

WEST NORTHAMPTONSHIRE COUNCIL CABINET

7TH MAY 2024

**LEAD MEMBER FOR CHILDREN’S SERVICES, EDUCATION AND SKILLS –
COUNCILLOR FIONA BAKER**

Report Title	Special Educational Needs & Disabilities (SEND) and Alternative Provision (AP) Transformation Programme
Report Author	Rebecca Wilshire, Director of Children Services Ben Pearson, Assistant Director, Education

Contributors/Checkers/Approvers		
West MO	Catherine Whitehead	3/5/2024
West S151	Martin Henry	1/5/2024
Other Director/SME	Stuart Lackenby, Exec Director for People Services	26/4/2024

1. Purpose of Report

- 1.1. This report provides and update to the next steps in our journey of improvement for all children to ensure we meet our ambition to give them all the Best Start in Life. The report demonstrates West Northants next steps and commitment in ensuring services to children with Special Educational Needs/Disabilities (SEND) receive additional investment that will help us improve at pace and prioritise the Councils SEND and Alternative Provision strategy 2023 - 2026.
- 1.2. The Council is not able to meet the increasing demand around SEND with in its existing staffing structures and model of delivery and so is not effective in meeting its statutory duties in this area. While this is a national problem, we recognise the need to respond locally to ensure our children have improved outcomes and access to and an education that facilitates that.
- 1.3. The purpose of this report is to seek approval for additional funding to enable the Council to better meet the current SEND demand and to implement an improved service that delivers better outcomes for children, young people, and their families and also provides more support to our schools.

- 1.4. This report aims to set out the significant improvements that we are targeting and that we believe will ensure that in future children in West Northants have their needs met and are supported to reach their full potential.

2. Executive Summary

- 2.1 In summer 2023 the Council through its SEND partnership coproduced with local children and their families the West Northants SEND and AP Strategy 2023 to 2026. This was approved by WNC Cabinet on 11 July 2023.
- 2.2 In co-producing this strategy, the Council heard the experiences of children and their families. Some of these experiences fell short of the Council's ambition and expectation around how support should be provided. Over 300 different events and feedback sessions have taken place to ensure that current and future services are informed by children and family's voices and their needs.
- 2.3 We have a lot of work to do to improve our services and have commenced our improvement, Journey. As a service, there has already been investment in a SEND Improvement Team and earlier this year an increase in Educational Psychology capacity. The work of our SEND Improvement Board over the last 18 months has started to improve and transform both the service and the partnership working but this is not enough to make a difference to children now.
- 2.4 The Council is not able to meet the increasing demand and complexity around SEND with its existing staffing structures and model of delivery. This increase in demand can be summarised as;
- 33% increase in requests for assessment
 - 40% increase in EHCPs since WNC was created
 - 15% increase in SEN Support
 - 12% increase in children in need (including Child Protection)
 - 200% increase in referrals to Autism Spectrum Disorder/ADHD team for assessment
 - Special School Nursing caseload increase of 74%
- 2.5 The impact of this increase is that the Council is not effective in meeting its statutory duties in this area. This includes providing statutory assessments of children and finalising Education, Health, and Care Plans (EHCPs) within statutory timescales.
- 1.1. The purpose of this report is to seek approval for the use of funding as described in section 6 of this report to enable the Council to manage the current SEND demand and to implement an improved service that delivers better outcomes for children, young people, and their families. This improvement will be focused upon 3 programmes of work;
- 1.2. **1. Slowing demand for new EHCP requests and ensure children are supported and identified early -** Through investment into a SEND Specialist Teaching Service, which will be deployed in schools to work with the SENCO/School leaders, class teachers and teaching assistants to offer advice and support about developing and improving SEND curriculum and practice. The Specialist Teacher Service will be made up from expert SENCOs – people with the ability to challenge and support schools and model good practice. There is clear national best practice through the DFE “Safety Valve” programme that many families escalate to needing an EHCP as the only way they feel they can secure the support they need and because they have reached crisis point. This new capacity will follow national best practice by identifying needs early on and providing the right support to help keep children at school and in education.

- 1.3. **2. Improving the Quality and Timeliness of EHCP's** - Through additional EHCP coordinator capacity and the creation of a new team solely focused on meeting the statutory assessment timescales (20 weeks). This dedicated team will mean a clear focus on the quality of new plans and completion within timescales. This team will have the expertise and the time to hold others accountable and challenge poor advice to ensure the plan is not just timely but is also accurate and of high quality. We also plan to improve the communication with parents and families ensuring there are more regular check-ins as we recognise that communication and "staying in touch" is something that our parents tell us we need to be better at.
- 1.4. **3. Improve the commissioning and oversight of specialist provision** – Through the creation of additional commissioning capacity the Council will be able to improve how the partnership commissions and quality assure specialist provision that children with SEND attend. This includes Alternative Provision, Out of County specialist placements and residential placements.
- 1.5. Alongside these 3 programmes of work the proposed funding will also create additional leadership capacity which will support a restructured workforce that is capable and sufficient to meet current and future demand.
- 1.6. West Northants SEND Partnership was inspected by Ofsted during March this year. The proposal set in this report will enable the Council to kick start its activity against the recommendations from the inspection which will be published shortly.

3. Recommendations

- 3.1 It is recommended that the Cabinet:
 - a) Approve the implementation of the SEND and AP Transformation Programme as described in this report including the delegation for the usage of £1.35m of Exceptional Financial Support to Executive Director People, in consultation with the Cabinet member for Children to fund the interventions described in section 6 of this report.

4. Reason for Recommendations

The recommendations enable the Council to ensure that they are meeting their statutory duties as set out in Legislation and Law relating to the SEND Reforms of 2014 and more recent SEND and AP Improvement Plan Reforms of March 2023 by increasing the capacity of the service to meet the current levels of demand.

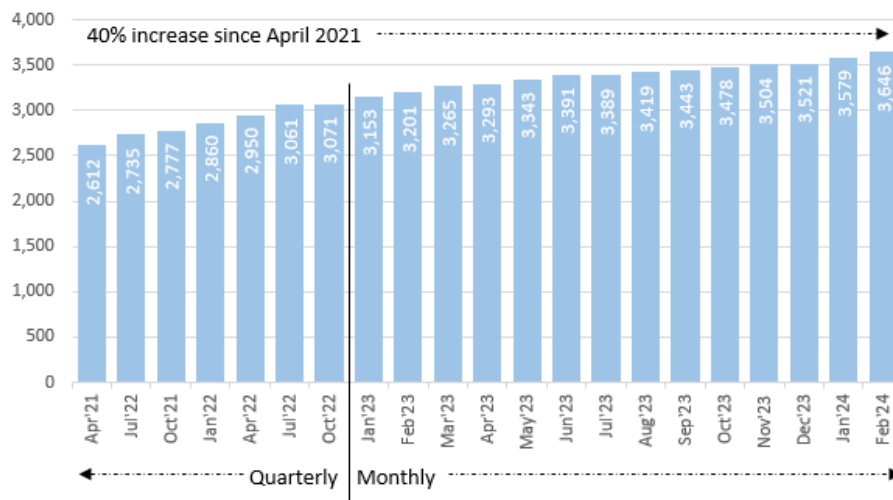
Ensure that service improvement happens at pace and that children and young people with SEND have their needs identified early and fully met, so that every child can meet their full potential.

3. Report Background

- 4.1. The demand for EHCPs has continued to rise since the creation of West Northants Council. To manage the growth in demand for EHCPs there are several changes that need to be made, which will be covered within this proposed transformation.

- 4.2. As the demand has increased by (40%) the ability to meet timescales and deliver a quality service has decreased.
- 4.3. In April 2023, a SEND Improvement Team was development which has had an impact on the service ability to improve as well as the partnership.
- 4.4. Due to significant backlog of those waiting for Educational Psychologist (EP) assessments, and there being national issues with recruiting EPs additional finances were agreed in September 2023 for a team to be established to work through those children who were waiting. Due to national shortages of EP this team was not mobilised until February 2024 but are already having an impact.
- 4.5. Delayed assessment and plans, mean children do not have their needs met, the appropriate school cannot be located, and this can lead to high-cost special school places and schools out of area. This needs to improve to ensure the right child has the right school place, and as near to home as possible.
- 4.6. Statutory duties are not effectively being met cand this is leading to a significant increase in tribunals, complaints, and ombudsman direction, all creating avoidable additional cost for the Council. Over the last two year this impact has been £140,237 (2022-2023 - £75,003 / 2023-2024 - £65,234).
- 4.7. The purpose of this report is to seek approval for additional funding as described in section 6 of this report to enable the Council to manage the current SEND demand and to implement an improved service that delivers better outcomes for children, young people, and their families. This improvement will be focused upon 3 programmes of work;
- 4.8. **1. Slow the demand for new EHCP requests.** The 40% increase in demand for EHCPs since April 2021 is larger than in most other Councils nationally. It is likely that there will continue to be an increase in requests for new EHCPs so this will continue to increase. However, by investing in specialist early help services, as outlined below, this rate will reduce.

Education Health Care Plans



- 4.9. This is due to the lack of an effective early help offer in West Northants, and the inconsistent approach by schools to identify, assess and support needs early. The implementation of our Family Hubs and early help redesign will contribute to improvement in this area. But more is needed in Schools.

- 4.10. Through investment into a SEND Specialist Teaching Service, which will be deployed in schools to work with the SENCO/School leaders, class teachers and teaching assistants to offer advice and support about developing and improving SEND curriculum and practice. The Specialist Teacher Service will be made up from expert SENCOs – people with the ability to challenge and support schools and model good practice.
- 4.11. It is intended that the impact from this will be to develop inclusive practice in schools to ensure early help and support is available as early as possible to ensure that children’s needs are met effectively and that needs do not escalate. More timely intervention will also ensure that the number of requests for EHCPs is reduced and SEND support increased ensuring pupils get the support at the right time.
- 4.12. This intervention this will start to slow down some of the demand, this service will work with schools and teachers to support early identification (aimed significantly at Early Years settings and Primary Schools). When needs start to emerge, instead of a ‘Request for Assessment’ being completed, schools will work with the specialist teaching service to develop ways of working with children, developing strategies, and managing behaviours preventing requests for assessment begin submitted for some children.
- 4.13. This approach should address the mismatch in increases in demand, where we have seen over 40% increase in EHCPs yet only a 15% increase in children identified with SEN Support in schools.
- 4.14. The SEND Specialist Teacher Service will work with school leaders and staff, partners and families to ensure that the SEND ranges are being used effectively and to upskill as many people as possible to identify needs as early as possible manage emerging needs and early identification using and requests for assessments are when these criteria is clearly met and not linked to getting a service.
- 4.15. **2. Improving the Quality and Timeliness of EHCP’s** - This transformation programme will address the caseload issue within the EHCP Team and the additional assessments which will come through as the Educational Psychology Service work to clear the backlog of assessments.
- 4.16. Manageable caseloads will ensure time is spent on quality of assessments, accurate assessments and children needs being addressed and support early reducing complaints, tribunals, ombudsman orders, and ensure children are safeguarded and their needs are being met within the right provision. The table below shows the current average caseloads in WNC compared to regional Councils and the DfE view of appropriate averages. There is not sufficient capacity within WNC to meet the current demand for assessments and ongoing reviews of EHCPs. This lack of capacity directly leads to the poor quality of EHCPs and poor timeliness which were identified by the local partnership.

Table 2 – EHCP average caseloads

	DfE benchmark	Leicester City (19FTE)	North Northants (25FTEs)	WNC Current (14FTEs)
EHCPs		3,850	3,800	3,504
Average per caseworker	150-200	202	150	250
Ongoing EHCP assessments			450	520
Average per caseworker	25	27	16	37

- 4.17. By meeting our statutory duties to issue EHCPs on time, we will avoid risks of complaints and tribunals which often lead to compensation or expensive provision being directed for the Council. This will also significantly reduce the number of complaints and tribunals the Council receives about not meeting our timeliness duties.
- 4.18. By meeting our timescales, needs of children are formally assessed and support provided to further meet needs within education, which in turn will reduce exclusions and permanent exclusion which occurs when behaviours in school can't be managed.
- 4.19. EHCPs can only be finalised if all advices are received on time (this includes advice from any education, health and care professionals)
- 4.20. This programme will create a new team solely focus on meeting the statutory assessment timescales (20 weeks). A dedicated team will mean a clear focus on the quality of new plans and completing these within timescales. This team will have the expertise and the time to hold others accountable and challenge poor advice to ensure the plan is not just timely but is also accurate and of high quality.
- 4.21. This team will ensure EHCPs are accurate and robust, which means children will have they needs met quickly and appropriately. Support for schools will be available from the SEND Specialist Teacher Service (included in this bid) to work with them as needed to meet child's needs, preventing suspensions, permanent exclusions and supporting school to remain inclusive and preventing the need for special schools (unless the plan has identified this need).
- 4.22. Having a team just to focus on the new 20-week assessments, will allow the current teams to focus on the timeliness and quality of annual reviews (statutory responsibility for the Council). This new structure will also ensure the EHCP team focus on transition points for children. For example, the review in primary before transitioning to secondary needs to be fully reviewed and robust, to ensure needs of children are updated and transitions are supported. We see too many requests for new EHCP for children as they are about to move to secondary school (Year 6) and children not having their needs identified until in secondary school which is far too late and will have already led to difficulties in school. Many of these children have poor attendance at secondary school or are missing out on education as there is not suitable provision to meet their needs.
- 4.23. By meeting timescales and ensuring plans are robust, high quality and meeting the child's needs, this will reduce the complaints, ombudsman orders and tribunals statutory duties will be met, and children needs will have been prioritised and met. This will support the management of the DSG budget and Council budgets.
- 4.24. **Improve the commissioning and oversight of specialist provision** - Through the creation of additional commissioning capacity, the Council will be able to improve how the partnership commissions and quality assure specialist provision that children with SEND attend. This includes Alternative Provision, Out of County specialist placements and residential placements.
- 4.25. The Council does not effectively broker or negotiate specialist provision which enables providers to inflate price and determine the quality of provision. By investing in a new service, this will enable the Council to assure itself of the safeguarding arrangements for children, and to drive down costs.
- 4.26. **Outcomes** - This transformation bid is aligned to address these areas, creating improvement at pace, address the backlog, improve practice, and performance and address commissioning and brokerage, as well as creating stability and sustainability. Specifically, the outcomes which will be archived by this programme are set out below:
- Improved identification and assessment of children's needs, enabling them to reach their full potential as young people and as adults.

- Statutory duties will be met, reducing the number of Tribunals, Ombudsman escalations and complaints, which will impact on outcomes and finance pressures.
- Support services will be improved and provide schools support to identify needs and address needs early, increase SEN support, slowing down/bringing down EHCP requests, reducing suspensions and exclusions, improving outcomes for children, especially at transition points (primary school to secondary school and transition from children’s services to adult services).
- Improve working relationships with parents, carers and families which will improve the reputation of the council locally, nationally including publicly
- Improved quality of EHCPs which will enable children to get the right support early, preventing escalating of need and preventing families hitting crisis leading to the need for statutory services
- Improved management of commissioning and brokerage, allowing greater oversight and challenge of funding, placements, and providers to ensure Value For Money
- Improve financial sustainability for Council budgets and DSG

4.27. West Northants SEND Partnership was inspected by Ofsted during March this year. The proposal set in this report will enable the Council to kick start its activity against the recommendations from the inspection which will be published shortly.

4. Issues and Choices

4.0 The Service has had initial investment to address some areas like Education Psychology, but this programme is required to address all areas for improvement. Doing nothing is not an option.

5. Implications (including financial implications)

5.0 Resources and Financial

5.1 The funding for this programme of change in the main, is through Exceptional Financial Support (EFS) from Government by means of a ‘Capitalisation Direction’ which has been allocated to the Council, in line with the Councils submission.

5.2 The Council was successful in securing a total of £6.6m of EFS from Government covering a range of transformational activity within children’s services which will enable the council to improve service provision and reduce the cost of demand for services through early intervention over the medium-term horizon. The direction allows for the Council to fund transformational and service improvement activity through capital receipts / borrowing in line with the proposals submitted and approved by Government. The funding needs to be fully utilised within 2024/25.

5.3 The total cost of this particular proposal for 2024/25 is £1.35m, with the sources of funding set out below,

	2024/25
EFS - SEND Transformation Proposal	944,661

EFS - Triage Services Proposal	29,177
EFS - Early Help Hubs Proposal	378,375
External Funding (St Andrews)	33,205
Total funding requested	1,352,214

- 5.4 The split of funding identified above shows how staff roles can be covered through a number of different proposals within the EFS.
- 5.5 This planned transformation programme activity is pertaining to children with SEND specifically, but also contributes to the wider prevention and early intervention work that will be delivered through our early help hubs. This includes dedicated officers to support children who are currently not attending school, are electively home educated and those at risk of exclusion.
- 5.6 The proposed enhanced work with schools and other partners will provide targeted early help and although the new staff will predominantly work within education settings, they will also be part of the integrated early help hub offer. The creation of geographically based EHCP teams within the transformation bid will also enable these staff to work at locality level within the early help hubs.
- 5.7 The external funding identified has already been received for the Council and is linked to the transfer of commissioning responsibilities for the local St Andrews Unit. This funding is being used to recruit an additional Commissioning Officer to manage this contract.
- 5.8 It is recognised that there is likely to be an ongoing budget requirement into 2025/26 and beyond from this proposal. This requirement will be reviewed through an in-year Star Chamber process which will influence what costs will continue to be funded into 2025/26 through the budget setting process.
- 5.9 It should also be noted that the Council is set to receive an additional £7.3m of capital funding from the Department for Education in 2024/25 to support our programme of creating new specialist school places. This funding will be used as part of the transformation programme to invest in specialist places, including Alternative Provision to meet needs of children who cannot attend mainstream school. The Council will invite local schools and providers to bid for funding to meet the growing demand we have.
- 5.10 **Risk**
- 5.10.1 This report clearly demonstrates the improvements required in relation to SEND and AP. If we are unable to take forward such improvements, there will be further detriment to children and their families.
- 5.10.2 If the programme is not supported, there is a significant reputation risk to council, continued expenditure with tribunals, compensation via ombudsman and complaints, if children services continue not make improvements, then DfE could explore alternative measures.
- 5.11 **Consultation and communication**
- 5.11.1 The service has consulted children, young people and their families around the SEND and AP Strategy, which includes our commitment to continue to co-produce with all partners. The work today has been co-produced and co-designed and the concerns we are looking to address are echoed from our families as being needed.

5.11.2 A comprehensive communications plan will be developed to provide timely updates relevant to the progress of the SEND transformation ensuring key stakeholders are aware at each milestone. As part of the SEND improvement journey, communications will continue to be transparent and timely so stakeholders are kept well informed of progress being made, as well as continuing to work closely with West Northants Voices Partnership to ensure parents, families and supporting organisations are aware of changes and developments

5.12 **Consideration by Overview and Scrutiny**

5.12.1 This has not been to Overview and Scrutiny.

5.13 **Climate Impact**

5.13.1 The service is aware of the importance of climate change, and aware of emissions associated with children being in school not suitable or local, and who require transport impacting on our carbon footprint. Having schools locally and more school places which have a positive impact on this area.

5.14 **Community Impact**

5.14.1 The implementation of this programme of work will support inclusive school and inclusive communities.

6. **Legal**

6.0 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 to provide for children and young people with special educational needs. The Council's SEND and Alternative Provision Strategy 2023 - 2026 sets out how we will deliver this duty.

6.1 S112 of the Local Government Act 1972 allows a local authority to appoint such officers as are necessary for the proper discharge of its functions (in this case the delivery of provision for children and young people with special educational needs), on such reasonable terms and conditions as it thinks fit.

7. **Background Papers**

7.0 SEND and AP Improvement Plan - [Special Educational Needs and Disabilities \(SEND\) and Alternative Provision \(AP\) Improvement Plan \(publishing.service.gov.uk\)](#)

7.1 SEND & AP Strategy [SEND strategy | West Northamptonshire Council \(westnorthants.gov.uk\)](#)