



Date: Wednesday, 5 June 2019

Time: 10.00 am

Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

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PEOPLE OVERVIEW COMMITTEE

TO FOLLOW REPORT (S)

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Committee and Date

People Overview Committee

05/06/2019

Item

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Public

Preparing for the SEND Inspection

Responsible Officer

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1.0 Summary

1.1 This report provides an outline of how Shropshire Council and the Clinical Commissioning Group (CCG), along with partner agencies, have reformed services for children and young people with special educational needs and disabilities (SEND) in response to the requirements of the Children and Families Act 2014. The report also explains how an anticipated inspection by Ofsted and the Care Quality Commission will review the impact of this work in improving outcomes for children and young people with SEND.

2.0 Recommendations

2.1 Members scrutinise the progress made, and make any recommendations they believe will strengthen the reforms.

3.0 Opportunities and risks

3.1 Good preparation not only ensures that we build on the strengths of our services, but also provides an opportunity to identify areas for improvement.

3.2 Poor preparation could risk the inspection concluding that the service does not meet the needs of people in Shropshire. This could result in a written statement of action being required from the local area and a loss of confidence in the services provided.

4.0 Financial assessment

4.1 There are no financial considerations in scrutinising these preparations. However any recommendations that the committee makes could have a cost implication. In the event of a poor inspection outcome there are likely to be cost implications attached to a written statement of action.

5.0 National Context

5.1 The Children and Families Act 2014 introduced significant reforms to the SEND system. Section 19 of the Children and Families Act 2014 makes clear that local

authorities, in carrying out their functions under the Act in relation to disabled children and young people and those with special educational needs (SEN), must have regard to:

- the views, wishes and feelings of the child or young person, and the child's parents
- the importance of the child or young person, and the child's parents, participating as fully as possible in decisions, and being provided with the information and support necessary to enable participation in those decisions
- the need to support the child or young person, and the child's parents, in order to facilitate the development of the child or young person and to help them achieve the best possible educational and other outcomes, preparing them effectively for adulthood

5.2 This has provided Shropshire Council and its partners with the opportunity to reform services, ensuring that health, education and social care work together, in partnership with the clinical commissioning group and other organisations, to deliver a holistic service for children and young people with special educational needs and disabilities (SEND).

6.0 The Inspection

6.1 Inspection arrangements came into force on 1 May 2016 to test how effectively local areas fulfil their responsibilities in relation to SEND. Ofsted and CQC have been commissioned to undertake inspections of all 152 English local authority areas. The intention is that all inspections will be completed within five years. This is an inspection of a local area, which includes the local authority (education, social care and early help and public health) and health (commissioners and providers).

6.2 The inspection team will consist of a Her Majesty's Inspectorate lead, a Care Quality Commission (CQC) inspector and an Ofsted inspector (OI). Notification period is five days. It is anticipated that this will provide sufficient time for the local area to notify parents and young people so they can contribute meaningfully to the inspection.

6.3 The inspection team will focus on the following key areas:

- the effectiveness of the local area in identifying children and young people's special educational needs and/or disabilities
- the effectiveness of the local area in meeting the needs of children and young people with special educational needs and/or disabilities
- the effectiveness of the local area in improving outcomes for children and young people with special educational needs and/or disabilities

6.4 To achieve this, inspectors will be looking at identification, provision and outcomes of learners identified at SEN support and those with an Education Health Care Plan (EHCP). They will be assessing the impact that the reforms

have had on supporting positive outcomes including how effectively the local authority and clinical commissioning group work together to support children and young people to prepare for their life as an adult so that they have equal life chances. This means:

- preparing for further/higher education, training and/or employment
- developing positive relationships and being part of their local community
- having the skills and access to resources to live as independently as possible
- maintaining good health

6.5 Inspectors will prepare for the inspection using a range of information to develop key lines of enquiry and identify the particular aspects to focus upon. During the inspection they will speak to groups of parents, carers, children and young people and will visit a sample of providers across health, education and care to gather evidence.

6.6 The process is intended to be developmental and following the inspection a report will be published that:

- provides children and young people, parents, elected council members, local providers and those who lead and manage the delivery of services at local level with an assessment of how well the local area is meeting the needs of children and young people with special educational needs and/or disabilities, and how well service providers work together to deliver positive outcomes
- provides information for the Secretary of State for Education about how well the local area is performing its role in line with its statutory responsibilities and the code of practice
- promotes improvement in the local area, its education, health and social care provision
- where relevant, requires the local area to consider the actions that it should take in light of the report and prepare a written statement that sets out those actions and the timetable for them

7.0 Common concerns

7.1 Outcomes of inspections undertaken to date have identified a number of common concerns. Some of the key themes at the end of the first year included:

- Ineffectiveness of the Local Offer resulting from insufficient engagement of parents, carers and young people in its development and the lack of awareness of the Local Offer across the area.
- Lack of strategic direction; senior leaders and members not being sufficiently engaged.
- Underdeveloped joint commissioning of services as a result of ineffective analysis of need and SEND not featuring in the Joint Strategic Needs Assessment (JSNA). This has meant that local areas have not demonstrated that they are able to track their SEND population and plan

proactively.

- Lack of coordinated approach to planning services for children and young people with SEND across the full age range (0 to 25) meaning that some young people with SEND were not able to access the support and services to which they are entitled beyond the age of 19.
- Lack of involvement of children, young people and their parents in planning and reviewing their provision.
- Lack of contribution of all agencies in the statutory process of assessment, in particular health and care, leading to education health and care plans (EHCPs) that are of poor quality.
- Limited use of personal budgets.
- Limited access to therapy services.
- Limited access to child and adolescent mental health services (CAMHS).
- Increasing number of children with SEN being excluded from schools, being educated at home and high rates of absence amongst this group.
- Poor levels of engagement with parents, carers and young people in developing strategic direction and planning of services.

8.0 Local context

- 8.1 Shropshire is a large rural authority with an aging population. There are approximately 44,272 children and young people under the age of 18 years. This is 14.2% of the total population in the area. There is a higher percentage of over 65 year olds and a lower than average rate of under 25 year olds than the national average.
- 8.2 Shropshire has 129 primary schools, 20 secondary schools, two special schools a pupil referral unit (PRU) and three resourced provisions attached to mainstream schools (one secondary and two primary). In addition there are plans in place to open further resourced provisions during 2019/20. Of the 129 primary schools within the county 86 are named on the designated rural schools list (2016) with 49 primary schools in Shropshire having fewer than 100 pupils on roll (Census data: Spring 2017). 93% of Shropshire schools are rated as Good or Outstanding by Ofsted.
- 8.3 There is a network of early years providers across the local authority that have been recognised as having the skills and knowledge to meet the needs of children with SEN. These enable younger children (0 to 5) with SEN to successfully access mainstream provision within their local community. There are also a number of post 16 provisions including school sixth forms, Further Education colleges and training providers that offer a good range of opportunities for young people with SEND to access further education and training once they leave school.
- 8.4 Data from the 2018 school census identifies that the proportion of children and young people with SEND is broadly in line with the national average

(14.5%). 3.5% of the school population have an EHCP. This is above the National average (2.9%) but has been reducing steadily since 2014 (4.1%) 11.0% of the school population have special educational needs but no EHCP (SEN Support). This is slightly below national average (11.7%). The percentage of those with an EHCP in primary (1.8%) is significantly lower than in secondary schools (3.1%).

- 8.5 Progress outcomes for children with an EHCP at key stage two and key stage four are significantly better than national averages for this group in all subject areas. Pupils in Key Stage S2 at SEN Support achieve above national average in Reading but below in Maths and Writing. Pupils in Key Stage 4 with SEN Support make progress in-line with national averages and statistical neighbours. However, there remains a gap in the progress of children with SEN when compared to that of their none SEN peers. There is a higher proportion of young people with SEND aged 16 to 19 who are not accessing education, employment or training. This is an area that needs to be addressed.
- 8.6 Shropshire has a very low rate of appeal to SEND tribunal; this has been recognised as a strength by the Department for Education (DfE). The number of appeals lodged fell from 15 (0.9%) in 2014 to 1 (0.0%) in 2017, although there has been a rise this year. This is thought to be the impact of the introduction of the National Trial, which enables appeals to be made with regard to issues concerning health and social care as well as education.
- 8.7 Moderate Learning Difficulty is the most prevalent primary need in Shropshire accounting for 28.7%. This is slightly more than the national picture of 22.7%.
- 8.8 Shropshire appears to have a lower percentage of pupils with Autism Spectrum Disorder than the national rate, but differences in how local authorities classify primary need is considered a factor as there is a correlation with higher numbers of pupils identified with a severe learning difficulty (SLD) within our special school sector. Shropshire has been successful in embedding person centred approaches. Our performance in meeting statutory timescales for the completion of the EHCP process has improved significantly since 2014 with 80-85% now being completed within the 20-week timescale.
- 8.9 ***How effective is Shropshire Local Area in identifying children and young people who have SEND?***
We have good systems in place to support early identification of SEND where children have complex needs. The systems are most effective for the 0 to 5 age group. There are systems in place to identify children and young people with less complex needs (SEN Support), further work is required to ensure that these are used consistently across all schools and education settings. There are some areas of need where identification is not as robust as we would like, in particular the identification of conditions such as Autism and Attention Deficit Hyperactivity Disorder in older children and young people. This is because pathways into the relevant services are not yet established. The identification of young people with

SEN who have not previously been identified or whose needs have changed remains a challenge. Pathways to access health services for young people aged over 18 are not clear this means that advice to inform an Education Health and Care (EHC) needs assessment is limited. The EHC needs assessment process requires further development to ensure that all agencies contribute appropriately to the EHC needs assessment.

8.10 How effective is Shropshire Local Area in meeting the needs of children and young people who have SEND?

Provision to meet the needs of children and young people is improving and is good overall. The sufficiency of provision is regularly reviewed to inform progress in meeting the outcomes of Shropshire's high needs provision strategy.

Children receive timely therapeutic and health intervention (speech and language therapy and occupational therapy, physiotherapy, specialist nursing) through a combination of community intervention, training to school staff, Clinical Commissioning Groups commissioned services within the generic special school, specialist language impairment support service. Children and young people with a sensory impairment are fully supported through the Sensory Inclusion Service (SIS).

The Portage service provides support for families of very young children with significant and complex needs, this is valued by those families who access this service. However, some families identified as requiring a service do not receive this. The Portage service is currently being reviewed. This will enable different delivery models to be identified which with a view to extending the scope of the service and clarifying criteria for access.

The public health nursing service is commissioned to provide a SEND specific service for children and young people with SEND up to the age of 25. The service supports the early identification of SEND through health visitors. However, there is evidence that the service is not always aware of which children have an identified SEND. Further work is planned to raise awareness of SEND amongst practitioners and to review the range and impact of SEND specific programmes and support offered by the service.

A comprehensive training and information programme has been established to ensure that all practitioners working with children and young people with SEND are aware of their responsibilities under the Children and Families Act 2014.

The take up of personal budgets remains low, this is particularly the case for personal health budgets. The CCG have recognised that this is a concern and are currently reviewing the reasons for this.

The Local Offer is intended to identify services and provision across the local

area. An in-depth review of the Local Offer was completed in December 2018. This confirmed that information within the local offer is inconsistent and that there is significant work that is still required to provide a Local Offer that adequately reflects the range of services available across the local area and that presents information in a way that is both informative and engaging. The review also identified that feedback is inconsistent and the local offer therefore does not effectively support commissioners to identify commissioning priorities as well as it could. Following the review an action plan has been implemented which is being overseen by a multi-agency project group. Good progress is being made to develop the Local Offer in partnership with parent carers and young people in preparation for a relaunch of the home page this summer. The use of social media has increased awareness of the Local Offer, given parents the opportunity to engage and provided another channel for feedback.

8.11 *How effectively does Shropshire improve outcomes for children and young people who have SEND?*

Education outcomes for children and young people with SEND are good.

Procedures for measuring preparing for adulthood outcomes are being developed and refined.

The number of appeals lodged with the SEND Tribunal remain very low. This is a good indication of a high level of satisfaction with the assessment process and effectiveness of the EHC plan in meeting the needs of children and young people with SEND.

8.13 *How effectively does strategic leadership and management across Shropshire support children and young people with SEND to achieve the best possible outcomes?*

Strategic leadership and management is good. There is an established multi-agency strategic board which has a clear plan and identified work streams.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

None

Cabinet Member (Portfolio Holder)

Portfolio Holder for Children and Young People

Local Member

All

Meeting, date: Report heading

Appendices

- Special Educational Needs in Shropshire