

TASK GROUP REPORT Special Educational Needs and Disabilities (SEND)

Children's Health, Social Care and
Education Overview and Scrutiny Committee

INTERIM REPORT at 30th March 2016

Foreword

The Children's Health, Social Care and Education Overview and Scrutiny Committee agreed in their work programme for 2015/16 to undertake a review in relation to the implementation of Special Educational Needs and Disabilities (SEND) reforms in Swindon since they became law on the 1st September 2014. A Task Group involving eight members of the Committee, including three Elected Members was established with support from the Council's Head of Education, Peter Nathan and the Strategic Commissioner SEND, Lyn Frith. Both complexity and significance of the reforms contributed to the Committee's decision to undertake the review specific to the implementation of the reforms in Swindon and the local area.

Unfortunately, from the outset of the review in September 2015, the work of the Task Group was hindered by inconsistent attendance by its members.

As a consequence of the support given to the Task Group by Lyn Frith, Strategic Commissioner SEND, the Task Group has been able to establish an understanding of the strategic direction being undertaken by the Council in relation to implementing the reforms locally. Such strategic direction within the local context will form the basis of this report.

Notwithstanding the introduction of a new SEND local area inspection framework commencing in May 2016, the Children's Health, Social Care and Education Overview and Scrutiny Committee may wish to consider the status of this report as 'interim', pending a decision on whether the Task Group should continue its work.

Paul Sunners

Chair of the Task Group

1. Introduction

- 1.1 This review was carried out under Section 21 of the Local Government Act 2000, which sets out the power of local authority scrutiny committees to, ‘...make reports or recommendations to the Authority or Executive on matters which affect the Authority’s area or the inhabitants of that area’.

2. Aims and Objectives

- 2.1 The SEND Task Group’s aim was to acquire knowledge and insight into the progress, success or otherwise concerning the implementation of the SEND reforms in Swindon and the local area.
- 2.2 Implicit to the aim statement were two key questions:
- i) How will the implementation of SEND reforms translate to specific actions taken by the Council to deliver the kind of change needed to build a sustainable model that improves outcomes for children and young people?
 - ii) The SEND reforms put children and their parents at the heart of the system, how can the Task Group evaluate any qualitative change in the perception of children, young people, parents and carers in light of the emphasis given to their central role?

3. Methodology

- 3.1 The SEND Task Group met on four occasions:

23/9/15 Meeting to agree Terms of Reference. This meeting was poorly attended and it was agreed that this issue be deferred to the next meeting.

4/11/15 Meeting of the SEND Task Group with Lyn Frith, Strategic Commissioner SEND to draft Terms of Reference for the Task Group.

Draft Terms of Reference agreed...’The SEND Task Group will review the implementation of the Special Educational Needs and Disabilities

(SEND) reforms relating to the Children and Families Act 2014 with specific focus on their implementation in Swindon and the local area.

The Strategic Commissioner SEND informed the Task Group that future local area inspections would serve the purpose of external scrutiny in relation to the effectiveness of SEND provision in Swindon. Such inspections were, at the time of this meeting, subject to a consultation process, the outcome of which would not be known until March 2016 with the new inspection framework introduced in May 2016. Any such inspection involving Swindon and the local area would clearly evaluate and report upon the progress, success or otherwise of Swindon adopting the reforms.

10.12.15 Meeting of the SEND Task Group with Helen Hancox, Special Education Needs and Disabilities Information and Advice Support Service (SENDIASS) and Lyn Frith, Strategic Commissioner SEND.

27.1.16 Meeting of the SEND Task group with Lyn Frith, Strategic Commissioner SEND and Peter Nathan, Head of Education. At this meeting Task Group members in attendance agreed that low and inconsistent attendance by Task Group members was hindering the work of the Task group. It was acknowledged that the Task Group required additional Elected Members to attend. This would be raised at the next Overview and Scrutiny Committee meeting on the 3rd February.

4. Overview

- 4.1 As a consequence of attendance issues at Task Group meetings, the work of the Task Group failed to establish the desired momentum to undertake its role effectively. Due to the support given to the Task Group by Lyn Frith, Strategic Commissioner SEND, the Task Group acquired some knowledge and insight into the Council's strategic direction in relation to implementing the SEND reforms. This report will highlight those strategic steps that have been taken which aim to meet

the requirements of the SEND reforms and their successful implementation.

4.2 A Department for Education SEND monitoring visit on the 8th October 2015 led to the conclusion that:

‘The local authority has identified significant issues with its assessment processes and local provision for children with SEN. It has some innovative ideas around panel arrangements, provision development, joint commissioning and school funding. It needs to ensure there is wide consensus about both issues and solutions and move quickly to implementation’.

DfE SEN Adviser Team, Note of Visit (8.10.15) Draft for Comment

4.2 Follow up to the DfE monitoring visit led to a SEND Action Plan with completion timescales ranging between October 2015 and May 2016. Actions include:

1. The LA should ensure it has comparative data on the percentage of Statements and Education, Health and Care (EHC) Plans with statistical neighbours. Published data shows Swindon to have 3.7% of children and young people with Statements/EHC's, higher than all its statistical neighbours whose combined average is 2.8% (range 1.3% to 3.5%).
2. The LA should further develop ideas around delegation of funding to schools to give them greater flexibility and agility to meet needs quickly and early.
3. The LA should update its 2015-17 High Level Strategic Plan.
4. The LA should work with schools to ensure that funding delegated to address SEND is being used to maximum effect.
5. The LA should seek legal advice on processes needed to make changes to its thresholds for statutory assessment, should it decide to consider such changes.

6. The Transition Plan (Statements and Learning Disability Assessments (LDA) to Education, Health and Care Plans) should be reviewed to ensure it meets the latest requirements. The SEND Strategic Board should ensure the SEND Team has an effective plan for completing the transfers planned for 2015/16.
7. The Board should receive regular updates on the timeliness of the completion of new assessments and the implementation of its plan to transfer Statements and LDA's to EHC's.
8. The LA should implement proposals to build shared complex case panel arrangements with Health and Social Care colleagues.
9. The LA should review management arrangements for additionally resourced provision.
10. Monitor the impact of proposed new referrals for statutory assessment panel arrangements.
11. Establish Self Evaluation Framework for SEND in preparation for Local Area Inspection.

4.3 Updating the High Level strategic Plan 2015-17 has been completed. This plan, developed by the SEND Strategic Board draws upon more detailed work plans developed within the 3 key work streams:

Work Stream 1 - Organisational and Cultural Change

- Governance and accountability
- Performance management
- Joint commissioning
- Co-production and person-centred approaches
- Building capacity

Work Stream 2 - Participation and Engagement

- Communication
- Co-production

Work Stream 3 - Deliverables

- Co-ordinated assessment and planning
- Co-produce a Local Offer with parent carers and young people
- Effective transition arrangements for young people moving into adulthood
- Mediation and dispute resolution services
- Establishing safeguarding procedures

4.4 A process of rigorous self-evaluation has been adopted based on the Outcomes Framework developed by the national Pathfinder Programme. The Outcome Framework is constructed around the core principles of Outcomes Based Accountability (OBA). OBA helps to:

- * Create a common language to improve communication and understanding between partners from different professional backgrounds
- * Establish a common purpose around which partners can align their various priorities and accountabilities
- * Provide a framework for managing performance against which to monitor the quality of key services

5. SEND Reforms

5.1 The SEND Reforms set out in the Children and Families Act (2014) emphasise the importance of giving families more choice and control over the support upon which they rely e.g. person centred approaches and co-production. However, there is also a potential risk that the reforms could simply raise expectations of a more extensive and potentially more expensive pattern of specialist provision.

5.2 The reforms introduce a number of important technical changes that require the local authority and its partners to:

- Commission more services jointly so that they meet the holistic needs of children and young people (0-25 years) with SEND

- Publish a clear and transparent 'Local Offer' that informs parent and young people what support is available and what they can expect
- Introduce a more streamlined assessment process, integrating education, health and care services
- Replace Statements of SEN and Learning Difficulty Assessments with a single Education, Health and Care (EHC) Plan for all children and young people with SEND between the ages of 0 to 25 years
- Provide the option of a personal budget for families and young people with an EHC Plan
- Do more to help young people with SEND to prepare for adulthood

5.3 The new Code of Practice integrates guidance on the pre-16 SEN system and post-16 learners with Learning Difficulties and/or Disabilities. For the first time the Further Education sector will be included in the list of organisations that must have regard to the Code.

5.4 Education, health and social care services need to work more closely together so that children and young people with SEND are identified early and receive the support they need as soon as possible. They need to focus relentlessly on improving outcomes for children and young people with SEND and earn the trust and confidence of their families.

6. Conclusion

6.1 This report primarily outlines the Council's strategic direction in implementing the SEND reforms. What is clear is that more time is needed in order to make any qualitative assessment concerning the reforms implementation locally. The Children's Health, Social Care and Education Overview and Scrutiny Committee must now determine the status of the SEND Task Group in terms of whether its work should continue in light of the timeframes governing the Council's implementation of the reforms.