated Schools Grant.

Referral for new EHC Plans – The number of referrals rose to a peak in 2016 and has reduced slightly since. It is important to note that this has a cumulative effect on the total number of plans and demand on high needs funding.

SEN Need Type – all SEN mainstream – Herefordshire's incidence differs from the national average most significantly relating to: autistic spectrum – lower; moderate learning disability – lower; specific learning disability – higher; other – higher; and severe learning disability – lower. It is likely that autism and moderate learning difficulty are under-identified whereas specific learning difficulty is over-identified with 'other' being over-used.

Herefordshire - All Special Schools: LD and SEMH – There has been more than 50% growth in numbers at special schools in Herefordshire over the past 10 years. Although there has been growth in special school numbers nationally, the rate of growth in Herefordshire has been more rapid. From a position of relatively low numbers in special schools, Herefordshire is now in line with national but lower than statistical neighbour averages. One hypothesis is that mainstream schools are struggling to meet relatively complex needs in an environment of curriculum, performance and financial challenges.

Herefordshire LD Special School Places 2008-2018 – The number of places had risen from 159 to 264 over the period. Factors in the growth of LD special schools have been the opening of the Barrs Court Hub which provided 35 additional places which were quickly filled in 2012-13. The better survival rate of children with significant medical needs are also a further factor. LD special schools are at capacity in most age groups.

Herefordshire SEMH Places – The number on roll had been reasonably consistent until 2014. Since then, numbers have risen rapidly. Herefordshire has double national/statistical neighbour rate for SEN Need type in special schools. The SEMH special school is at capacity in most age groups and the KS3 PRU has taken pupils with EHC Plans who would previously have attended the SEMH special.

SEN Type of need – EHC Plan in special schools – In Herefordshire compared to national average and median for Sub National areas: Speech language communication – lower; Autistic Spectrum – lower; SEMH – higher; Moderate LD – lower; Specific LD lower; and Severe LD – higher. There is a higher incidence in SEMH and LD for which Herefordshire has designated schools and lower for autism which it does not.

% of special school places 2018 – The percentage of places in special schools as a proportion of all school places in Herefordshire is in line with the England average but higher than statistical neighbours. There are considerable differences in the distribution of type of need compared to national and statistical neighbours with Herefordshire having a higher proportion of LD and SEMH and a lower proportion of ASD. The designation of the special schools is likely to influence this (i.e. no ASD school).

SEND Information, Advice and Support Service (SENDIASS)

3.20 The Group learned that section 19 of the Children and Families Act 2014 concerned the participation of parents/carers and Children and Young People Participation. Local authorities must have regard to the views, wishes and feelings of the child and his or her parent, or the young person. The section outlines: the importance of the child and parent or the young person, participating as fully as possible in decisions; the importance of the child and parent, or young person being provided with the information and support to enable participation in decisions; and the need to support the child and parent or the young person, to achieve the best possible educational and other outcomes.

3.21 The SEND Information, Advice and Support Service (SENDIASS) was established following the introduction of the SEND Code of Practice July 2014. The Code of Practice stated that the service must: be built upon existing Parent Partnership Service; be a dedicated and easily identifiable service; and be impartial, confidential, arms length and accessible. The service offers: impartial information, advice and support on all matters concerning SEND including Health and Social Care; provides advice to people between the ages of 0-25; and enables young people to receive information, advice and support separately from parents. The service does not seek to act as an advocate but as an empowerment service which represents the views of parents/carers, children and young people to feedback to the local authority.

3.22 The service provides support for children and young people with SEN and a disability and their parents/carers. Support is provided through the following mediums: telephone helpline; face to face meetings; information factsheets; website; email; and signposting. With respect to special education needs support in the following areas is provided by the service:

- Local policy and practice
- The local offer
- Personalisation and personal budgets
- Education law on SEN and related law on disability, health and social care through suitably independently trained staff
- Helping children, young people and parents / carers to gather, understand and interpret information and apply it to their own situation
- Provision of advice through individual casework.
- Role of the SENCO (Special Educational Needs Co-ordinator) / Area SENCO
- Education, Health and Care Needs Assessment
- Annual Review
- SEND Funding
- Mediation / Tribunal
- Jargon busting

What did we find from talking to Officers and Witnesses?

Officers

3.25 The group discussed the relationship between schools and the local authority and how the council coordinated with educational settings. It learned that the accessibility strategy outlined access arrangements for schools and contained information for the additional needs team, capital planning, parents and schools regarding how access can be improved for disabled pupils to curriculum, physical environment and to information. It was confirmed that the strategic plan required updating and the group was keen this was undertaken as a priority in the Children with Disabilities Strategic Action Plan 2019-2020.

3.26 The group acknowledged the complexity of SEN legislation and policy and the important role of SENDIASS in providing advice and support. It was recognised that such complexities presented challenges to parents to understand the system and how their children would be supported. Parents also needed to be engaged in decision making around their child and the group felt that the family conversation was an important early step to encourage and harness participation. If a school had concerns about a child and thought that they required an EHC Plan, the first stage was a family conversation which the school would undertake. The family conversation was undertaken routinely however it was felt that families sometimes did not understand its significance or the importance co-producing the plan until later. It was noted that SENDIASS was intending to work with schools with respect to arrangements for the family conversation. The group supported this work and felt that the family conversation was a good, early opportunity to provide information to parents e.g. a simple form setting out the legislation, the process followed and their rights.

3.26 The group received detail of joint commissioning arrangements with the CCG and the need for a dispute resolution process in such arrangements.

3.27 The group considered the level of EHC Plans in Herefordshire and the proportion of pupils receiving SEN support. There were concerns that some schools were over-identifying but a group of primary schools that had been considered to have been over-identifying had achieved positive outcomes for the children. The group considered that consistency of identification of SEND across all schools was important to ensure that parents expectations of the process and possible outcomes, as understood through advice provided, were met. It was noted that previously the additional needs service had contained sufficient resource to challenge over-identification in detail but resource reductions had affected capacity and the ability of the service to carry out this work.

3.28 The group discussed a perception that the number of pupils registered as SEN was generally higher in areas of relative deprivation and there was concern about awareness and support in such areas to ensure that parents were apprised of policies and processes.

3.29 The group considered the type of SEN need specified in EHC Plans for pupils at special schools and understood that there was a tendency in all local areas for EHC Plans to be written to meet the provision and the facilities that existed locally. Statistics concerning the SEN Need Type in mainstream schools presented to the group contained a high level of 'other' need type. This was a concern for the group as it could suggest that there was over or misidentification taking place. The absence of an ASD school in the county and the impact this had on SEND need type statistics was understood, with a lower level of ASD reported in Herefordshire. The group recognised that ASD needs were met in other settings such as the SEMH and in mainstream schools but due to the absence of a designated educational setting for ASD the perception could be that children with autism were not correctly placed.

3.30 The group highlighted the potential for a video to provide information on the legislative elements of SEND and the processes to assess and determine appropriate provision. The group understood that the Council had considered purchasing an animation but this had been considered to be too expensive. It was commented that the use of an animation may not be the most effective method of conveying information to parents but a video with an individual speaking directly to parents should be considered.

3.31 The group learned that the specification of the educational setting in the EHC Plan was a potentially contentious area. Schools sometimes explain that they were not able to provide the necessary support. It was understood that schools should be inclusive of all pupils however this was difficult to monitor and challenge. There was a challenge to the additional needs team with local rumour suggesting schools considered to provide good SEND support and schools were feeling penalised that they were receiving a high level of SEND pupils. School budgets were adjusted to take account of the proportion of SEND pupils but often there was concern that the extra money would not cover the costs. It was understood that outcomes were of primary importance and, with the exception of Key Stage 1, SEND pupils were achieving positive outcomes.

3.32 The group felt that the local offer consisted of a list of detailed and extensive information. It was felt that the presentation of the information contained in the local offer could be improved and it was suggested that webinars should be considered.

WITNESSES

Parent Carer Voice – the detail below is an edited summary of the evidence presented by the parent carer voice. The full submission of evidence presented by the parent carer voice is available on request from the children and young people scrutiny committee.

3.33 Witnesses from the Parent Carer Voice (PCV) spoke to the group about its formation and its role to support parents to be effective advocates on behalf of their child. The PCV explained that research conducted by the group had determined that to thrive and survive in the education system and in life, every child, not just children with SEND, will need their parents and carers to go to unreasonable lengths on their behalf.

3.34 The PCV explained that genuine co-production was not a new concept but was very difficult to achieve in practice. In order for the local authority to engage effectively with the voluntary sector it had to abandon the rigid, bureaucratic systems and structures that they traditionally hide behind and work in different ways, which was very challenging. Participation was the key to co-production; it was not a “done to” approach. Parents of children with SEND told PCV that they feel “done to” and that SENDIASS does not always give them the support they need when they have to challenge the system. With the closure of the Independent Service (IS) to support parents in July 2018, PCV explained that SENDIASS now has to work very hard to build credibility; the number of parents requesting support has dropped; PCV members have some concerns over Independent Parental Special Education Advice (IPSEA) training or legal knowledge in the service. PCV explained that SENDIASS numbers could hypothetically double in 2019 and questioned if they have the capacity to cope?

3.35 With respect to EHC Plans the PCV explained that parents had told the group that even when things are clearly set out in their children's EHCP plan as necessary/essential by well-respected and qualified specialists and professionals, they were told by other professionals that there is no funding. Further parents explained that they had been told that if they insist and persist in their legitimate advocacy on behalf of their own child, then another child will suffer because they won't get the service that they need.

3.36 The PCV averred that the most challenged, marginalised, and the poorest, are the least well versed in challenging the system, and the children from such families were the most vulnerable. PCV works with some of these families but it was explained that more needed to be done to expand services and increase contact. Hereford has some very severe pockets of deprivation IMD's that equate with those in inner cities, and access to services is hugely challenging for some families with children with SEND. This is where PCV had to work with advocacy services like the Independent Service (IS) which has just had to close down as the funding stream ended, and SENDIASS. In the survey conducted by PCV of members it was found that there was very heavy usage of IS. It was seen as a truly independent service offering information and advice from a national perspective with a member of staff who would get out and about meeting the parents where they were most comfortable accompanying them through many difficult and challenging processes. The service was particularly effective with parents who were disadvantaged, confidence sapped, stigmatised, and poor. It was felt that more of this kind of advisory, advocacy and support work was required as public sector continued to be cut. It was explained that the local authority needed to build capacity and train all relevant staff including SENCO's in schools social work disability team and parent volunteers and Homestart volunteers in Independent Parental Special Education Advice (IPSEA).

3.37 The PCV explained that schools appeared to have their own very individualistic thresholds in terms of accepting children with SEND which was a national, as well as a local problem.

3.38 The need for earlier diagnosis was raised by the PCV and substantive concerns about Education and Health care plans (EHC) for children under five. It was explained that the most effective local authorities accept that the legislation states that Early Intervention is crucial, when a child has SEND, government has specifically designed schemes like the two year old offer, the 3/4 year old part time offer, and the 30 hour full time offer for children of working parents, with sufficient flexibility to ensure that the most vulnerable children can access the best provision and early support. In Herefordshire the PCV stated that EHC Plans are seen as a prerequisite almost exclusively for school-aged children so that they can be properly catered for, in the right environment, with adequate resources and support for their educational needs. This means that in Herefordshire the private and voluntary sector (PVI's), where these same children are educated and cared for from two years to nearly five years, are getting a very poor deal from the local authority and government it was claimed by the PCV. It was felt that one of the great injustices in Herefordshire is that many PVI's are working with some of the most challenged children in relatively poor conditions, with very under qualified and poorly paid staff and offering a year round service throughout school holidays. The PCV contented that SENCO's in these establishments do not receive any additional remuneration for the task, they do not get any non - contact time to undertake and write up assessments etc. and receive minimal (one days training); unlike SENCO's in schools who get non-contact time, appropriate remuneration and 'M'Level qualifications funded by the school/government. It was explained that many PVI settings are trying to do a good job, and have dedicated staff teams that are well supported by the council's early years team whose budgets have been severely cut whilst the number of children with SEND has radically increased locally and nationally. It was felt that PVI operational budgets were tiny in comparison to schools and yet they are working with the same children, only younger, and that much more vulnerable and therefore requiring higher staffing ratios.

3.39 The PCV explained that the delays in accessing speech and language therapy were still a cause of significant concern with PVI settings reporting, in September 2018, 12 month waiting times. Concerns were also explained relating to the Herefordshire CAMHS with no access for children under the age of 5.

3.40 The PCV felt that large numbers of children with SEND were now being home schooled because they are not offered appropriate provision or parents are told that the school isn't suitable to meet their need.

3.41 The PCV contended that the big increase in SEND numbers meant that the local authority currently has a very significant lack of therapists; physiotherapy, OT, disability nurses, school nurses, SALT. Families are being told that waiting lists will be very long and if they experience delay or difficulties they should go privately. Clearly most parent could not afford to do this. For Example; a Family of a child with significant special needs had a 2 year wait for OT assessment. The parents paid privately to ensure child's OT needs were specified in his EHCP. The local service assessed him at 0.5 centile for his fine motor skills but then discharged him with no support being put in place .No appeal process - only advice was to request another referral which would start the cycle all over again!

3.42 The PCV explained that there is a difficulty in families using the LOCAL OFFER and WISH .Information in links is inaccurate and misleading some parents have never heard of it and schools are not routinely sharing this information

3.43 The PCV felt that many families with children with EHCP's are still not aware of short breaks and possible entitlements. Families do not understand the difference between healthcare plan and EHCPs and there seem to be no funding to support them -since April 2018 reduced budgets for schools from the HIGH NEEDS budget has had a huge impact on schools provision for children with EHCPs and schools attitudes to these children and their families .Professionals are not writing detailed enough EHCP reports and parents find it hard to insist that the EHCP is specific.

Former Educational Psychologist - the detail below is an edited summary of the evidence presented by the witness. The full submission of evidence presented is available on request from the children and young people scrutiny committee.

3.44 The group heard from the former educational psychologist who presented evidence of the impact on SEND provision of changes in legislation, in particular: academisation; the emphasis placed upon school league tables and the effect of the Equalities Act 2010; the Children and Families Act 2014; and the Elective Home Education guidelines for local authorities.

3.45 It was felt that legislative changes coupled with funding reductions during the period of austerity had resulted in:

- Schools in competition rather than cooperating
- Drastically reduced oversight from the LA in the development or maintenance of SEN provisions in mainstream schools
- Rising exclusions of pupils with SEN
- Many more parents of children with SEN electing to educate their child at home without any monitoring or guidance
- Local Authorities with drastic budget cuts and extended responsibilities
- No real incentives in mainstream schools to support children with SEN
- The disappearance of special units in mainstream schools
- The expansion of segregated special school provision
- More and more children with moderate learning difficulties being placed in severe learning difficulty provision
- Pressure on the LA to make use of existing provision for many more pupils resulting in 'catch all', 'sin bin', type provision sometimes euphemistically termed 'broad spectrum'

- The most vulnerable children in our community being educated alongside the most disadvantaged. This is bad for both.
- The loss of the principle of inclusion in education.

Previous employee of Independent Support (IS) - the detail below is an edited summary of the evidence presented by the witness. The full submission of evidence presented is available on request from the children and young people scrutiny committee.

3.46 The group received evidence from a former employee of IS who explained that in her experience schools and Early Years settings are generally good at identifying children with SEND. Early Years Settings are well supported by the Early Years Team, numerous cases were known where children with SEND had been identified pre-school which has enabled a smooth and appropriate transition to the primary setting with appropriate support in place. However there were pockets where this is not the case and some parents report having to really fight to get their child's needs recognised and addressed. Whilst the identification of some children with SEND is very good when it comes to children who present with more subtle forms of SEND it was explained that this can be more challenging. Children who present with conditions such as Autistic Spectrum Disorders (ASD), Attention Deficit Hyperactivity Disorder (ADHD) and Oppositional Defiance Disorder (ODD) tend to be identified much later in their school career.

3.47 The witness contended that even with an excellent EHCP in place, the Plan is only as good as those professionals that are delivering it. Whilst some schools are very diligent about the delivery of provisions contained within EHCP's others are less so. It was contended that it must become a priority for schools to ensure that for those children with EHCP's or SEN Support all members of staff that work with them must acquaint themselves with the needs and provision that has been identified within the EHCP's so that the required outcomes can be achieved and the child can make progress. As with everything there are pockets of excellent practice but equally there are many areas that could be improved. There were also concerns at times regarding the Annual Review Process and it was felt that if some benchmark standards for Annual Reviews and the involvement of children/young people were set across the board in schools.

3.48 In the witness submission it was also asserted that there is sometimes an issue with the quality of the application paperwork (known as the Family Conversation) that is submitted to the SEN team to request a Statutory Assessment. In order for the SEN team to make an informed decision as to whether to proceed with an EHCP assessment it is vital that they receive a good quality Family Conversation with supporting evidence such as details of diagnosis, standard assessments, Educational Psychology input etc.

School head teachers and SENCOs

3.49 The group heard from a head teacher of a local special school that incidence of children allocated to the wrong educational provision were known but this was not felt to be a significant problem. It was explained that where such an allocation occurred it was challenged strongly. In special schools there was a keen sense of the need for children to be within their peer group.

3.50 The group heard that the annual review of EHC Plans was usually only attended by the pupil, the family and the school. There was rarely attendance at the annual review from multi-agency partners who were listed on the Plan. It was acknowledged that written submissions were provided by multi-agency partners but there was a greater role for them to play at the annual review.

3.51 The witnesses provided detail to the group that the consultation on the graduated response should be highlighted and shared more widely particularly with smaller schools. There was a need to undertake greater publicity around the current consultation.

3.52 The group heard evidence from the witnesses that curriculums were now more academically-focused with a lack of vocational courses on offer. This was felt to be to the detriment of the principle of inclusion and limited the opportunities to all pupils including those with SEN.

4. Summary of our findings

4.1 Accessibility Plans

The Group learnt that under Articles 7 and 24 of the United Nations Convention of the Rights of Persons with Disabilities the Council had an obligation to ensure inclusive education of disabled Children and Young People and the progressive removal of barriers to learning and participation in mainstream education. To identify and overcome barriers the Council must complete an accessibility strategy. This will outline access arrangements including information for the additional needs team, capital planning, parents and schools regarding how access can be improved for disabled pupils to curriculum, physical environment and to information. There was a need to update the draft accessibility strategy but in order to achieve this officer resource/time needed to be identified. Work to ensure that accessibility plans are brought up to date will enable the improvement of the provision offered to all children with disabilities in Herefordshire schools.

4.2 Information to parents following initial assessment of SEND and tell us once approach

The Group felt that the rights of the parents and responsibilities of the schools and the local authority should be communicated to parents at an early stage following the initial assessment of SEN in the educational setting. The Group felt that this would help the Council to meet its obligations under Section 19 of the Children and Families Act 2014 relating to the participation of parents in decision-making around their child's level of need and provision identified. The communication should be user-friendly and should set out relevant legislation, the process that would be followed and their rights as parents. It was understood that work to produce such material was ongoing and a priority that the additional needs team would be working on in future. The Group noted that complaints from parents could concern the lack of co-production in decision-making over SEN and the development of EHC Plans. Initial correspondence sent to the parents and material used at the family conversation should emphasise the importance of co-production and encourage the involvement of parents in decision-making.

An increase in the level of awareness of parents/carers, at an early stage in the identification of SEND, will enable a greater understanding of what SEND provision existed in Herefordshire and what may be appropriate to meet the needs of children. This would help involve parents in co-production and the identification of appropriate educational settings.

The Group heard account from the PCV that there was frustration when parents were required to repeat their child's circumstances to multiple organisations or in different meetings. The Group was keen that the executive investigate the establishment of a 'tell us once' approach which allowed for detail of SEND to be held centrally and accessed by all practitioners in the SEND sector when working with parents and carers.

4.3 Advice, Support and Communication

The Group considered effective methods of presenting complex information concerning SEND legislation, the rights of parents and responsibilities of the local authority. There was concern that the presentation of information in written form only would not be read by parents and carers

The Group highlighted the potential for a video to provide information on the legislative elements of SEND and the processes to assess and determine appropriate provision. It was understood that previously the purchase of an animation, as a learning tool, had been considered but the cost had been considered prohibitive. The Group were keen that the option of a video was re-evaluated to ensure that parents and carers had access to information in an accessible and user-friendly medium. The Group also raised the possibility that a recorded webinar could be made available as a resource and that examples of best practice at other local authorities should be investigated.

The Group felt that effective communication to parents of legislation, their rights and the responsibilities of the Council would assist in ensuring that children were allocated to educational settings that were appropriate to their needs.

4.4 Quality of assessments, consistency of identification and SEND type

The Group learnt of concerns about level of SEND identification referrals from schools and the insufficient capacity to evaluate the quality of identification of SEND in educational settings. Statistics concerning the number of children identified existed and the Group had concerns that some schools were over-identifying. The Group considered that consistency of identification of SEND across all schools was important to ensure that parents' expectations of the process were fulfilled. It was understood that some schools used SEND identification as an additional needs register where all barriers to learning were identified (rather than just SEND) and pupils were provided with plans and support to progress but they did not necessarily fit the definition of SEND in the SEND Code of Practice (national statutory guidance). The Group understood that previously the Additional Needs Service had officers to monitor and challenge those schools which it was felt were over-identifying pupils as SEND or were inaccurately identifying types of need.

The Group acknowledged that the outcomes for children were of central importance. It was recognised that some schools who had a history of identifying a large proportion of students as SEND achieved good outcomes for those pupils. However, to promote consistency of identification among schools and ensure there was a parity in the expectations of parents of the SEND process it was requested that issues of over-identification should be raised in an appropriate forum and schools with a high rate of identification encouraged to review their processes. The Group felt it was important to avoid the perception in the local community that there was a greater likelihood at some local schools of an assessment of SEND for children.

The Group learnt that the school census requires schools to identify type of SEND for pupils enrolled in school. The section to complete regarding type of need contained an 'other' category. A high number of pupils were identified as 'other' in the census which was a concern for the Group who felt that identification of need was not being properly considered for a large group of pupils. The census is a national system which cannot be changed but guidance can be added locally.

The Group felt that to ensure the substantive recording of SEND in Herefordshire and to assist in the compilation of statistics, showing the distribution of types of SEND, schools who regularly used the 'other' category should be challenged.

4.5 Guidance on meeting SEND through an appropriate and proportionate range of interventions.

The Group understood that there are different approaches to addressing SEND in schools. The ethos of the school in terms of how flexible and inclusive it is results in different outcomes for children. The Group felt that materials should be compiled setting out the various approaches that can be employed at local schools and indicating where these methods were beneficial to supporting certain types of SEND. An example of literacy and reading difficulties that were considered as SEND at one school could be overcome at another school through the method of teaching employed. It was explained that the educational psychology service had already drafted a 'graduated response' document with the aim of addressing this issue. This document was currently at the stage of consultation with schools. Where research exists, the interventions described should be evidence-based.

During the witness session involving local head teachers and SENCOs it was reported that schools were not aware of the current consultation on the graduated response. The group felt that work should be undertaken to promote the current consultation.

The Group felt that the finalisation of the graduated response document should be expedited to assist parents/carers to understand the best approaches to address SEND and identify those educational settings best suited for their children.

4.6 Dispute resolution in joint commissioning arrangements

The Group recognised the duty on the Council under Section 26 of the Children and Families Act 2014 to promote the integration of educational provision, with health provision and social care provision. The Joint Commissioning arrangements in place with the Clinical Commissioning Group (CCG) were noted by the Group and the co-ordination between children's and adults services at the Council to ensure that there were no gaps in the transition to adulthood. Under the requirement of Section 26 there was an obligation on those partners to joint commissioning arrangements to establish a mechanism for the resolution of disputes. The Group was informed that the finalisation of such a procedure with the CCG had not yet been completed. It was important that the procedure took account of the resolution of disputes concerning individual cases and broader policy matters. To ensure that joint commissioning arrangements were robust and any disputes over the joint commissioning of SEND services resolved promptly the Group asked that partners involved in arrangements expedite the completion of a dispute resolution process.

4.7 Areas of deprivation and SEND identification and support

The Group understood that proportions of SEND pupils was higher in deprived areas. High needs spending and SEN support at schools in deprived areas was generally higher. In some circumstances it was felt that pupils who were difficult to teach, behaviourally or academically were perhaps too often assessed as having SEND which was more pronounced at schools in deprived areas.

At the witness session involving the PCV the Group heard of concern that residents from areas of relative deprivation were more likely to be unaware of the resources that existed in the local community and their eligibility for support through the council. The potential for the presence of unmet SEND in some sectors of the community was a significant concern for

the PCV. The Group felt that the executive should examine the prevalence of unmet SEND in areas of relative deprivation in Herefordshire and investigate the provision of a targeted approach to identifying SEND and raising awareness of services and eligibility for families in such areas.

The Group felt that this was an area which required research by the executive to understand the reasons for SEND trends in deprived areas. It was also felt that an assessment of the prevalence of unmet need should also be undertaken in such areas and consideration of a targeted approach in future.

4.8 SEND Information, Advice and Support Service (SENDIASS)

The Group learned about the work of SENDIASS in schools and it was explained that SENDIASS was intending to work with schools to raise children's and parents awareness of elements of SEND provision including annual reviews and EHC Plans. It was confirmed that some schools were welcoming of the service and it was hoped that all SENCOs would be aware of the service and make leaflets available to parents/carers. The Group learned that the majority of contacts received by SENDIASS concerned the family conversation. The family conversation was a large area of work for SENDIASS and in some cases representatives of the service attended the meeting with parents. The Group were informed that the focus of SENDIASS to gain greater access to schools would allow for the service to work with schools to provide advice regarding how family conversations should be conducted.

The Group recognised the valuable work of SENDIASS to empower parents/carers to understand processes, responsibilities and legislation around SEND. The importance of the family conversation was also recognised and the high number of contacts to the service concerning this forum. The family conversation was a very important first step for parents/carers to understand SEND provision, the implications for their child and the support that was available. It was felt that schools should work with SENDIASS to ensure the family conversation was of value to parents/cares and effective in advancing their understanding of SEND provision. The family conversation should provide parent/carers with detail about SEND provision whilst also encouraging long-term engagement and promotion of co-production in future SEND processes such as EHC Plans.

During the witness session that the Group conducted with representatives of the parent carer voice (PCV) the emotional journey for families and children going through SEND assessment processes was raised. It was acknowledged that the level of education was not a defining factor in struggles on the part of parents/carer to understand the processes and eligibility for help and support. At an early stage in SEND processes it was encouraged that the needs of the child were addressed along with the likely emotional journey that the family would undertake. Representatives of the PCV acknowledged that parents appreciated face-to-face contact and a forum, such as the family conversation, offered a valuable opportunity to inform the expectations of parents and carers as to the emotional journey involved with SEND. It was felt that this should be provided at the family conversation and that a consideration of the likely training required to provide this overview should be undertaken by the executive, which could be taken forward by SENDIASS.

The family conversation was seen as being of central importance in communicating with parents and carers and promoting their participation in decision-making. It was seen as essential that this early contact with parents was conducted in a manner which provided support and understanding and outlined to parents in a concise manner the process and their rights.

The Group was concerned that funding arrangements for the provision of SENDIASS were inconsistent and uncertain. Although it was understood that the service's core council funding was safe, its additional external grant funding could be uncertain and grant funding was reliant upon national policy from central government. The Group learned about funding through the IASS Programme and understood that this was a new source of funding to which the service had made grant applications. The Group understood that an element of SENDIASS application to this funding was for money to support the day-to-day running of the service. The Group were concerned that a reliance on time-limited grant funding did not allow for effective development or long-term planning for such an important service. By empowering parents/carers to understand SEND rights and responsibilities there was a greater likelihood that parents would be involved in decision-making. Greater participation in the allocation of SEND provision would help in efforts to ensure parents were aware of and involved in the choices made and that ultimately children were sent to appropriate educational settings.

The Group recognised the valuable work of SENDIASS and the restricted resources within which the service operated. It was felt that the work of the service should be highlighted to members and a recommendation was proposed to conduct a full-member seminar on the role of SENDIASS.

4.9 Engagement with the Parent Carer Voice

At the witness session of the meeting of the task and finish group on 18 January the Group was grateful for the evidence and feedback provided by the PCV. It was agreed that the session had provided a valuable insight for elected councillors into the perspective of parents and carers and their experience of the SEND sector. The group recommended that a regular meeting should take place between representatives of the PCV and councillors. This would enable an ongoing conversation and provide the PCV with a point of contact in the membership of the council as a listening element. This was supported by those representatives of the PCV in attendance. Members of the Group suggested that a liaison meeting with the PCV could be attended by the children and young people scrutiny committee chairperson, the cabinet member children and families and selected representatives of the task and finish group.

Consistent with the principle of co-production the group felt it was important that the executive worked with the PCV to develop a schedule of planned activities over the course of 12 – 18 months.

4.10 EHC Plan advice

The group heard from witnesses that there was an issue with medical and social care practitioners advising parents that a child needed an EHC Plan but without having sufficient evidence for such a suggestion. The group felt that through the provision of greater training such practitioners would develop a better sense of the circumstances in which EHC Plans may be appropriate. The group felt that it was important that the expectations of parents were consistent and that advice concerning eligibility was informed and valid. To inform parents that their child was eligible for an EHC Plan would create an expectation of need on the part of the parent which may not be correct. If, through statutory assessment at a later stage, it was determined that there was not a need for an EHC Plan such initial misapprehensions could contribute to the perception that needs were unmet or that children were attending an inappropriate educational setting.

The group felt it important that training to partner organisation relating the EHC Plans and the statutory assessment process be investigated to ensure that the expectations of parents were reasonable and advice provided was consistent. This would help to address erroneous perceptions of unmet need or incorrect educational provision where they existed.

4.11 Multi agency attendance at annual reviews of EHC Plans

At the witness session involving head teachers and SENCOs of local schools the group heard that annual reviews of EHC Plans usually involved the family of the pupil and the teaching assistant or SENCO. It was explained that multi-agency partners listed on the EHC Plan rarely attended the meeting but did send written reports. The group understood that it may be difficult for multi-agency partners to attend all annual reviews but heard evidence that local schools would welcome the involvement of partners.

It was felt that where partner agencies had played a significant role in the provision of an EHC Plan they should attend the annual review. Attendance at the annual review would help reassure parents that all agencies involved significantly in contributing to the pupil's EHC Plan were engaged and the detail contained in the EHC Plan (including the SEN provision and education placement) was up to date and accurate.

4.12 SEND Continuous Professional Development

The group heard evidence of inconsistency in the provision of SEND amongst schools in Herefordshire. There was concern that the evidence provided suggested a divergence between schools in rural and urban areas and also those within areas of relative deprivation.

The inconsistencies raised in relation to SEN provision included:

- The initial identification of SEND. Some schools were not felt to be identifying SEND effectively (see information on 'Quality of assessments, consistency of identification and SEND type' above) which was a significant concern to the group. It was felt that a lack of training or understanding in such schools could lead to children with a substantial SEND being incorrectly labelled as difficult or challenging whilst their needs remained unmet.
- Schools making excessive referrals for statutory assessments. Contrary to concern over the lack of SEND identification there was also worry regarding those schools which were making too many referrals with poor evidence of need and/or provision already being delivered, which again suggested a lack of training or understanding on the part of staff.
- The group also heard evidence of some schools that were unwelcoming of children with SEND or suggested alternative mainstream schools to parents to meet their child's needs. The group was particularly worried about the impact on the principle of inclusion that such actions represented.

The group acknowledged that the evidence presented was anecdotal in nature but its reiteration by a number of witnesses suggested there was substance to such concerns. It was felt that a comprehensive programme of continuous professional development (CPD) would represent a positive attempt to address issues relating to identification and inclusion. A CPD programme would raise the skills and abilities of all schools across Herefordshire to ensure greater consistency in identification, assessment and provision for children with SEND in mainstream settings. The group felt that the executive should identify funding to provide continuous professional development in SEND across all schools in the county.

4.13 Multi-agency mapping and child-centred team

The group felt that there was a need for a broader piece of work to be undertaken at the council to compile a map of need of children across Herefordshire. It was recognised that this would need to be a multi-agency initiative and should also include consideration of a child-centred virtual team.

4.14 Additional concerns noted by the group

During witness sessions the group heard concerns about those issues listed below. Although the issues are not within the remit of the group it was important that they were raised with the executive. The issues are as below:

- Speech and Language Therapy delays
- An overly academic emphasis in the current curriculum and a lack of vocational courses for secondary-age students
- Reductions in school budgets that reduce resource to tackle pupils' difficulties in mainstream settings at an early age
- Performance pressures on mainstream schools where children with SEND would not be seen as being successful
- A minimum age limit applied by CAMHs for assessment of children
- Concerns over delays to undertaking EHC plans until age 5 and the gap in provision for children with SEND from age 2 to age 5.

5 Summary of Recommendations

From our findings, the task and finish group would like to make the following **21 recommendations** to the executive and ask that they are given appropriate consideration:

5.1 Accessibility Plans

Recommendation

– that the executive includes the updating of the Accessibility Plans as a priority in the Children with Disabilities Strategic Action Plan 2019-2020.

5.2 Information to parents following initial assessment of SEND and tell us once approach

Recommendation:

– that the executive investigates further methods to emphasise and promote co-production to parents in initial correspondence and at the family conversation.

– that the executive investigates the establishment of a 'tell us once' approach and explore methods for greater access to information for practitioners in the SEND sector when working with parents and carers.

5.3 Advice, Support and Communication

Recommendations:

- that the executive investigates accessible and user-friendly forms of communication, including videos and webinars, to raise the awareness of parents and carers of SEND legislation, rights and responsibilities.
- that the executive examines examples of best practice at other local authorities to communicate SEND legislation, rights and responsibilities to parents and carers.

5.4 Quality of assessments, consistency of identification and SEND type

Recommendations

- that the executive ensures that over-identification is raised in appropriate forums such as the SENCO Conference and Head Teacher Groups.
- that the executive investigates methods to challenge schools which use the ‘other’ category in the schools census relating to type of SEND.

5.5 Guidance on meeting SEND through an appropriate and proportionate range of interventions.

Recommendations

- that the executive expedites the finalising of the graduated response document which identifies the most effective approaches to address different types of SEND.
- that the executive undertakes additional measures to publicise to local schools the current consultation relating to the graduated response.
- that, on completion, the executive should ensure that the graduated response document is added to the Local Offer/WISH and should ask local schools to add a link to the graduated response to their websites.

5.6 Dispute resolution in joint commissioning arrangements

Recommendation

- 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.

5.7 Areas of deprivation and SEND identification

Recommendation

– that the executive:

- examines trends relating of the identification of SEND in deprived areas (e.g. by child deprivation indicators, type of need etc);
- determines any contributory factors, including socio-economic, towards higher levels in such areas; and,
- investigates how early help and other preventative services can assist.

– that the executive supports and promotes the use of early intervention services in areas of relative deprivation to assist in the identification of SEND and the raising of awareness of services and eligibility.

5.8 SEND Information, Advice and Support Service (SENDIASS)

Recommendations:

– that the executive encourages all schools, services and elected members to promote the profile of SENDIASS.

– that the executive works with the service to further develop guidance relating to the family conversation to ensure that it is an effective and useful tool for parents/carers, which also provides an overview of the ‘emotional journey’ families were likely to undertake.

– that the executive investigates potential sources of sustainable funding for SENDIASS to ensure the service was able to make long-term development plans.

– that the executive arranges an all-member seminar to focus on the role of SENDIASS, to be provided as part of broader training.

5.9 Engagement with the Parent Carer Voice

Recommendation:

– that the executive engages with the Parent Carer Voice to co-produce a planned schedule of engagement between the group and selected councillors.

5.10 EHC Plan advice

Recommendation

– that the executive investigates the provision of training to practitioners in other services/agencies to understand and apply accurately the threshold for statutory assessment that may lead to an EHC Plan.

5.11 Multi agency attendance at annual reviews of EHC Plans

Recommendation

– that the executive considers methods to increase the attendance of and input from multi-agency partners in annual reviews of EHC Plans.

5.12 SEND Continuous Professional Development

– that the executive allocates funding to a comprehensive programme of Continuous Professional Development (CPD) relating to SEND for schools, early years and further education settings in Herefordshire.

5.13 Multi-agency mapping and child-centred team

– that the executive investigates a multi-agency approach to the creation of a map of need across Herefordshire and to work with partner organisations to consider child-centred virtual teams to tackle the identified needs.

Children and Young People Scrutiny Committee

SEND Provision Task and Finish Group – Scoping Document

Title of review	SEN Provision Task and Finish Group
Scope	
Reason for review	<p>The Children and Families Act 2014 introduced wide-ranging changes to the organisation and arrangement of special education needs (SEN) provision. Since the introduction of this legislation there have been claims that the number of children with SEN, allocated to inappropriate forms of educational provision, has increased. It is contended that children with moderate needs are too readily admitted to schools offering specialist SEN provision when their education and development would be better served in mainstream educational establishments with SEN support. The claims maintain that the consequence of this trend has been a detrimental impact on the principle of inclusion and the broader educational and development needs of all pupils in the county.</p> <p>This review will examine these claims in greater detail to assess if they are substantiated by evidence in Herefordshire.</p>
Links to the corporate plan	<p>The review contributes to the following objectives contained in the Herefordshire corporate plan and other key plans and strategies:</p> <ul style="list-style-type: none"> • 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.
Summary of the review and terms of reference	<p>Summary:</p> <ul style="list-style-type: none"> • To assess the introduction of the new legislative requirements and impact on SEN provision in Herefordshire. • To test claims that children are too readily admitted to inappropriate forms of SEN provision. <p>The review will look at: SEN provision in Herefordshire and the relationship between special and mainstream schools; local and national policy informing the placement of children in appropriate facilities; trends and statistics relating to SEN and comparisons with national and regional figures; the contention that inclusion is being undermined in favour of specialist facilities and that children are being placed in the wrong environment.</p> <p>Terms of Reference:</p> <p>The task and finish group will:</p>

	<ul style="list-style-type: none"> • develop a detailed understanding of SEN provision across Herefordshire; • gain an awareness of the legislative context for SEN provision, including guidance and codes of practice (and local interpretation). Including local policies and practices; • examine the introduction of new legislative requirements included in the Children and Families Act 2014; • develop an understanding of the processes around Education, Health and Care Plans (EHC Plans) and assessments of need in educational provision; • examine trends and statistics relating to children with EHC Plans and consider national and regional comparative data; • examine how the Council co-ordinates EHC Plan assessment /SEN provision with Academies and Free Schools • develop an understanding of and assess Herefordshire's Local Offer; • examine evidence to establish whether Herefordshire children with SEN are being allocated to an appropriate educational setting; and • test the contention that children with moderate needs are allocated to specialist SEN schools which are not appropriate to their level of need. <p>Membership (to be determined):</p> <p>Group leaders will be contacted to fill any remaining vacancies following initial recruitment of members on the committee.</p>
<p>What will NOT be included</p>	<ul style="list-style-type: none"> • The examination of any individual cases concerning EHC Plans or allocation to SEN Provision.
<p>Potential outcomes</p>	<ul style="list-style-type: none"> • Assurance that children with SEN are allocated to appropriate educational settings; • Assurance that the development and educational needs of all children in Herefordshire is met by local SEN policy and practice; and • Assurance that the Local Offer provides good access to information for parent to raise awareness of EHC Plans and SEN Provision.
<p>Key Questions</p>	<p>To consider:</p> <ul style="list-style-type: none"> • Has the number of children in specialist SEN schools increased since 2014? Is this in proportion to population growth in the county? Is it consistent with regional/national trends; • Has the number of children with SEN in mainstream schools increased? Is this in proportion to population growth in the county? Is it consistent with regional/national trends; • Has the proportion of children with EHC Plans increased, what has been the trend since 2014;

	<ul style="list-style-type: none"> • What have been the consequences of the transition to EHC Plans under the Children and Families Act 2014; • How is the appropriate SEN provision for a child assessed? Does an assessment carried out in an EHC Plan determine the educational establishment to which a child with SEN is allocated; • Does the information contained in the Local Offer raise awareness of appropriate provision for children with SEN to their parents; • Are parents aware of the Local Offer and does it enable them to understand EHC Plans; the allocation to SEN provision and consequences of such allocation; and • How will the Council work with Barrs Court Academy Trust to ensure that pupils enrolled in the new special free school are allocated appropriately?
Cabinet Member	Cabinet member young people and children's wellbeing
Key stakeholders / Consultees	<p>Internal - Children's Wellbeing officers</p> <p>External – teachers from SEN specialist schools – SENCOs from mainstream schools</p> <p>Parents of children with SEN</p> <p>Members of governing bodies.</p>
Potential witnesses	<ul style="list-style-type: none"> • Head teacher of SEN school • Teachers from special schools/SENCOs • Author of article concerning Herefordshire SEN provision • Parents
Research Required	<ul style="list-style-type: none"> • Trends and statistics relating to EHC Plans and SEN provision; • Legislative requirements introduced under the Children and Families Act 2014; and • The Local Offer.
Potential Visits	
Publicity Requirements	Following the conclusion of the task Report back to the children and young people scrutiny committee.

Outline Timetable (to be determined): (following decision by the children and young people scrutiny committee to commission the Review)	
<i>Activity</i>	<i>Timescale</i>
Confirm approach, Terms of Reference, programme of consultation/research/provisional witnesses/meeting dates	Committee meeting – 16 July 2018
Present final report to Children and Young People Scrutiny Committee	March 2019

Group Members	
Chair	Councillor Norman
Support Members	Mr James, Councillor Johnson and Councillor Lloyd Hayes
Support Officers	J Coleman M Evans