

WEST NORTHAMPTONSHIRE COUNCIL CABINET

8 November 2022

Cllr Fiona Baker, Portfolio Holder for Children Families, Education and Skills.

Report Title SEND Strategy Development

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Contributors/Checkers/Approvers

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List of Appendices

None

1. Purpose of Report

- 1.1. To provide an update about services for children with Special Educational Needs and/or Disabilities (SEND) and an overview of proposals to develop a strategic approach to improve outcomes.

2. Executive Summary

- 2.1 This report includes an overview of the current pressures in providing services for children with SEND. The report also includes proposals for a new governance structure, new dedicated posts,

and a new approach to co-producing a joint strategy to improve outcomes for children with SEND.

3. Recommendations

3.1. It is recommended that the Cabinet:

- a) Support the development of a three year SEND Delivery Plan as outlined in this report in paragraph 6.3.
- b) Support the new governance structure highlighted in this report in paragraph 5.8.
- c) Agree to receive timely updates about progress in relation to the development of a new SEND Delivery Plan and Co-production Charter as outlined in the report

4. Reason for Recommendations

- The recommendations in this report will ensure that the Council is meeting its statutory duties in relation to SEND provision, and will provide a strategic framework to ensure all available resources are used appropriately

5. Report Background

- 5.1. The Council is responsible for securing and delivering services to children and young people with SEND from the age of 0 -25 years.
- 5.2. The statutory requirements for the Council and all partners are outlined in the Children and Families Act 2014 (CFA). The SEND Code of Practice outlines the legal requirements that all partners must adhere to in line with the CFA.
- 5.3. The Council is the lead partner for the local area and holds the responsibility for coordinating the local area response to ensure that all partners deliver the requirements within the CFA. The local area partnership will be inspected by OFSTED and the Care Quality Commission to assess the effectiveness of the local area.
- 5.4. In March 2022, the Department for Education (DfE) launched the [SEND Green Paper consultation](#) 'SEND review; right support, right place, right time' which is designed to understand how the reforms captured in the CFA have been implemented. This consultation is now closed. As a response to the consultation, the DfE will published a new SEND delivery plan in Autumn 2022.
- 5.5. In June 2022, OFSTED and the Care Quality Commission launched a [consultation](#) to change the way local area are inspected. The main proposed changes focus on the impact that a local area partnership's SEND arrangements has on the experiences and outcomes of children and young people.
- 5.6. The proposed new inspection framework is designed to strengthen accountability through an ongoing cycle of inspections, and will include introducing 3 inspection outcomes, which provide clearer information about how an area is performing, including an expectation that all areas

produce and publish a strategic plan for SEND. The expectation is that the local strategic plan includes evidence directly from children and young people and their families, ensuring that their views and experiences are central to decision making. The proposed framework will also include a focus on Alternative Provision.

- 5.7. This consultation is now closed. It is expected that OFSTED and CQC will finalise the new inspection framework in 2022 and start new inspections early in 2023.
- 5.8. The current governance structure for SEND is through a joint SEND Accountability Board – incorporating all partners from WNC and NNC. At its most recent meeting on 14 September, it was agreed that proposals to split the board to create two new Council aligned boards would be developed and tabled at the next meeting (19 October). As the new OFSTED/CQC inspection framework will inspect WNC and NNC separately, the DfE SEND advisor has recommended splitting the local accountability board to create appropriate governance structures for the future.

6. Issues and Choices

- 6.1. There are a number of areas of performance of SEND services in WNC that are poor. At present, there is a significant shortfall of specialist school places which means many children are not in school or have poor outcomes in inappropriate school places; the % of EHCP's issued on time and the % of Educational Psychologist assessments completed on time are significantly below regional and national averages.
- 6.2. Due to the changes from DfE and OFSTED outlined above, the likely changes to the local governance structure, and the need to make improvements for children with SEND, a change in the way SEND is led in WNC is needed – doing nothing is not an option.
- 6.3. To meet the requirements of the new DfE and OFSTED/CQC approaches, the local area partnership: led by the Council but comprising health services, social care, education providers, community and voluntary organisations and children and families will be required to review the new national SEND delivery plan when it is announced, and the new inspection framework to produce a self-assessment to determine an overview of the local area's delivery new local SEND delivery plan. It is recommended that a three-year improvement plan is developed that captures all work needed across Education, Health and Care services for children with SEND.
- 6.4. A detailed needs assessment is required to inform the local SEND delivery plan – this will need to include the demand for access to specialist education, health and care provision and should be created to reflect the local needs within the different localities within West Northants.
- 6.5. The Council has a statutory requirement to co-produce strategic, operational and individual plans with partners, parents and children/young people. It is recommended that a new Co-production Charter will be developed through co-production events that will be coordinated across all areas in WNC, and online. These events are planned for November and December 2022 and will involve children and young people, parents, school-based staff, health and care professionals and other interested organisations. This approach is currently being developed

with the Northamptonshire Parent Forum Group (the group that represents parents' voices in WNC).

- 6.6. It is also recommended that the People Overview and Scrutiny Committee is provided regular updates about progress against the SEND Delivery Plan.
- 6.7. The approach outlined in this report links to the WNC 'Live your best life' Vision, including specific outcomes listed below;
- Thriving Childhood
 - Access to the best available education and learning
 - Opportunity to be fit, well and independent
 - Connected to their families and friends
 - The chance for a fresh start, when things go wrong
 - Access to health and social care when they need it
 - To be accepted and valued simply for who they are

7. Implications (including financial implications)

Resources and Financial

- 7.1. To provide leadership and ownership of the new SEND Delivery plan, it is proposed a new SEND Improvement Manager is appointed, along with a SEND Project Officer. These two members of staff will lead the creation and monitoring of the SEND self-assessment and SEND delivery plan. These posts can be funded entirely from the Dedicated Schools Grant.
- 7.2. This will need consideration (but not formal approval) by the Schools' Forum but the work of the postholders would meet the requirements of the DSG as it will improve access to education and outcomes for children with SEND.
- 7.3. Senior officers from NCT and Northamptonshire Integrated Care Board are supportive of this system-wide SEND improvement approach. If the approach is supported within WNC and by Schools Forum, negotiations will also take place with NCT and health colleagues about financial support to create a multi-agency approach to the system-wide roles to deliver the SEND reforms.
- 7.4. The costs outlined below include funding the two new posts and creating an improvement budget; this will largely be used to provide short term secondment opportunities for expert SEND specialists within schools to share their practice with other schools.

	22/23	23/24	24/25	Total
Manager Salary including on costs (Band M)*	£14,750	£59,000	£44,250	£118,000
Officer Salary including on costs (Band I)*	£8,750	£35,000	£26,250	£70,000
Improvement budget (secondments, conferences, training, new materials)	£12,500	£50,000	£37,500	£100,000

Total	£36,000	£144,000	£108,000	£288,000
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*posts forecast at the bottom of the scale

7.5. Whilst not specifically an invest to save approach, this proposal will lead to a reduction in costs through

- improved sufficiency of places – reduced placement costs, transport costs
- Cost avoidance through reducing tribunals
- Reduction in legal costs, which is currently over-spending

7.6. Legal

The statutory requirements are set out in the body of the report and in particular in paragraph 5.2 and 6.5. The proposals highlighted will better enable the Council to meet the statutory requirements.

7.7. Risk

Without a change of governance and improved capacity to focus on SEND improvements, the Council faces a number of risks;

- Failing to meet its statutory duties by failing to assess children’s needs, providing Education, Health and Care Plans within statutory timescales
- Failing to meet the needs of children captured in the EHCP
- Increased reputational damage for failing to meet children’s needs
- Increased costs from tribunals, court-directed provision and the need to use out of county specialist provision

7.8. Consultation

No formal consultation has been undertaken. However, senior officers from Northamptonshire Children’s Trust, Northamptonshire Integrated Care Board and Northamptonshire Parent Forum Group are supportive of the approach outlined in the report.

7.9. Consideration by Overview and Scrutiny

Detailed reports will be taken to the People Overview and Scrutiny Committee in line with the new governance proposed in this report. The first update will be presented in November 2022.

7.10. Climate Impact

By developing a new WNC SEND Delivery Plan, more children will be able to remain in their local area to access education, health and care provision. This will reduce the need for long distance transport.

7.11. Community Impact

The proposed WNC SEND Delivery Plan and needs-assessment will include an assessment of each of the locality areas across WNC. Local plans will be developed through co-production events in all locality areas.

7.12. **Communications**

As part of the WNC SEND Delivery Plan, a communication plan will be developed that will ensure improved communication to all partners. This will be used to co-produce the new WNC SEND Delivery Plan and to monitor and evaluate progress.

8. Background Papers

8.1. None