



## **Children and Young People Overview and Scrutiny Committee**

12 February 2013

### **Report from the Director of Children and Families Department**

For Information

Wards Affected:  
ALL

## **Strategy for Special Educational Needs and Disability**

### **1.0 Summary**

- 1.1 This report describes the work currently being undertaken to improve our approach to meeting the needs of pupils and students with special educational needs (SEN). The Special Educational Needs and Disability Strategy, due to be considered by Executive at time of writing, is attached as Appendix A.

### **2.0 Recommendations**

- 2.1 That the committee notes and comments upon the information provided in the attached report.

### **3.0 Detail**

#### **3.1 SEN update for CYP Scrutiny Committee**

- 3.1.1 The strategy links into the council's Children and Young People's Plan and the council and NHS Brent's Health and Wellbeing Strategy. It will be underpinned by robust performance management arrangements which will help to monitor and drive forward new initiatives and improvements. The development of the strategy has been undertaken as part of the One Council SEN Phase 2 Project.
- 3.1.2 The SEN Code of Practice 2002 is the current statutory guidance to Local Authorities (LAs), schools, early years settings and other agencies on matters relating to their respective functions and duties in making provision for the SEND of children and young people. It sets out the role of the LA and requires the publication of the "general arrangements, including any plans setting out objectives, targets and timescales". The Code of Practice is prescriptive about what LAs should publish and advises that strategic planning should be partnership based aimed at "providing for the inclusion of children with SEN in mainstream schools" as far as possible.
- 3.1.3 The previous SEND strategy of the LA covered the period 2007-2010 and is referred to in the new strategy document as part of the baseline for the proposed strategy.
- 3.1.4 Towards the end of the last strategy period the LA faced increasing challenges (resulting largely from a rapid increase in demand) to its services for SEND. These challenges have continued to place the LA and all partners under great strain leading

to a significant overspend on Dedicated Schools Grant (DSG) and central service expenditure. The LA increased its activities on statutory assessments and producing statements of SEN in response to these challenges. This is out of step with the national and regional pattern of these activities.

- 3.1.5 In addition to these significant local challenges national Government will be implementing some fundamental reforms to the legislative framework for SEND between 2013 -16. These reforms will continue to place LAs at the centre of activity with significant but altered statutory responsibilities and duties. The draft strategy outlines these and builds in suggested flexibility in order to ensure that the LA is proactive with its partners in shaping and implementing the reforms.
- 3.1.6 The LA has addressed these challenges so far through the One Council SEN phase 1 and 2 transformation projects. The projects originated from a concept paper to deliver improved SEND services, which was agreed in September 2010. The current SEN phase 2 project is addressing the following 6 work streams and is scheduled to end in August 2013.
- Refresh SEND strategy
  - Culture change and transformation of service delivery
  - Additional SEN school places within Borough
  - Develop commissioning approaches
  - Re-organisation of SEN support services to support mainstream capacity
  - Review of financial approaches
- 3.1.7 Achievements of the Project so far include:
- Reduction in the production of new statements from 226(2011/12) to 150 projected 2012/13. This is reducing the reliance on statements for meeting the needs of pupils with SEND over time and strengthening early intervention and school based processes.
  - Improvement in the efficiency of production of statements within 26 weeks, estimated to be 70+% for 2012-13 improved from 30+% for 2011-12. The current monthly performance is 100% produced on time.
  - Reduction in placements in out-Borough independent special schools from 68(2011/12) to 5 maximum projected 2012/13, reducing the reliance on out-Borough provision and relieving approximately £500k full year spend from the DSG budget.
  - Development of a minimum of 60 additional SEN school places which will progressively increase the capacity of maintained special school provision in the Borough resulting in approximately £500k of cost avoidance by 2013/14. This has been achieved through the development of additional Inclusive places at Alperton Community School and Queens Park Community School but also by making better use of existing provision at Phoenix Arch (previously Vernon House) special school, which is now admitting autistic pupils who previously would have been placed in independent special schools outside the Borough.
  - Re-negotiated contracts with independent special school providers resulting in approximately £500k savings by 2014/15.
  - Developing the strategic support of the head teachers of the special schools, who are working very positively and collaboratively with the LA in tackling the challenges in developing inclusive approaches to SEN in all schools.
- 3.1.8 These developments are significantly contributing to the achievement of the first year target towards the LA's DSG recovery plan, pulling back the overspend. The project will achieve more significant financial savings as the bulge of children with statements

of SEN and those placed in independent special schools moves through the system and leave.

- 3.1.9 This transformation programme is faced with the usual challenges of change programmes such as resistance to the introduction of new ways of doing things. However there are additional challenges to add to these resulting from the strong statutory framework surrounding SEND which provides parents/carers with rights of appeal to tribunal and the strong human emotions that are aroused when established practices are challenged.

## **3.2 Strategic development to achieve sustainability**

- 3.2.1 The draft strategy has been developed through dedicated work stream 1 of the SEN Phase 2 project with the aim of sustaining the approach after the project ends. It has been developed through a two stage consultation process with all partners. The first stage of the consultation took place in March and April 2012 and was designed to capture the interest of all partners (schools, governing bodies, health services etc.) in agreeing the principles and priorities upon which a new strategy should be developed.
- 3.2.2 The engagement of partners in this consultation was limited but significant with 31 responses and a majority being on behalf of organisations. There was overwhelming support from these responses for the principles and priorities that were suggested. A draft strategy was developed based on the agreed principles and priorities with significant input from council managers. This draft was used as the basis of the second stage of consultation.
- 3.2.3 The second stage was designed to raise awareness of all partners and engage them in subscribing to the strategy and developing their role in delivering it over the next three years. Much of this consultation was conducted through face to face involvement with partners at their key meetings during the consultation period. The draft strategy was also made available to the public on the LA's consultation tracker. The consultation period started on 24<sup>th</sup> September and ended on 30<sup>th</sup> November.
- 3.2.4 This stage of the consultation was successful in engaging key partnership groups in the health service, social care services, schools, governing bodies, voluntary agencies and parents. The draft strategy document has been shaped in the light of the feedback from these groups and is attached as Appendix A. The document reflects the strong support from partners and emphasis on continuing to develop effective inclusive approaches to SEND. The process has identified three broad key principles:
- Involve children and young people and their parents and carers in all decisions about them, promoting independence and autonomy through to adulthood.
  - Ensure inclusion and participation in all aspects of family, school and community life in a local and inclusive setting, making the best possible use of available resources.
  - Secure the right support at the right time for families by working in partnership with schools, health, social care and other key partners.
- 3.2.5 Three main priorities have been agreed which will be worked on through nine objectives. These are described in detail in the strategy document.
- 3.2.6 The strategy will be monitored through a detailed operational action plan which will be developed with partners during implementation. This action plan will be used to call partners to account for achieving the strategic objectives. Attached with the strategy document is an initial high level version of this action plan which will be developed to include the source of resources that will be required, quantifiable success criteria and

clearly identified accountable personnel and services. The action plan will be flexible and will be reviewed regularly over the 3 year period of the strategy as the national reforms are launched.

#### **4.0 Financial Implications**

- 4.1 All areas covered by this report are related to the Schools Budget and therefore have no impact on the Council's General Fund resources.
- 4.2 The Schools Budget which is funded via the ring-fenced Dedicated Schools Grant has experienced increasing spending pressures over recent years primarily due to increasing SEN expenditure. This resulted in a cumulative deficit by the end of 2011/12 of £5.7m.
- 4.3 A deficit recovery plan was agreed with the Schools Forum on 21 September 2011, which would bring the Schools Budget back to a balanced position by the financial year 2014/15
- 4.4 The strategy covered in this report will support the Deficit Recovery Plan agreed with the Schools Forum.
- 4.5 The One Council Project and the linked deficit recovery plan are currently both on track to achieve a balanced Schools Budget by the target time of 2014/15.

#### **5.0 Legal Implications**

- 5.1 The LA has a duty under Section 315 Education Act 1996 as amended to keep under review the arrangements made for special educational provision, and where necessary in order to co-ordinate provision for its children consult governing bodies of schools in its area.

#### **6.0 Diversity Implications**

- 6.1 A predictive Equality Impact Assessment (EIA) has been completed for this strategy. Improving the life chances and safeguarding of children and young people with SEND is a priority for the LA and the proposed strategy will significantly contribute to securing greater equality of opportunity. It will underpin the human rights to accessing full educational opportunities. The strategy will also significantly strengthen opportunities for the inclusion of these children and young people in mainstream services alongside their peers. It will support the development of new approaches to the disproportionate incidence of some disabilities in certain ethnic groups.

#### **7.0 Staffing/Accommodation Implications**

- 7.1 There are no specific staffing or accommodation issues arising from this report.

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