

Wider Corporate Board – Tuesday 17th October 2017

Report of the Strategic Director People

SEND Self Evaluation Report

Purpose

1. To provide Wider Corporate Board with a briefing on Dudley Council's self-evaluation of its progress in implementing the new legal duties in Part 3 of the Children and Families Act 2014 which relate to children and young people with Special Educational Needs and/or Disabilities (SEND) - the SEND reforms.
2. To ensure that Wider Corporate Board members are aware of the Council's role in SEND Area inspections and their own roles and responsibilities within that.
3. To provide a stimulus for identifying how Wider Corporate Board members contribute to the SEND agenda in their own areas of responsibility and actions they will take going forward to improve outcomes for children and young people with SEND

Recommendations

4. It is recommended that:-
 - This report is considered by Wider Corporate Board for information purposes.
 - Wider Corporate Board members identify specific actions which they will take to support the implementation of the SEND reforms, which will be monitored for impact by the SEND Reforms Implementation Improvement Board

Background

5. The Children and Families Act 2014 came into force in September 2014. The Act introduced a range of reforms to the ways in which children and young people with special educational needs and/or disabilities (SEND) and their families are supported.
6. Part 3 of the Act relates specifically to children and young people with SEND. Part 3 is supported by a statutory guidance document, the *SEND Code of Practice: 0-25* which applies to local authorities, health bodies, schools and colleges and explains the new duties. The Act requires the above to have regard to the Code. This means they must consider what the Code says, and have legitimate reasons for departing from the guidance it provides.

7. The key changes introduced through Part 3 of the Act are summarised as follows:
- Education, Health and Care Plans (EHCPs) for children and young people with high levels of need aged 0 to 25 were introduced and replaced statements of SEN and Learning Difficulty Assessments. EHCPs detail the education, health and care support to be provided to a child or young person who has an SEN and / or a disability and the outcomes it is intended to achieve.
 - Local Authorities are required to publish a Local Offer which sets out the provision the Council expects to be available across education, health and social care for children and young people in their area who have SEND, including those who do not have EHCPs.
 - Parents, children and young people should be involved in discussions and the decision making process about every aspect of their SEN/D including assessment, planning and provision to meet outcomes. Parents, children and young people must also be involved in planning and reviewing the Local Offer and reviewing special educational provision.
 - Local Authorities are required to ensure that children and young people with SEND and their parents are provided with information and advice about matters in relation to their SEND including health and social care and take up of personal budgets.
 - SEN Support replaced previous categories of need (school action and school action plus) and was introduced to describe children and young people with SEND whose needs can be met through a graduated response developed by a setting, school or college funded from within normally available resources.
 - There is now a requirement for local areas to support young people with SEND as they prepare for adulthood
 - Local Authorities and Health are required to jointly commission services.
8. Ofsted and the Care Quality Commission (CQC) have introduced a new framework to inspect local areas' effectiveness in fulfilling their duties under the Act and its accompanying Regulations and Code of Practice. All local areas will be inspected at least once in a 5 year period.
9. Inspections began in May 2016. Their purpose is to secure an independent evaluation of how well a local area carries out its statutory duties in relation to children and young people with SEND.
10. Although the local area is the geographical area of the Local Authority, the inspection is not just evaluating the local authority. The focus includes clinical commissioning groups (CCGs), public health, NHS England, early years settings, schools and further education providers.
11. The starting point for the inspection is the expectation that the local area should have a good understanding of how effective it is. Leaders from the local area should be able to assess accurately how well the local area meets its responsibilities including its strengths and areas that require further development. Inspectors will test out the

accuracy of this assessment during the inspection through visits to providers such as nurseries, schools, colleges and specialist services and gathering the views of parents/carers of children with SEND and children and young people. They will also hold focus groups with key staff from partner agencies across the local area. The notification for an inspection is 5 working days and the actual inspection will last for 5 days conducted by a team of at least 3 inspectors.

12. In order to check the accuracy of the current self evaluation, an external team of peer reviewers from the LGA will carry out an SEND review against Key Lines of Enquiry in January, 2018. Arrangements for this are underway. The outcome of this and all recommendations for action will be worked into appropriate action plans
13. The remainder of this report will provide members of the board with information on Dudley's current SEND population and an evaluation of the strengths and continuing areas for development in implementing the new statutory responsibilities for children and young people with SEND.

Dudley's current SEND Profile

14. The January 2017 School Census return shows that at the time the return was made there were 47,660 pupils in Dudley schools. Of these 1,400 (2.6%) had a statement of SEN or an EHCP and 6,783 (14.3%) were receiving SEN Support. This gives a total of 8,015 (16.8%) of children in Dudley schools with SEND. (The 0.1% variance in the total percentage figure is statistically insignificant and is due to rounding.)
15. Year on year census returns show that Dudley's level of statementing / issuing of EHCPs has declined over the last 4 years when compared to the national average and to the average for all West Midlands Local Authorities (LAs). Dudley had always been a 'high statementing' authority and this decline brings the authority more in line with the national and West Midlands averages. Over the same period there has been an effort to improve the quality and range of normally available provision in mainstream schools.

	National	West Midlands	Dudley
2013/14 (<i>academic</i>)	2.8%	3%	3.3% (1,547)
2014/15	2.8%	2.9%	2.9% (1,378)
2015/16	2.8%	2.9%	2.5% (1,300)
2016/17	2.9%	2.9%	2.6 % (1,400)

Table 1 % of Children in Dudley schools with statements/EHCPs

16. The number and percentage of children in Dudley schools receiving SEN Support are also decreasing. Dudley's percentage in 2013/14 was above the national and West Midlands averages. Between 2013/14 and 2014/15 there was a drop in the number of children identified as requiring SEN Support. This coincided with the introduction of the SEND Reforms and the need for schools to move to the new systems and philosophy they encapsulate. At this point, when considering whether to move children from the old 'School Action' category of intervention to the new single category of 'SEN Support',

many schools realised that they had a number of children on their SEN registers who were not receiving additional and different provision to their peers and decided to remove their names. This resulted in fewer children being recorded as having SEND.

	National	West Midlands	Dudley
2013/14 (academic)	15.3%	15.8%	16.2% (7,638)
2014/15	12.9%	13.2%	14.2% (6,694)
2015/16	11.9%	12.7%	14.3% (6,808)
2016/17	11.8%	12.7%	14.3% (6,738)

Table 2 % of children in Dudley schools receiving SEN Support

17. Schools are required to state on their census returns the main type of SEN being experienced by each child they include in this part of their return. The system uses the term ‘primary need’ to denote this in recognition that some children will have secondary, or sometimes more, types of needs. Across Dudley Primary schools, the main type of primary need is Speech, Language and Communication Needs (SLCN). This equates to 256 children (29.7%). This is 6.7% higher than the national average and 7.8% more than the average for West Midlands authorities. By contrast, Dudley’s figures for children having Autistic Spectrum Disorder (ASD) (106) are lower than the national average and the West Midlands average.

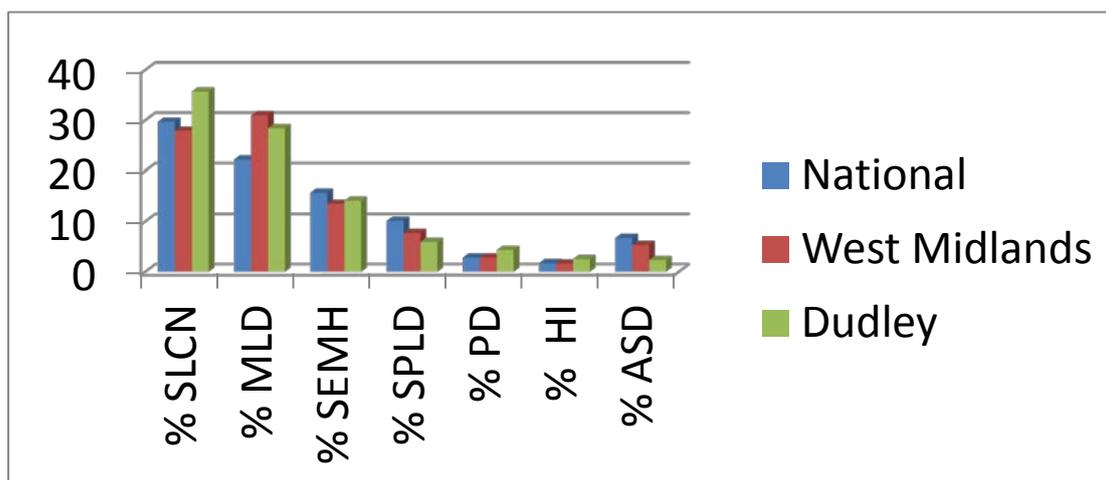


Chart 1. Primary schools – Type of primary need

18. In Secondary schools the prevalence of primary types of need changes. Children with Moderate Learning Difficulties (MLD) become the largest group, 37.3% (954 children). This is well above the national average of 23.4%. SLCN becomes the 4th largest group. The percentage with ASD rises to 6.0% (154 children), which is still below the national average (9.3%) but more in line with the average identified across the West Midlands.

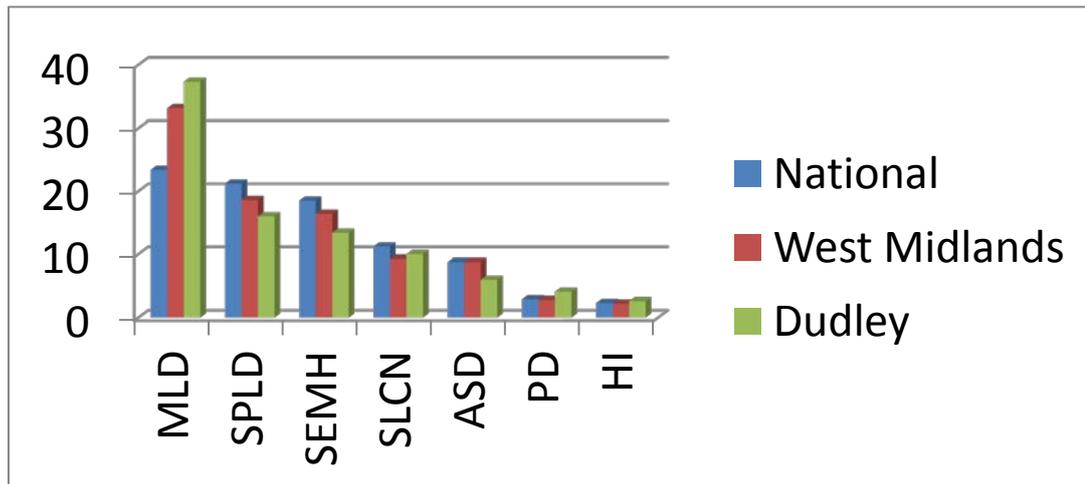


Chart 2. Secondary schools – type of primary need

19. In 2015/16 33.7% of children looked after received SEN Support compared to 30.5% nationally and 31.6% across the West Midlands authorities. 19.1% of Dudley's looked after children had a statement or EHCP compared with 27.4% nationally and 24.7% across the West Midlands.

Implementation of the SEND Reforms

20. The monitoring body for improving performance with regard to implementing the reforms is the SEND Reform Implementation Improvement Board which is chaired by the Chief Officer for Children's Services. This board reports up the Children and Young People's Alliance Board (CYPAB) which reports to the Health and Well Being Board.
21. The SEND Reform Implementation Improvement Plan sets out the key areas for improvement:
- Strategy and Leadership
 - Workforce
 - Systems
 - Stakeholder Engagement
 - Quality Assurance
 - The Family Experience

Education, Health and Care Plans

22. A clear pathway is in place for schools/parents/carers and other agencies to request a statutory assessment. Decisions on whether to undertake an assessment are agreed at SEN panel. The terms of reference for this panel have recently amended to reflect feedback from schools who felt there needed to be wider representation on the panel and a greater transparency around decision making. Revised paperwork for schools is aimed at cutting down work for them and creating greater efficiencies in the system.
23. The total number of Statements and EHCPs in January 2017 was 829. This figure had risen to 1289 by the end of August. At the end of August a further 93 children were undergoing the assessment process. This represents an increase in demand for EHCPs. Far fewer referrals are declined at panel than accepted, due to clearer identification of need and evidencing of interventions that have been put in place to meet need through a 'plan do review' cycle. More consistent approaches across

settings and schools are starting to be seen.

24. The SEN Team surveys families with regard to their satisfaction with the EHCP and process on an annual basis. There are a number of positive returns, but the response rate, which is in line with other regional neighbours', needs to be improved to ensure a representative sample is being analysed. The parent carer forum has previously reported some parental dissatisfaction with the process and contents of EHCPs, particularly around what should go in a plan, timescales and the need for greater involvement of health and social care. This is an improving picture. The first local area EHCP Quality Audit session was held in July this year. A wide range of partners attended, including parents. The learning will be used for training purposes to further improve the documents and experience. There is regular LA Officer representation at the EHCP Task and Finish Group which is chaired by the DMO and provides a forum for local area partners to come together to discuss improvements and developments with all aspects of the EHCP pathway. LA Officers from the SEN Team regularly attend regional EHCP peer moderation sessions.
25. On 1st September 2014 the total number of statements requiring transfer to EHCPs was 1,315. Progress on transfers of statements to EHCPs has been reported by the DfE SEN Adviser who visited in September 2017 to be very good, with the August DfE survey showing that statements were being processed at 53 a month with only 313 remaining. Since the survey return was made, more documents have been transferred meaning a total of 1,045 EHCPs have been transferred (79.5%) leaving only 270 to transfer by the statutory deadline of 31st March 2018. (Figures as at 31st August 2017.) Officers are confident that these would be complete by the April 2018 deadline.
26. Between January and August the average monthly assessment times for completion of new EHCPs within the 20 week statutory deadline were 91% excluding exceptions and were never below 84%. This is in spite of increased caseload demands on team members. These figures are reported regularly to different forums and are easily accessible. The reasons for not meeting the deadline (predominantly the late receipt of advice) are recorded monthly and steps taken to try to address them. The SEN reform grant continues to be used to temporarily increase staff in the SEN Team.

The Local Offer

27. The Dudley Local Offer was first made available and recognised as being compliant on 1st September 2014. In common with many other areas, it has not been possible to sustain the initial impetus put in to this piece of work nor to provide the level of ongoing maintenance and development work required to ensure that it remained relevant, accessible and up to date. Following critical feedback from users e.g. lack of accessibility, outdated materials, lack of awareness of its existence and incompatibility with mobile technology, the workstream has concentrated on creating a revised version that will initially sit outside the corporate system. A wide range of stakeholders have been actively involved in the development of the new pages, particularly parents/carers and children and young people. The relaunch is scheduled for the end of October.

Engagement with parents and carers

28. Dudley's Parent Carer Forum: Working Together for Change is recognised nationally as being very strong. It has also been named as one of the most strategically connected forums in the country. Led by a facilitator whose post is jointly commissioned by Dudley Council and CCG, forum members collectively give around

500 hours of their time each year to help improve the lives of families with children and young people who have SEND. The Council has asked the forum to carry out Appreciative Enquiries, surveys and to carry out a trawl of school websites to ascertain their ease of use and the quality of the SEN information contained on them. Members of the forum have been involved in numerous reform related activities including workstreams, policy development groups and have played a highly collaborative role in strategic development work with the Council and other local area partners. The Chief Officer for Children's Services has attended the vast majority of steering group meetings since she took up post and LA Officers attend regularly to give updates and briefings. The next step is to achieve the same level of involvement for parents and carers in operational level activities. It is hoped that Dudley's successful engagement with the next phase of the DfE approved Voices work based on the Rotherham Charter will support this.

Outcomes for children and young people

29. Outcomes for children in Dudley with SEND are generally a cause for concern and do not currently compare well enough with national or West Midlands averages against all indicators. High level outcomes are as follows:

% of pupils with SEN achieving a 'good level of development' at foundation stage	Dudley	All English Regions	West Midlands LAs
Average total points score of pupils with a statement of SEN or EHCP across all early learning goals (ELGs)	17.7	19.4	18.6
Average total points score of pupils at SEN Support across all early learning goals (ELGs)	27.5	26.7	26.1
% of pupils with SEN meeting the expected standard of phonic decoding	<i>Data for 2017 not currently available</i>		
Pupils with a statement of SEN or an EHCP	11	19	19
Pupils on SEN Support	49	48	49
% of pupils with SEN with level 4 or above at KS2 in reading, writing and maths (including both English and Maths)	<i>Data for 2017 not currently available</i>		
Pupils with a statement or EHCP	21	16	14
Pupils at SEN Support	43	44	41
% of pupils with SEN achieving 5 or more A*-C GCSEs (including English and Maths)	<i>Data for 2017 not currently available</i>		
Pupils with a statement of SEN or EHCP	4.1	9.1	7.7
Pupils at SEN Support	20.1	24.0	20.5
% of pupils with SEN achieving the English Baccalaureate	<i>Data for 2017 not currently available</i>		
Pupils with a statement of SEN or EHCP	Figure too low to be published	3.2	2.6
Pupils at SEN Support	2.6	6.7	4.6
% of 19 year olds to qualified to level 2 including English and Maths	<i>Data for 2017 not currently available</i>		
Young people with a statement of SEN or EHCP	10.4	15.1	13.6
Young People at SEN Support	32.6	37.4	33.9
% of 19 year olds to qualified to level 3			

Young people with a statement of SEN or EHCP	12.0	13.8	13.6
Young People at SEN Support	32.5	31.6	29.9

Table 3: Information taken from the latest LG Inform Local Area SEND report

30. Provisional data for 2017 shows the following (please note that this information has not yet been validated and should not be shared):

Early Years Foundation Stage	Number eligible	Good level of development
EHCP	97	1.0%
No SEN	3505	71.8%
Statement of SEN	3	0.0%
SEN Support	440	28.9%

Table 4: Provisional data for Early Years Foundation Stage 2017

Key Stage 1	Number eligible	At expected standard in Reading, writing, maths and science (RWMS)	Working at Greater Depth RWMS
EHCP	16	87.5%	0.0%
No SEN	3189	7.9%	68.2%
Statement of SEN	80	91.3%	2.5%
SEN Support	637	48.4%	19.0%
Key Stage 2		At expected standard in Reading, writing and maths (RWM)	Working at Greater Depth RWM
EHCP	60	10.0%	1.7%
No SEN	3007	64.5%	7.2%
SEN Support	599	15.0%	0.8%
Statement of SEN	41	0.0%	0.0%

Table 5: Provisional data for Key Stages 1 and 2 2017

Priorities for action

31. Mechanisms need to be in place to ensure the Local Offer improvements are maintained over time and that its usage increases significantly. Feedback from the site regarding quality of and gaps in services provided need to be gathered and used to help inform the commissioning and improvement of services.
32. The reasons behind the apparent over/under- identification of children with certain types of primary need requires a better understanding. Appropriate action needs to be taken to ensure outcomes for these children are the best they can possibly be. This will involve cross-agency working.

33. There is an overall lack of capacity in specialist settings within the borough. This has a significant impact on both the High Needs and Home to School Transport Budgets. Work is needed to address this on multiple fronts – through earlier intervention and prevention, increasing the confidence of parents in the ability of mainstream schools to meet needs, looking for efficiencies in existing systems, as well as spare capacity in existing facilities and looking to increase in-borough provision.
34. The quality of the content of EHCPs should be, on a consistent basis, at least good, as should the parental experience of the EHCP process. There remains a weakness in many EHCPs with regard to a lack of reference to and / or detail with regard to health and social care elements. This suggests joint working is still underdeveloped.
35. There has been no take up of Education Personal Budgets to date. The DfE Local Area SEND report indicates that in 2016, 79 Personal Budgets were taken up. However, these all relate to Children’s Social Care and/or Health Personal Budgets. The production of an Education Personal Budget Policy, an Education Resource Allocation System (ERAS) and the associated infrastructural arrangements are all currently work in progress that has been started during 2017, but is not yet complete.
36. Schools, both mainstream and special, have raised concerns that the amount of money they receive from the High Needs Block is insufficient to meet individual needs. Schools have indicated that they would like a review of the method of distributing top-up funding, which is used to provide any additional educational support required through an EHCP, to ensure fairness and transparency.
37. Permanent exclusion rates from schools are rising. The waiting time for entry to The Sycamore Centre (the short stay school) is too long and places for permanently excluded children at Key Stages 1, 2 and 3 are under severe pressure. The latest DfE Local Area SEND report shows the following (note that the most recent national data available is 2013/14):

2013/14	Dudley	All English Regions	W. Midlands LAs
Permanent Exclusions	0.46% of the school population	0.15%	0.24%
Fixed Period Exclusions - pupils with a statement of SEN	16.69% of the school population	15.31%	18.75%
Fixed Period Exclusions – pupils with SEN without a statement of SEN	10.44% of the school population	10.51%	10.67%

Table 6: Latest published data on permanent and fixed term exclusions from schools detailing breakdown by SEND status.

Finance

38. The Department for Education (DfE) provides non ring fenced grant funding to local authorities to provide support with the implementation of the SEND reforms.

39. The SEND New Burdens Grant, was introduced during 2014/15 to support the reforms. The funding allocation for 2017/18 is £218,441.
40. The SEN team support the implementation of the reforms and the Local Authority Revenue budget for 2017/18 is £375,500

Law

41. This report accurately describes the law governing local authorities' duties with regards to the education of children and young people with special educational needs and disabilities, which is provided by and summarised within the Children and Families Act 2014 and the SEND Code of Practice.

Equality Impact

42. An Equality Impact Assessment has not been carried out but all the changes required by the new legislation are designed to bring improved experiences, outcomes and life chances to children and young people with SEND and their families and is complementary to the Equality Act 2010 and other related laws. The risk of it having a negative impact on any person with a protected characteristic is therefore extremely low. Whilst this report focuses on SEND, other protected characteristics, including gender, race and religion, are equally relevant in terms of children and young people with SEND and their families.

Human Resources/Transformation

43. In line with the Council's Transformation Strategy (People, Process, Redesign), HR Services and the Transformation Team will provide appropriate support to help enable the delivery of the priorities identified above.

(leave space for electronic signature)

.....

Tony Oakman
Strategic Director - People

Contact Officer: Lorraine Stephen, Interim Lead for SEND and Special Schools
 Telephone: 01384 817403
 Email: Lorraine.stephen@dudley.gov.uk

List of Background Papers (not circulated with the report)

LG Inform: Local Area SEND Report DfE
 Report of Steve Huggett's (Regional DfE Adviser) visit to Dudley in September 2017