

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

Decision maker: Cabinet Member for Children and Young People

Children and Young People Scrutiny Committee Meeting date: 14 November 2023

Report by: Corporate Director - Children & Young People

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

The purpose of this report is to update on the progress in implementing the SEND Strategy

Recommendation(s)

That:

- a) The update on the implementation of the SEND Strategy be considered, and
- b) The committee determine any recommendations it wishes to make to Executive and relevant bodies to secure further improvement with regard to SEND in Herefordshire.

Alternative options

1. Not to receive an update on the implementation of the strategy. Not recommended as this is a new strategy which sets out the direction for the new and improved SEND offer for children, young people and families with SEND requirements.

Key considerations

National Context

2. 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.
3. 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 £7 billion increase in our 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
4. 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.
5. The F40 are a longstanding campaign group made up of the 40 lowest funded local authorities in England. Herefordshire has been a member for a lengthy period and has benefited from improved funding as a result, with better access to DfE officials and ministers. The F40 have calculated that an extra £4.6bn baseline funding is required in the High Needs Block each year to meet the current demand and expectation for SEND support. This figure is backed by the National Education Union, Association of School and College Leaders, National Association of Head Teachers, County Councils Network and others. On 16 October 2023, the F40 group wrote to Chancellor Jeremy Hunt urging him to invest heavily in Special Educational Needs in the Autumn Statement. The letter was signed by 31 MPs, including Robin Walker MP, chair of the Education Select Committee.

Local Context

6. The new SEND (Special Educational Needs and/or Disabilities) Strategy ([link](#)) has been published. A series of roadshow events in the autumn term have supported the launch of Herefordshire's revised strategic aims. Our launch programme this term has invited a community of interest approach trialled at our 'Child Readiness' information day, with a focus on best practice and impact. A short video has been created to support this "building on the best" approach.
7. The SEND Assurance Board is well established to oversee the delivery and governance of the strategy. The Board meets monthly and is independently chaired by the LGA (Local Government Association) SEND Improvement Adviser. The Board report and escalate risks and issues to Health and Wellbeing Board, One Herefordshire Partnership, Lead Members and other Strategic Partnership Boards as required. Via its membership, the Board also report into partner agency governance structures which include Improvement Board, Scrutiny/Cabinet and the ICB (Integrated Care Board). The Board is accountable for reporting to the Children's Improvement Board in relation to Priority 10. At Assurance Board there is good attendance from health, care and education senior leadership and support from our Parent Carer Voice Forum.
8. The key outcomes for children and young people outlined in the strategy and our action plan 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
9. Eight workstreams are operational to take forward our strategy with joint activity programmes being informed by peer reviews on key themes. A balanced system review is underway in health, and a wide range of activity is now reporting for the joint work with Worcestershire for the all age autism strategy. All the priorities are centred on an early intervention model and one of joint accountability, ownership and co-production across the partnership. These priorities 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.

10. The SEND Partnership group is an operational group delivering on the core priorities. It is made up of professionals including Herefordshire Council, Wye Valley Health Trust, and Youth Offending Services, Herefordshire and Worcestershire Integrated Care System, Education and the voluntary and community services. This group directly feed into the SEND Assurance Board.
11. We have developed a Self Evaluation Framework bulletin which presents a tri-annual summary of key headlines, developments and improvement intentions against our strategic priorities in a digestible format so that partners and leaders have an informed and clearer reference document for the work we are all doing. The bulletin reflects the range of activity, impact and new learning over the previous three months with links to more detailed information, so that the rate, reach and impact of improvement can be subject to critical enquiry. This summary and update document captures current headlines that we need to attend to against each outcome in our Strategy to support our planning for what needs to happen next, why and how, in an agile approach to improvement
12. The bulletin aims to be transparent as to how quantitative and qualitative data are informing our understanding of what needs to be done and how, and how we know we have made a difference so that our self-evaluation is sound in terms of its evidence base and as a tool for holding ourselves and others to account. It provides a rich source of information for the annual update of the full Self Evaluation Framework. The first quarterly update has been presented to Board in July 2023 and a copy is attached at Appendix 2. Our regular self-evaluation process is assisting the forward planning, for example a specific SEND Joint Strategic Needs Assessment is planned for 2024 to capitalise on the improved data and information now available to us and to inform strategic planning going forward.
13. It is crucial that the work to deliver the strategy is now 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 for High Needs Budgets. 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.

Key Issues and Challenges

14. The SEF bulletin update shows a continuing increase in identification of children and young people with SEND which is stretching our services, schools and resources. To make sure we provide the right services at the right time we need to complement each other across education, health and care and, for example in commissioning services so that all pull together. The Oral Health programme is an example of this, where work is happening through health and in schools. We can also see for example that long waiting lists in health are making it difficult for families and children to get the support that they need, and we can see the need for more specialist school placements is leading to more of our children being at school out of area and away from their local communities, services and networks. Consequently, these are top priorities for our attention.
15. The demand for SEND services has grown rapidly, in part due to the impact of the Covid pandemic. The total number of EHCPs for which Herefordshire is responsible for is 1,284. The number has grown by 102 (8.6 %) in the last 12 months and by 514 (53%) since 2017. The number of pupils in Herefordshire schools with an EHCP has grown by 287 (just under 40%) between 2017 and 2023. 142 Herefordshire pupils with an EHCP were placed in schools outside of Herefordshire – the majority of these being placed into independent schools and only 55 in state-funded provision – this comes at significant cost to the council. Social Emotional Mental

Health and Autism Spectrum Disorder were the most common primary needs (41.5% and 21.8%, respectively) of out of county placements.

16. As a result of increasing demand locally, SEND team have excessively high caseloads. The proportion of EHCP caseworkers, educational psychologists, portage workers, etc is insufficient to meet increasing demand. There is a real risk that both educational psychology and health advice will increasingly be received late which will compromise the issue of new plans within the 20 week statutory timescales. There is insufficient funding available to expand these teams to meet rising demand.
17. In terms of positives, we can also see that better identification and joined up support in the early years has made a real difference (Child Readiness Project) for children with SEND entering school this September and that increasing the number of new specialist school placements through such good working with schools and a range of local authority teams, means we have made a very good start to growing our local sufficiency (42 new special places this autumn). We can see that support for mental health, and early help services for children are both even more important since Covid.
18. Our self-evaluation indicates that we have made a good start to better understand our local needs and priorities but we need to increase the pace of improvement. It is really important that we hear about the lived experience to help us plan better services, and that we get better at sharing data across organisations to help with our service planning. We want to work with our SENCOs and local employers to provide great opportunities to learn and work.
19. We are working very hard to learn how to do better by working with services outside Herefordshire through both peer reviews and regional working, and this is starting to shape where we want to focus in the next three to four months. One example of this is the All Age Autism Strategy being created with Worcestershire; we have held lots of open sessions inviting those who live with autism and provide help, to collaboratively shape what we want to do better. The strategy or high level action plan is due to be in place during 2024.

Community impact

20. 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
21. 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.
22. 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.
23. 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.

24. 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.
25. 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.
26. 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

27. There are no direct Environmental impacts as a result of this report.

Equality duty

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

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

 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
29. 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.
30. 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, regardless of their needs.

Resource implications

31. There are no resourcing implications relating to this decision paper.

Legal implications

32. The Council has statutory duties under the Children & Families Act 2014 and the Care Act 2014 to provide for children and young people with special educational needs and disabilities. The Herefordshire SEND Strategy Action Plan sets out an approach which supports the achievement of positive outcomes for young people with SEND, within the framework of the legislative duty to ensure efficient use of public resources.

Risk management

33. Below are the risks associated with the SEND Strategy

| Risk / 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 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 |

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

Consultees

35. None.

Appendices

Appendix 1 – Copy of latest SEF Bulletin

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:

| Please note this section must be completed before the report can be published | | |
|---|----------------------------------|------------------------------------|
| Governance | Simon Cann | Date 06/11/2023 |
| Finance | Judith Tramner | Date 06/11/2023 |
| Legal | Pooja Nahar | Date 3/11/2023 |
| Communications | Luenne Featherstone | Date 30/10/2023 |
| Equality Duty | Click or tap here to enter text. | Date Click or tap to enter a date. |
| Procurement | Carrie Deeley | Date 03/11/2023 |
| Risk | Chris Tindell-Jones | Date 31/10/2023 |
| Approved by | Darryl Freeman | Date 06/11/2023 |

[Note: Please remember to overtype or delete the guidance highlighted in grey]

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)