

Title of report: Special Educational Needs and/or Disability (SEND) Strategy

Decision maker: Cabinet Member for Children and families

Decision date: 26 April 2023

Report by: Corporate Director - Children & Young People

Classification

Open

Decision type

Key

This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards affected

(All Wards);

Purpose

The purpose of this report is to outline the refreshed Special Educational Needs and Disabilities (SEND) Strategy. It sets out the vision, principles, and priorities for the next 3 years, with the aim to improve outcomes for children, young people with special educational needs and/or disabilities and their families.

Recommendation(s)

That:

- a) The Cabinet member for Children and Families approves the SEND strategy and to agree to receive an annual update report on progress against the strategy; and**
- b) The cabinet member for Children and Young people authorises the Corporate Director for Children and Young People to implement the strategy across the service.**

Alternative options

1. Not to implement the strategy – Not recommended as the new strategy is setting the direction for the new and improved SEND offer for children, young people and families with SEND requirements.
2. To adopt the current strategy – Not recommended as it is out of date and does not reflect current legislation requirements for SEND children and families

Key considerations

National Context

3. The Government SEND Review which was launched in 2019, concluded in March 2022, with the publication of the SEND 'Green Paper'. This paper acknowledged the current pressures around SEND nationally. The paper concluded that:
 - a) Outcomes for children and young people with SEND or in alternative provision are poor.
 - b) Navigating the SEND system and alternative provision is not a positive experience for children, young people and their families
 - c) The system is not delivering value for money for children, young people and families.
4. The paper then sets out a programme of measures, which will create a new SEND system. In summary, this includes:
 - a) Establish a national SEND and Alternative Provision system setting nationally consistent standards for every stage of a child's journey across education, health and care.
 - b) Establish new local SEND partnerships, bringing together education, health, and care partners with local government
 - c) Invest an additional £1bn in 2022-23 alone for children and young people with complex needs as part of a £7bn increase in total investment in schools' budgets by 2024-25, compared to 2021-22
 - d) Improve mainstream provision, building on the ambitious Schools White Paper, through teacher training and a 'what works' evidence programme
 - e) Set out a clear timeline that, by 2030, all children will benefit from being taught in a family of schools, with their school, including special and alternative provision, in a strong multi-academy trust (MAT), or with plans to join or form one.
 - f) Deliver clarity in roles and responsibilities with every partner having a clear role to play, and being equipped with the levers to fulfil their responsibilities.
 - g) Introduce a standardised and digitised Education Health and Care Plan process and template to minimise bureaucracy and deliver consistency.
 - h) Introduce a national framework of banding and price tariffs for funding, matched to levels of need and types of provision set out in the national standards

- i) Establish a new National SEND Delivery Board to bring together relevant government departments with national delivery partners including parents, carers and representatives of local government, education, health and care to hold partners to account for the timely implementation of proposals
- 5. In July 2021, the Department for Education (DFE) published a set of documents around their 'High Needs Safety Valve' project. Local Authorities with the greatest deficits in their high needs funding took part in a project to reduce deficits and build sustainable local systems. They set out two goals of a sustainable system:
 - a) Appropriately managing demand for Education, Health and Care Plans (EHCPs), including assessment processes that are fit for purpose
 - b) Use of appropriate and cost-effective provision. This includes ensuring mainstream schools are equipped and encouraged to meet needs where possible, whilst maintaining high standards for all pupils

Local Context

- 6. During spring 2022, and in the relative absence at that time of reliable partnership information and data, the Corporate Director for Children and Young People commissioned the Local Government Association (LGA) to undertake a peer review of services for children with special educational needs and/or a disability in Herefordshire, ahead of any specific SEND inspection (expected in 2023).
- 7. The review team made four key recommendations, as follows:
 - i) Produce a multi-agency strategy with short, medium and long-term priorities: There needs to be one, jointly agreed strategy involving all key stakeholders across the whole system to support children with SEND. From this a partnership scorecard should be developed with targets and impact data identified, so that all those involved can clearly see what is to be achieved, by when and what the impact has been.
 - ii) Establish the partnership governance and scrutiny arrangements at pace: To ensure the resources, service delivery and systems happen in a timely and coherent manner, you need to agree at a strategic level the organisations and representative individuals who will hold each other to account. Parent and carer representatives should be an integral part of the design, setting and oversight of the support arrangements for children with SEND. A strategic SEND Board would provide the necessary structure.
 - iii) Review the effectiveness of resources, service delivery and systems to meet the child's needs: and potential to meet the requirements of the SEND Green Paper. With partners, identify what it is that you, as a whole system, need to deliver to support children with SEND. Identify what resources the local area has to deliver this. Identify gaps and over-laps and jointly agree how these will be addressed through a clearly articulated joint commissioning plan
 - iv) Develop a robust performance and quality assurance framework for the local area with an immediate focus on all children with an EHCP open to Social Care and others with particular vulnerabilities: Set clear requirements for both quantitative and qualitative data gathering across the local area Conduct internal single-agency, multi-disciplinary and independent external audit and hold people accountable to ensure quality is being maintained.

8. At the time of the peer team's visit Herefordshire Council Children's Services had been found to be inadequate following the Ofsted inspection in July 2022 and a children's commissioner had been appointed. Special Educational Needs and Disabilities (SEND) is included as part of the commissioner's areas for consideration.
9. There is some development work underway with schools to develop the graduated response criteria (a model of action and intervention in early education settings, schools and colleges to help children and young people who have special educational needs).

SEND Strategy

10. Since the start of the pandemic Herefordshire has seen a significant rise in the overall number of children and young people identified as having special educational needs or disabilities. The number of children and young people with an education, health and care (EHC) plan that Herefordshire Council is responsible for has doubled since 2014 (when the SEN system was changed by the Children and Family Act). The proportion of children with EHC plans is 3.9% compared to 4% nationally. This abrupt rise in the number of assessments and plans has placed council teams under significant pressure, which slowed the timeliness of the production of plans within statutory timeframes over the summer months.
11. We are seeing an increasing proportion of plans issued for pre-school children. Our data tells us there is an increasing demand on services and support networks within Early Years, such as Portage (tailored support for pre-school children with SEND).

The rise in demand, alongside increasing financial pressures, has also placed challenges upon the wider workforce connected to those with special educational needs including those in the health, care, and school sectors. The pandemic has impacted upon the number of young people who are identified as having autistic spectrum related needs and those with social and emotional needs. These increases have placed strain upon local systems, which has resulted in an increasing number of young people being educated out of Herefordshire, as local specialist provision is unable to cater for the increase in need.

12. A new SEND Assurance Strategy Board and supporting work streams aligned to the priorities has been established to oversee the delivery and governance of the strategy and meets monthly.
13. The SEND Partnership group includes Herefordshire Council, Wye Valley Health Trust, and Youth Offending Services, Herefordshire and Worcestershire Integrated Care System, Education and the voluntary and community services. Since the LGA review, the group have used time wisely to take stock and reevaluate improvement priorities. A self-evaluation document, and SEND action plan are in place and have been approved by the SEND Assurance Strategy Board.
14. The draft SEND strategy is written to, and for, children and young people with SEND in Herefordshire. It strongly reflects what children and young people have told us needs to improve.
15. It is crucial that the work to deliver the strategy is progressed at pace as the demand for requests for Education, Health, and Care Plans (EHCPs) has increased significantly, affecting the timeliness of the delivery of new plans. This has also increased demand on special school places and high numbers of out of area placements, all of which impact greatly on the Dedicated Schools Capital Grant (DSG) for High Needs Budgets.
16. To ensure the success of the SEND Strategy, consultation, engagement, and coproduction has been undertaken with children, families, young people, schools, settings, other education providers and wider partners. The vision of the Herefordshire SEND Strategy is to ensure that

children who have SEND, will have the best possible start in life, and as they grow up, they will have prompt access to reliable local, high-quality education, health, and care services.

17. To realise the vision of the SEND Strategy, five key outcomes have been identified and will be delivered over the next three years. All the priorities are centred on an early intervention model and one of joint accountability, ownership and co-production across the partnership. These priorities will support the strengthening of our coproduction work with parents, children and young people whilst also ensuring that core services are improved and that arrangements for funding and workforce development support high quality intervention at the earliest point.
18. Herefordshire is in receipt of an allocation of £4,055,453 of High Needs Capital Grant which will support the implementation of this strategy, of which £79k has been spent or committed to date. Providing new places to meet the ever increasing demand for SEND provision is a key objective set out in our DSG deficit management plan. Our SEND capital grant is given by DfE to expand the in-county provision so that we increase the number of places we have available in resource bases. This is clearly not sufficient to fund a new special school build or rebuild but we have to use it wisely to create as many new SEND places as possible and explore all other opportunities to rationalise and expand the local provision, particularly for social, emotional and mental health, and autism needs. We are in the process of scoping a number of potential projects to convert existing buildings, access options through the Free School programme and develop satellite and mainstream specialist bases. We also need to urgently improve the quality of some of our existing accommodation. Feasibility and cost analysis is underway through a project team. The project team will be recharged to the capital grant once the schemes are approved.
19. We are confident that the priorities within the strategy are the right ones. We will ensure that we review these alongside key emerging documents; further announcements around the SEND Green Paper, the findings from the Better Value Programme, the new SEND inspection framework and ongoing consultation and engagements with families.
20. The key outcomes for children and young people outlined in the strategy are:

Outcome 1: Your needs are identified and assessed in a timely and effective way

Outcome 2: You and your family's voices are heard and this makes a difference

Outcome 3: You receive the right help at the right time

Outcome 4: You are well prepared for your next steps in life and achieve well

Outcome 5: For you to feel valued, visible and included
21. We have welcomed support from external partners. The Service Director is meeting fortnightly with LGA SEND improvement partner. In these day-long sessions, we work alongside a variety of colleagues to consider agreed improvement actions. This allows the LGA to provide feedback aimed to further strengthen our work. Recent areas of consideration have included: the strengthening of our quality assurance process and audit work; the development of an engagement and participation strategy; and, listening to feedback from our Parent Carer Voice representatives. The Service Director also meets on a fortnightly basis to update and discuss progress with our SEND improvement lead from the Department for Education. Both the LGA and DfE have provided input into the development of our SEND strategy, self-evaluation and action plan.

Key Issues and Challenges

22. Between 2017 and 2022 pupils with special educational needs in Herefordshire increased by 8.4% from 5198 to 5382. As of the May 2022 census, this amounted to 22.8% of the school

population, which is above the national figure of 17%. This includes those at SEN Support as well as those with Education Health and Care Plans.

23. A key issue resulting from the increase in demand is the increased use of specialist provision out of area due to local placements all being full. We can expect a cumulative impact as EHCPs can apply up to the age of 25 years so the increase in demand being seen at the early years will be taken through into increased need across all age phases. Out-county/out of area (pre-16 spend) is budgeted at £3.55m for 2023/24 compared to £2.92m in 2022/3. Improving access to mainstream education and increasing specialist education capacity is a priority. Post-16 spend in 2023/24 is budgeted at £2.1m – this includes both in area (i.e. FE colleges & Hereford Sixth form college, Westfield and Beacon College) and out county places. Currently 21 young people with EHCPs are educated in out of area provision at a cost of £917,000 to the high needs budget (academic year 2022-3). Social, emotional and mental health needs are the highest primary need for this cohort. There are a further seven young people out of area for jointly funded placements due to their complex needs
24. We are reviewing our commissioning arrangements for joint placements for youngsters with Complex Needs Funding. The education share of the costs of joint placements (where a placement is funded by at health and/or social care as well as education) is expected to be £2.6m in 2023/24.

Community impact

25. The SEND Code of Practice, under part 3 of the Children and Families Act 2014 sets out the legal requirements and duties placed on local authorities, health bodies, school and colleges to provide for children and young people with special educational needs. The SEND Strategy sets out how we as a partnership will deliver this duty under an early intervention model and revised governance arrangements
26. The strategy will deliver a stronger range of provisions and interventions to ensure that children and young people with special needs and disabilities are happy and successful in their lives. It will also aim to ensure a much stronger landscape of training and employment activities.
27. An underpinning principle of the draft SEND Strategy is co-production both with our partners but importantly with children, young people and their families, ensuring lived experience and local intelligence influences the decisions we make. The strategy is supported by a cycle of co-production activity with children, young people, parents and carers.
28. A key principle is to ensure that children and young people are educated as close to home as possible, supporting not only their educational outcomes but also providing a sense of community and belonging in the area they live and go to school
29. By moving the resource and decision making closer to schools and settings, alongside ensuring quality assurance of its impact, will support an early intervention approach, making sure special educational needs are identified and met in a timely fashion
30. Alignment and reference to other key strategies is crucial in the delivery of the strategy, in particular Education and Skills 2030 and the All Age Learning disabilities and Autism Strategy
31. The County Plan 2020–2024 includes the ambition to ‘strengthen communities to ensure everyone lives well and safely together’ and more specifically, the council aims to:
 - a) Ensure all children are healthy, safe, and inspired to achieve;

- b) Ensure that children in care, and moving on from care, are well supported and make good life choices;

Environmental Impact

- 32. Whilst this activity will have minimal environmental impacts, consideration has been made to minimise waste and resource use in line with the Council's environmental policy.

Equality duty

- 33. 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;. A simpler version of the strategy can be seen in Appendix B.
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 34. Children and young people with SEND are currently experiencing inequalities of access and outcomes across the country. This strategy sets out our local plan for addressing these inequalities and ensuring that they are able to receive access to high quality educational provision and outcomes.
 - 35. Each of the key priorities aims to address the inequalities experienced by children, young people and families. The core work, in strengthening mainstream provision, will enhance the principles of inclusion and providing nurturing environments for all, needs.
 - 36. During the process of developing the strategy, all schools in Herefordshire have been consulted and their feedback has been included in the strategy. Further feedback reference the colour and font was received from the PC voice re impairments. We also took into account feedback from various surveys that were completed by Children and Young people.

Resource Implications

- 37. Without an increase in the number of SEND places provided within Herefordshire it is forecast that the Dedicated Schools Grant (DSG) will be in deficit by up to £10m by March 2026 when the DfE statutory accounts override ends and Herefordshire Council assumes responsibility for meeting the cost of the DSG deficit.
- 38. The provision of additional in county SEND places will ensure that in future children receive their education locally in Herefordshire and this will reduce future costs in SEND transport and DSG placement costs. This is a measure of future cost avoidance rather than reducing the current expenditure.

39. In the short term it is likely that SEND transport and DSG placement costs will increase prior to the new SEND places becoming fully operational in the County. Following full operational status costs will be expected to reduce.

Legal implications

40. The Children and Families Act 2014 (the Act) has made significant changes to the way that educational provision was assessed and provided for to children and young people with SEND. Section 27 of the Act requires the local authority to keep under review its educational, training and social care provision for children and young people who have SEND and to consider the extent to which the provision is sufficient to meet need.
41. When carrying out statutory duties under the Act, the local authority must do so with a view to making sure that services work together and where this promotes children and young people's wellbeing or improves the quality of special educational provision. There is also a requirement for the local authority and health bodies to have arrangements in place to plan and commission education, health and social care services jointly for children and young people with SEN or disabilities.
42. The LGA Peer Review identifies a number of key areas of improvements required in order to appropriately meet the needs of pupils with SEND within Herefordshire. The recommendations within the SEND Strategy will support the necessary improvements required in order enable children and young people with special educational needs and disabilities to receive the support/services they require whilst making progress, but also, demonstrate the local authority's compliance with the statutory framework.

Risk management

43. There are various categorises of risk, including financial, legal, and reputation. A list is provided as part of the Performance, Risk and Opportunity Management Framework (PROM).
44. Below are the risks associated with the SEND Strategy

Rick / opportunity	Mitigation
Key stakeholders such as schools do not engage productively with this strategy.	We will mitigate this by building relationships with schools and between partners, through consultation and working groups. We will work with a body of head teachers to ensure that the strategy is owned and delivered collaboratively. Also, we have established a cycle of meetings with parents, children and young people to ensure that their experiences are central to all activity. We are also mitigating this by working with DFE in order to ensure that national perspectives are presented to partners so that partners are able to understand the wider context.
If there is insufficient resource attached to the devolution of funding this will mean that needs will remain unmet.	We will mitigate this by working with other councils who already have devolved funding in order to compare models. We will also create a contingency fund from our planned

Rick / opportunity	Mitigation
	spend in order to ensure that needs can be met. We are also mitigating this by delivering more funding to schools for earlier intervention and developing more local provision. This will enable us to intervene earlier and more locally to ensure that greater efficiencies are made within the high needs block
Actions within this strategy will not be delivered on time and this will exacerbate existing pressures.	We are working on an implementation with partners which will set out clear milestones and outcomes. The SEND Strategic Board and the DFE will monitor this plan to ensure accountability and timeliness of the implementation of the strategy

45. All relevant risks will be managed at a service level

Consultees

46. Initial consultation on this strategy took place with a range of partners during Jan-April 2023. Consultation events have taken place with a range of partners and stakeholders. The council are also working closely with DFE advisors and the government commissioner who has been appointed to advise on Herefordshire Children's Services in order to ensure that our strategy is in line with the national strategy and makes the best use of experiences in other local areas

47. The strategy has been considered by Scrutiny Members on 28 February 2023 where the strategy was well supported

48. Political Groups Consultation took place on 13 April 2023. The group meeting was positive, a robust Q&A session was held around the strategy. The group were positive about the strategy and are keen to see it brought into action as soon as it is agreed. The implementation of the strategy is key.

49. The SEND Strategic Board signed off the strategy 28 March 2023.

50. Department leadership team are due to sign off the strategy at the end of April 2023

51. The cabinet member for Children and Young people is supportive of the strategy

Appendices

Appendix A – SEND Strategy

Background papers

[SEND Peer Review Feedback](#)

[SEND Review - Right support, right place, right time - government consultation on the SEND and alternative provision system in England](#)

[High needs budgets - effective management in local authorities](#)

[SEND Code of Practice](#)

Report Reviewers Used for appraising this report:

Governance	John Coleman	Date 17/04/2023
Finance	Malcolm Green (Revenue) Karen Morris (Capital)	Date 18/04/2023 18/04/2023
Legal	Pooja Nahar	Date 18/04/2023
Communications	Luenne Featherstone	Date 14/04/2023
Equality Duty	Harriet Yellin	Date 18/04/2023
Procurement	Lee Robertson	Date 12/04/2023
Risk	Liz Freedland	Date 18/04/2023

Approved by	Darryl Freeman	Date 18/04/2023
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Please include a glossary of terms, abbreviations and acronyms used in this report.

- Special Educational Needs and Disabilities (SEND)
- Education, Health and Care Plans (EHCPs)
- Attention Deficit Disorder (ADD)
- Social emotional and mental health (SEMH)
- Multi-academy trust (MAT),
- Department for Education (DFE)
- Office for Standards in Education (OFSTED)
- Medium Term Financial Plan (MTFP)
- Mental Health Support Teams (MHST)
- General Developmental Assessment (GDA)

- Further Education (FE)
- Not in Education, Employment or Training (NEET)
- Joint Strategic Needs Assessment (JSNA)
- Local Government Association (LGA)