

Meeting: Children, Education and Skills Sub-committee

Date: 21 November 2019

Title: Special Educational Needs and Disability

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Service: Children, Young People & Learning

Wards affected: All

1. Purpose:

To provide a report to the Children, Education and Skills Sub-committee on the subject of special educational needs and disability. This report summarises the legal framework, and national and local demand, and the strategic direction in North Tyneside to meet the needs of, and achieve strong outcomes for, children, young people and their families.

2. Recommendation(s):

It is recommended that the Sub-committee:

- a) Note the information provided;
- b) Request further information if appropriate;
- c) Make such recommendations as the Sub-committee consider appropriate.

3. Legal Framework

On the 1st September 2014 the Children and Families Act came into effect, reforming legislation relating to children and young people with special educational needs and disability (SEND). The Act outlines a new SEND Code of Practice (2015), statutory guidance for organisations that work with and support children and young people with SEND.

The Children and Families Act describes that a child or young person has a special educational need if they have a learning difficulty or disability which calls for special educational provision to be made for them. Special educational provision is provision that is additional to or different from that which would normally be provided for children and young people of the same age in a mainstream education setting.

The Children and Families Act makes clear that Authorities, in carrying out their functions, must have regard to:

- a) the views, wishes and feelings of children and their parents, and young people;

- b) the importance of them participating as fully as possible in decision making and providing the information and support to enable them to do so;
- c) the early identification of children and young people's needs and early intervention to support them;
- d) strong collaboration between education, health and social care services to provide support; and,
- e) supporting children and young people's development and helping them to achieve the best possible educational and other outcomes.

Prior to the Children and Families Act, children and young people with SEND were supported in schools with a Statement of Special Educational Need. These were particularly focussed on meeting the educational needs of children without sufficient rigour and focus upon the health and social care needs of children. The Children and Families Act required of Authorities, by April 2018, to transfer all eligible children and young people 0 - 25 years with a Statement of Special Educational Need, to an Education, Health and Care Plan (EHCP). North Tyneside met this requirement within timescale.

The SEND Code of Practice (2015) requires Authorities to complete a statutory assessment to determine whether an EHCP should be issued, within 20 weeks of request. Working with health, education and social care partners, the Authority's SEND Support Service leads and coordinates the support of all children with an EHCP, is required to ensure that annual reviews and appropriate monitoring of their support takes place. The SEND Support Service is one component of North Tyneside's multi-agency SEND network; schools, colleagues, NHS commissioners and providers, all have statutory duties within the code.

In addition to children and young people with an EHCP, there are children with special educational needs who receive SEN support. This SEN support meets the needs of children and young people's education needs only.

All Authorities, education providers, NHS and other related services, will take part in at least one Ofsted and CQC Local Area SEND Inspection between 2015 and 2020. North Tyneside is yet to receive this inspection.

4. National Demand

The Local Government Association's report, Bright Futures (2019), identifies:

- that 1.3 million pupils in England (14.9%) are recorded as having SEND;
- between 2013/14 and 2018/19, the number of children with an EHCP increased by 35%;
- a £1.2bn drop in real terms SEND funding over the past four years;
- that council's are currently facing a funding gap of £806m for SEND services;
- council's overspend on SEND support has risen by 30% in just over one year

Since the reforms in 2014 there has been a significant increase in the numbers of children and young people educated in special schools. The National Audit Offices published data (see figure 10 below) evidencing, between January 2014 and January 2018 a:

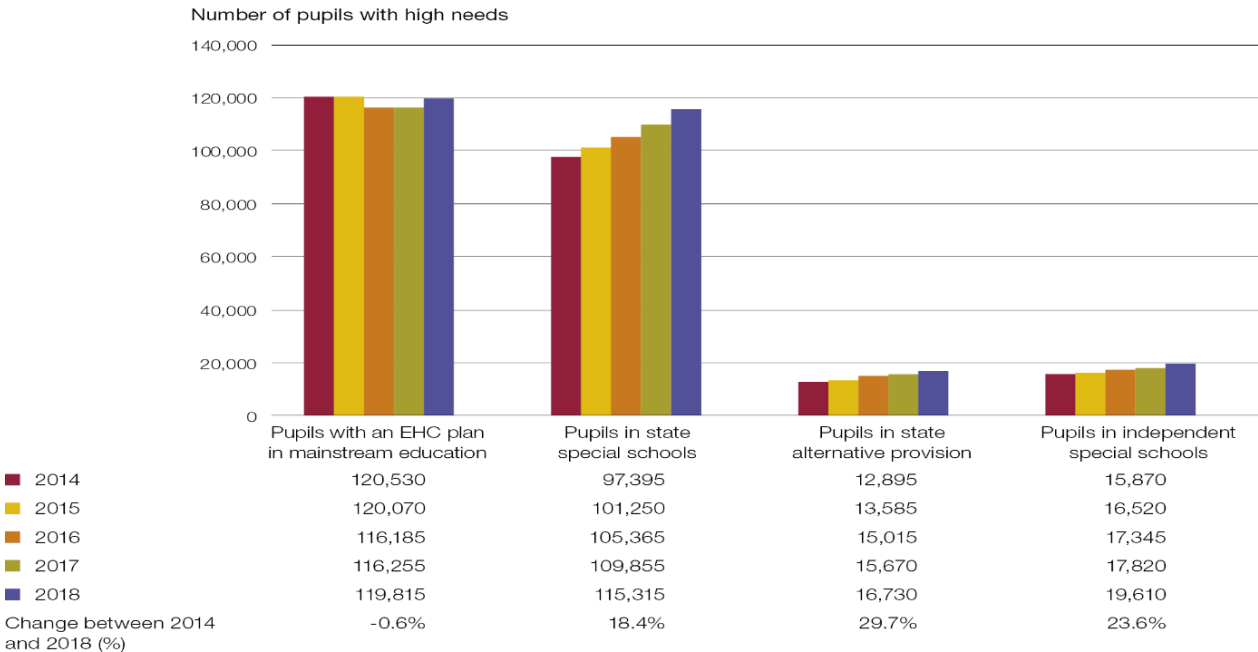
- marginal (0.6%) drop in pupils in EHCPs educated in mainstream schools

- 18.4% increase in pupils in state special schools
- 29.7% increase in pupils in state alternative provision
- 23.6% increase in pupils in independent special schools

Figure 10

Pupils with high needs by school type, January 2014 to January 2018

The number of pupils attending special schools has increased sharply since 2014



Notes

- 1 Figures are at January in each year.
- 2 Alternative provision shown in this Figure is education arranged by local authorities for pupils who, because of exclusion, illness or other reasons, would not otherwise receive suitable education.
- 3 The number of pupils in state alternative provision in this Figure includes all pupils, regardless of whether they have been identified as having SEND. This is because all alternative provision places are funded by the high-needs block. The number of pupils in alternative provision in Figure 3 shows pupils with SEND in alternative provision.
- 4 The number of pupils in independent special schools shown in this Figure includes publicly funded pupils in non-maintained special schools and a small number of pupils with education, health and care plans (EHC plans) in mainstream independent schools.

Source: National Audit Office analysis of Department for Education school census data

5. Local Demand and Response

North Tyneside has a current 0-25 population of just over 57000, of them:

- 5200 have a special educational need and disability
- 1500 have an EHCP, an increase of 13% since May 2018
- 3700 receive SEN support, an increase of 10% since May 2018.

In line with local and national trends, there has been an increasing demand placed on the partnership to meet the needs of children who require statutory assessment, and who later have an EHCP issued. More children, in line with regional and national trends, are educated in specialist provision, and significant work is led by the Authority's Commissioning Services, to ensure adequate school and college places. To meet the rising remand of children and young people with SEND the Authority has taken decisive action and:

- recruited to the position of Assistant Director for Whole Life Disability and SEND, strengthening leadership of the SEND agenda, integrating education and social care services through the life course; and,
- strengthened capacity in operational staff within the SEND Support Service; an additional £350k of permanent funding has been allocated, enabling recruitment of an additional seven SEND Officers, responsible for the statutory assessment and review of EHCPs.

To strengthen services to children and young people throughout the statutory assessment and review process, the Authority has co-produced, with parents, carers and partners, a new SEND Support Service operating model, established in September 2019 (see appendix one). This model strengthens our focus on:

- listening to and identifying every opportunity for children with SEND to share their voices and experiences;
- the benefits to children and young people of effective relationship-based practice;
- recognising the impact of service provision for children and young people.

6. North Tyneside's Partnership Self-Assessment

The local authority, CCG and North Tyneside Parent Carer Forum have completed a Partnership Self-Assessment, supporting our collective assessment of the impact of the partnership's delivery of services. This identifies the following strengths and next steps for the partnership:

Strengths

- There is a strong partnership commitment, at all levels, to driving forward service quality and outcomes across the SEND system. A robust SEND Governance Framework supports this (see appendix two).
- Strategic engagement with Parent Carer Forum and strong examples of co-production.
- There are very strong educational outcomes for children with SEND; this is a reflection of the whole system but particularly relationships between the Authority and schools which are very strong and effective.
- Early identification and intervention in the early years means that work is timely and effective, supporting the early identification of need and in many cases preventing escalation.
- The North Tyneside Local Offer provides access to a wide range of high-quality educational provision and a wide range of services which enable children with SEND to be safe, to stay in school and be close to home.
- There is continued, increased resource commitment from social care, education and health partners to the agenda; most recently, we have created a SEND Strategic Lead for Health services position, employed within the Foundation Trust.

- Provision in North Tyneside is well resourced which demonstrates a high level of commitment from the partnership to meet the needs of children with SEND. Extensive Special School provision, generous numbers of specialist nurseries and a strong Connexions offer are evidence of this.

Next steps

- To continue to improve the timeliness of the production of EHCPs assessments
- Whilst the availability and use of data is improving, partners are continuing to further broaden and strengthen this so that education, health and social care data is drawn together to further inform commissioning and service planning.
- Whilst there are some strong examples of co-production with partners, children and young people, parents and carers, the partnership will embed our new system-wide framework for the routine co-production of policies, procedures and service improvements across the system.
- The Authority has introduced a new approach to quality assurance within our SEND Support Service and we are developing a system-wide Quality Assurance Framework which provides assurance regarding the quality of assessments, plans and provision.
- Whilst our early identification and early help offer is strong, we need to further improve the availability and sharing of information across agencies at the earliest opportunity.
- The Authority is co-producing with parents, carers and partners, a refreshed Graduated Approach for schools. This will improve understanding, clarify expectations and ensure greater transparency and consistency in approaches to meeting the needs of children and young people with SEND.
- This Graduated Approach will aim to improve the delivery of services such that more children's holistic needs can be met, supporting them to remain in inclusive, tailored, mainstream education.

7. How effectively does the local area improve outcomes?

The Authority and its partners have consistently achieved strong outcomes for children and young people with SEND, including:

- 89% of schools are judged Good or Outstanding
- 84% of pupils in the borough attend a Good or Outstanding school
- 100% of Special Schools are rated Good or Outstanding
- 99.6% of Early Years settings are rated Good or Outstanding
- Educational attainment for children who have SEN support or an EHCP is at least in line with national. Specifically, the SEN support cohort has performed significantly better than national.

- Overall and persistent absence rates, and fixed term exclusions, for children and young people with SEND, are lower than the national average.
- The % of KS4 and KS5 cohorts who are in Education, Employment or Training is higher than the national average.
- The % of adults with learning disabilities who are in paid employment is higher than the national average.
- The % of adults with learning disabilities who are in settled accommodation is higher than the national average.

6. External Peer Challenge and Review

The North Tyneside SEND partnership commissioned an independent peer review of its SEND system and services, in order to review and analyse the strengths and areas for development of services in North Tyneside to identify, assess and meet needs of children and young people with SEND and to improve their outcomes.

The Peer Review was carried out by Margaret Swift, a former Her Majesty's Inspector with Ofsted. Margaret has a strong background in Health and Social Care and SEND, having worked in primary schools and further education before working as an Inspector for 17 years.

In summary, the Peer Review identified that the partnership, in line with its Self-Assessment, knows itself well, that strategic planning and leadership is strong, which has a positive impact on the planning for predicted need and delivery of services. The review identified that senior officers know their SEND provision well and this is reflected in the good strategic planning, with strong evidence of effective joint working between the local authority, CCG and other partners.

7. Conclusion

Outcomes for children and young people with SEND in North Tyneside are strong and are in line or above national averages. There is national and local evidence of rising need for children and young people with SEND, and partners have taken decisive action to strengthen leadership and capacity across the system, to strengthen the timeliness of statutory assessment and review of EHCPs, ensuring that services delivered are strong, as identified in the local authority's self-assessment.

8. Appendices

- SEND Support Service Operating Model
- SEND Governance Structure

9. Background Information

A range of documentation and supporting materials relating to the subject are available upon request to the author of this Report.

