



**Community and Wellbeing Scrutiny  
Committee**  
29 March 2017

**Report from the Strategic Director  
of Children and Young People**

For information

Wards affected: ALL

**Special Educational Needs and Disability (SEND) -  
Update on Specialist provision and the implementation of  
the SEND Reforms**

**1.0 Summary**

1.1 The Children and Families Act came into effect on 1st September 2014. Part 3 of the Act sets out major changes to the responsibilities of Local Authorities to identify children and young people in England with Special Educational Needs and Disabilities (SEND), to assess their needs, and make provision for them. A new SEND Code of Practice was issued and later amended and finalised in 2015.

The new legislation was the first major change to services for children and young people with SEND since 2001 when the previous code was published.

1.2 This report provides an update on Brent's progress in delivering the national programme of reforms as well as information about current specialist provision in the Borough.

**2.0 Recommendations**

2.1 Members of the Community and Wellbeing Scrutiny Committee to discuss and comment on the contents of the report.

**3.0 Rationale**

3.1 Special Educational Needs and Disabilities (SEND) is a corporate priority for Brent Council as set out in the Brent Borough Plan 2015-19. The stated aims include:

- All children with statements of special educational needs to transition to Education, Health and Care Plans by September 2018

- Fewer pupils with special educational needs will require out of Borough placements
- Provide young people with the support they need to improve their lives.

The legislation and changes in the 2014 Act also affect a significant amount of children, young people and parents in the Borough.

## **4.0 Selection**

- 4.1 A report on progress on the implementation of the SEND Reforms was last presented to Scrutiny Committee on 27 February 2016 where it was resolved that issues identified within the report be reported in more detail to future meetings of the appropriate scrutiny committee. The report also meets the criteria for scrutiny because it will be relevant to a large number of residents, and it addresses a corporate priority.

## **5.0 Background**

- 5.1 The main changes in the 2015 SEND Code of Practice are:

- For children and young people with complex needs ages 0-25 to be transferred to the new assessment process by April 2018 and the Education, Health and Care Plans (EHC Plans) will replace statements of SEN and Learning Difficulty Assessments (LDAs). There is also an extension of the age range which was previously up to age 19.
- To assess the child's needs and complete the EHC Plan within 20 weeks (reduced from the 26 weeks previously allowed to complete a statement) from the date of the request.
- A clearer focus on the participation of children and young people and parents in decision-making at individual and strategic levels.
- A stronger focus on high aspirations and improving outcomes for children and young people.
- A greater focus on support that enables those with SEND to succeed in their education and make a successful transition to adulthood.
- Guidance on the joint planning and commissioning of services with close co-operation between education, health and social care to ensure services are in place to meet needs.
- The requirement to publish a 'local offer' of support for children and young people with SEND.
- New guidance for education and training settings on taking a graduated approach to identifying and supporting pupils and students with SEN (to replace School Action and School Action Plus) – this is called 'SEN Support'.

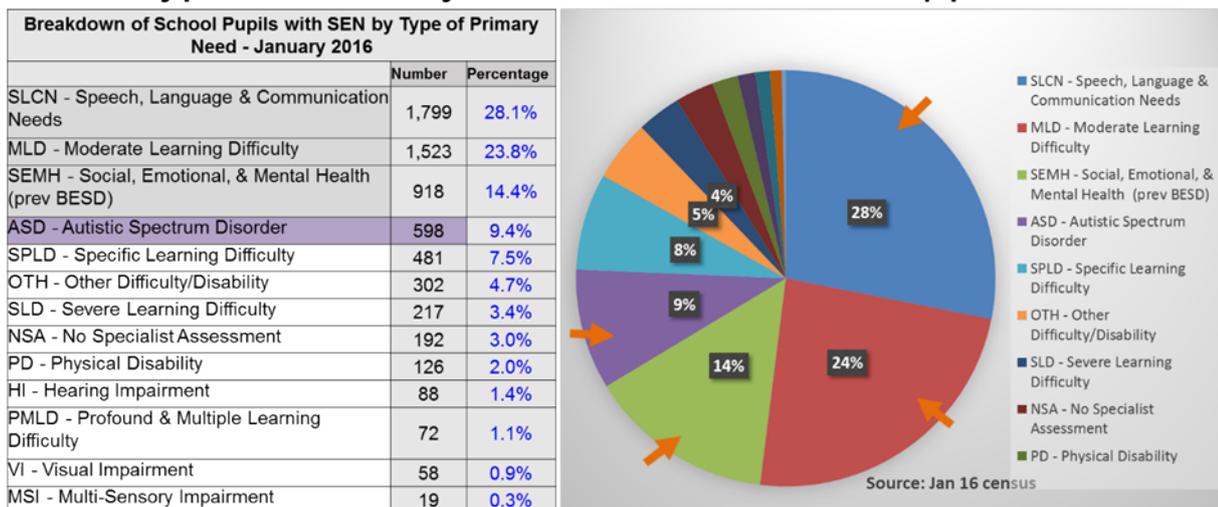
## 6.0 Information and Data

### 6.1.1 Prevalence of Children and Young People with SEND in Brent

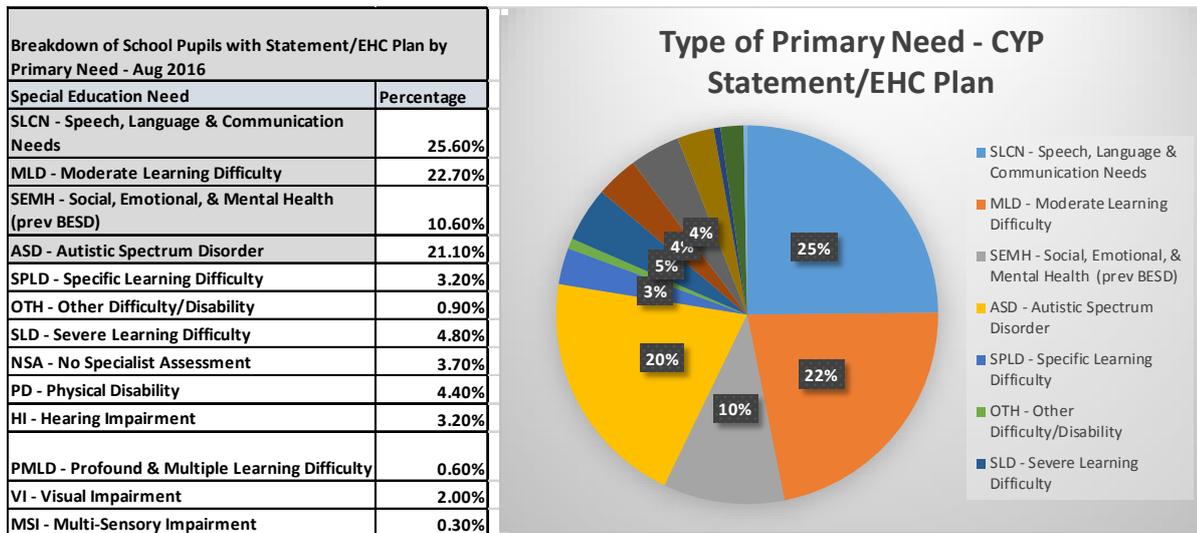
Nationally the overall number of pupils with special educational needs has reduced from 1,301,445 in 2015 to 1,228,785 in 2016. The reduction is due to a continuing decline in the number of pupils with special educational needs without a statement or EHC Plan. This decline is also reflected in Brent where there is a lower than average proportion of pupils on SEN support (those without EHC Plan). The prevalence of pupils at SEN Support stage is **9.9% (5,056 pupils)** which is below the National average (11.6%) and London average (11.7%) (DfE SFR release 2016). Schools have been required to review the children on the SEN support registers and as a result of better identification only children with SEND are now on the registers and having their needs correctly identified and met at early stages.

6.1.2 The key areas of highest special educational needs for children and young people at SEN support stage are Speech, Language and Communication Needs (SLCN) Moderate Learning Difficulties (MLD) Social Emotional and Mental Health Difficulties (SEMH) and Autistic Spectrum Disorder (ASD).

### Type of Primary Need – CYP SEN Support



6.1.3 Once an assessment has been completed and an EHC Plan issued the picture changes slightly as needs become more clearly understood through the assessment process. This is particularly evident in the increase in Autistic Spectrum Disorder (ASD).



## 6.2 Education, Health and Care Plans (EHCP)

6.2.1 The EHC Plan is a legal document that describes a child or young person's education, health and care needs and the support that is required to meet these.

6.2.2 EHC Plans will cover eligible students up to the age of 25. However, guidance on the legislation makes it clear that this does not mean that students have an automatic entitlement to education up to the age of 25. Previously the Statement of SEN went up to age 19.

6.2.3 As of 19th January 2017 (SEN2 DfE return – calendar year) there are now 1960 children and young people with Statements of SEN and Education, Health and Care Plans in Brent. Of these, 1140 children and young people have an Education, Health and Care Plan and 820 children and young people have Statements of SEN.

6.2.4 The number of children with EHC Plans in Brent is increasing, from 2.8% in 2015 to 3.0% in 2016 (SFR release 2016 DfE - school age pupils that attend school in Brent). Nationally the percentage of children with EHC Plans is 2.8%

6.2.5 The table below details the number of new requests for Education Health and Care Needs Assessment received this year to date, with comparative data for the 2014, 2015, 2016 financial years. The data shows the significant increase in requests for EHC plans.

	2013/14 (Apr to March)	2014/15 (Apr to March)	2015/16 (Apr to March)	2016/17 (Apr to Feb)
Total New Requests Agreed	208	211	<b>292</b>	244
Total New Requests not Agreed	69	78	<b>119</b>	109

- 6.2.6 On average the Local Authority has agreed **71%** of requests received during 2016. Where requests are declined the Special Educational Needs Assessment Service will provide feedback as to the appropriate next steps that should be taken to meet the child or young person's needs at SEN support and signpost to the Local Offer.
- 6.2.7 All decisions are made in line with the Local Authority's published criteria as detailed on the Local Offer. There are 3 panels for decision making in the EHC process:
- The multiagency SEN resource panel consists of representatives (School - Special Educational Needs Coordinator, health – speech and language therapy lead, SEND team leader, SEN Primary School Consultant, Principal Educational Psychologist). It ensures fair, transparent and consistent decision-making processes, in relation to requests for statutory assessments, which are consistent with the Council's policy and approach to resourcing special educational needs.
  - The Complex Needs Panel with representatives from the Inclusion Service (SEND Manager, Principal Educational Psychologist, SEND Specialist Services Manager). Health and Social Care attend for relevant cases. The panel makes outcome/cost effective decisions in terms of new special school placements, placement breakdown, and complex issues arising for those already with Statements of SEN/EHC Plan.
  - The Tripartite Panel (SEND Manager, Representatives from Brent Clinical Commissioning Group, Brent's Children with Disability Service (0-13), Brent's Transition Team) which makes outcome/cost effective decisions about joint education, health and care placements.
- 6.2.8 The Local Authority is required to assess the child's needs and produce the EHC Plan within 20 weeks. The previous timescale was reduced from the 26 weeks allowed to complete a statement from the date of the request to 20 weeks for an EHC Plan

6.2.9 The table below shows Brent's performance in meeting the statutory timescales for completion of EHC Plans

<b>Activity</b>	<b>% (Cumulative total 2016/17 Calendar year to 19<sup>th</sup> January 2017)</b>
EHC Plans (new assessments) completed within 20 week timescale including exception cases	86% (240 out of 278 Plans)
EHC Plans (new assessments) completed within 20 week timescale excluding exception cases	90% (219 out of 243 Plans)

*\* Note: exceptions apply only if the child or young person is not available for example out of country or on holiday*

6.2.10 As can be seen performance regarding timeliness in Brent has been good but improvement continues to be a priority. However, the new statutory process that involves greater co-production with families and schools is still being embedded. Late submission of advice from education, health and care providers is also a factor impacting on timescales. Nationally many LAs are facing similar challenges to meeting the 20 week timescales for completing EHC Plans. Data indicates that on average less than 60% of EHC Plans were finalised within time across England during 2015/16 and 70% of EHC Plans were finalised within time in London, therefore, in comparison, Brent is performing well.

### **6.3 Conversion of Statements of SEN to Education Health and Care Plans**

6.3.1 All Local Authorities were required to publish a Transition Plan setting out the timescales and numbers in each year group for conversion of Statements of SEN to Education Health and Care Plans by April 2018 and for LDAs by December 2016. In Brent good progress has been made in converting the existing Statements of SEN and LDAs (Learning Difficulty Assessments) for Children and Young people with SEND to Education Health and Care Plans (EHCP) by the government's deadline of April 2018.

6.3.2 In 2014 when the new legislation came in to force there were 1747 children and young people who are Brent residents and who have Statements of SEN and 119 young people with high needs who had Learning Difficulty Assessments (LDAs).

6.3.3 The timescale set out by Government has been challenging and many Local Authorities are reporting significant concerns both about completion of the transfers by April 2018 and also about the new requirements to complete the assessments in 20 weeks. Whilst the multi-agency approach is essential in promoting the ethos of the SEND reforms, we need to recognise the challenges of the additional demands on schools and settings as well as health and social care services of converting existing statements to EHCPs alongside the ongoing work for new Education Health and Care Plan assessments

- 6.3.4 There has been additional grant funding from the Department for Education to support the implementation of the reforms. This additional funding has enabled the appointment of temporary Education, Health and Care Plan coordinators to undertake the conversions identified in the Brent Transition Plan.
- 6.3.5 As of January 2017 there are 820 statements of SEN that remain to be converted to EHCPs. Of these 473 are planned to be completed by December 2017, and the remaining 347 converted by 31st March 2018. Assuming the current level of additional staff is maintained, the service is confident that the deadline of March 2018 will be met. The required conversion of Learning Difficulty Assessments was achieved by the deadline of December 2016.

## 6.4 Tribunals

Parents have the right to appeal to the SENDIST tribunal against the decisions the Local Authority makes in relation to:

- a decision not to carry out an EHC needs assessment
- a decision not to issue an EHC Plan
- the description of the child's SEN, the special educational provision specified, the school or other institution specified in the Plan
- an amendment to these elements of the Plan
- a decision not to amend a Plan following a review or re-assessment
- a decision to cease to maintain an EHC Plan

The Local Authority and partners are working together to try to resolve disputes at earlier stages by working closely with parents/carers and schools and the co-production of EHC Plans is contributing to building good relationships and resolving issues.

The number of tribunals in Brent has reduced in 2015/16 compared to the previous two years.

<b>SEN Tribunals</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>
Appeal Not Upheld	2	3	2
Appeal Struck Out	4	4	1
Appeal Upheld	4	5	3
Appeal Withdrawn	2	3	6
New Evidence Received - Appeal Discontinued	17	24	10
<b>Total</b>	<b>29</b>	<b>39</b>	<b>22</b>

Source: Brent data from management information system

## **6.5 Involving Parents Carers and Children and Young people in the EHC assessment and planning process**

- 6.5.1 The SEND reforms have at their heart a person-centred, holistic approach to working with children and young people with SEND and their families to ensure greater involvement of parents and children/young people in discussions and decisions about SEND support and provision. Early years providers, schools and colleges are expected to ensure that young people and parents are actively supported in contributing to the needs assessments, in expressing their views, wishes and feelings, in developing and reviewing EHC Plans and that they are fully involved in the decision making.
- 6.5.2 A new template has been developed to capture the voice of the child/young person and their views/aspirations and those of their parents/carers. This was piloted in 3 schools (October 2016). Following feedback gathered from parents/carers and young people a final version is being produced for use in all schools and settings. A further project is underway with the clinical psychologists from CAMHS and the Village School to develop better ways of capturing the voice of the child/young person with very complex needs to give this cohort an opportunity for their voice to be heard.
- 6.5.3 Since 2014 the Statement of SEN has been replaced by an Education, Health and Care Plan (EHCP), for which a single, holistic multi agency assessment is undertaken, and which is coordinated by the SEN Casework Officer. If the assessment outcome is to issue an EHCP, a meeting with parents/carers is arranged to co-produce the plan with the allocated SEN case work officer. Schools have been helpful in supporting this process to encourage parents to attend and be involved. However the participation of parents/carers is not taken up in all cases. Promoting this aspect of the EHC Planning process remains a priority area for improvement in 2017.
- 6.5.4 A pilot project is underway to align social care reviews for Looked After Children (LAC) or Children in Need (CIN) with annual reviews of EHC Plans to further improve co-production and to minimise the number of meetings for parents/carers and professionals to attend. As a result of this pilot, guidance will be developed and the arrangements rolled out further.

## **6.6 Preparation for Adulthood**

- 6.6.1 The reforms have put an emphasis on ensuring that children and young people have the information and skills they need to gain independence and prepare for adulthood. In the Code of Practice preparation for adulthood is defined as preparing for:
- higher education and /or employment
  - independent living – young people having choice, control and freedom over their lives and the support they have including supported living
  - participating in society including having friends and supportive relationships and participating in, and contributing to, the local community being as healthy as possible in adult life.

- 6.6.2 A stakeholder group was established to understand the transition to adulthood pathways for CYP ages 14-25 to identify specific requirements for the post 16 progression routes across education health and care for Children and Young People up to age 25.
- 6.6.3 Work has been done on an evaluation of post 16 progression routes for young people with SEND aged 16-19 and 19-25 and their pathways. It was agreed that a transitions protocol should be developed and agreed by all stakeholders. The purpose of the protocol is to achieve a co-ordinated pathway and seamless transition for children and young people between education, children's and adult health services and children and adult social care services. The seamless transition from children's to adult services aims to ensure that joint planning is embedded early on and that all practitioners are clear about protocols and processes to achieve the outcomes of employment, community living and participation, health and wellbeing for children and young people with SEND.
- 6.6.4 The initial focus of the transition protocol is on post 16 pathways but a further stage of the protocol will take account of the other times when children and young people make a transition for example when moving from nursery to school or primary to secondary school. This is identified in the work programme for 2017.
- 6.6.5 Using the Project Search methodology, Brent has collaborated with the College of North West London, West London Alliance and the Charing Cross Hospital Imperial College NHS Trust to provide 12 supported internships to students age 19-24 with SEND, to help give them skills to gain employment. This project is proving to be successful and the students are making good progress.

## **6.7 Joint Commissioning of Services**

- 6.7.1 The SEND reforms place obligations on education, health and social care services to work together to plan services to meet children and young people's needs at a strategic level (joint commissioning).
- 6.7.2 The Joint Strategic Needs Analysis (JSNA) for children and young people shows population growth with a subsequent increase in children and young people with SEND and an increase in pupils in both Brent mainstream as well as special schools . This also places demands on other services and there is a need to ensure that additional demand for services is reflected in future commissioning cycles.
- 6.7.3 A SEND Joint Commissioning Strategy action plan has been developed to take forward the joint commissioning requirements in Brent and this is monitored by the Inclusion Strategic Board and the Joint Commissioning Board which report to the Children's Trust. The Children's Trust is linked to the Health and Wellbeing Board. The action plan incorporates the planned work between the Council and the Brent Clinical Commissioning Group (CCG). It includes the commissioning of paediatric therapy services for occupational therapy, physiotherapy, speech and language therapy, school nursing and Child and Adolescent Mental Health Services CAMHS and this work is underway.

## **6.8 Brent's Local Offer**

- 6.8.1 The Local Offer provides a single point of information and advice for children and young people from 0 to 25 with special educational needs and disabilities (SEND) and their families. In Brent we are committed to ensuring that children and young people with SEND have the fullest possible range of services, support and opportunities to enable them to improve their life chances and realise their aspirations. The purpose of the Local Offer is so that parents, carers and young people can find out more easily about support and how to access it - all in one place.
- 6.8.2 Brent's Local Offer was developed in partnership with parents, carers and children and young people. A working group was set up and workshops and consultations were held with Parent Carer Forums, children and young people, parents and SENCOs. They decided the categories and gave feedback about gaps in services
- 6.8.3 The site ([www.brent.gov.uk/localoffer](http://www.brent.gov.uk/localoffer)), which was launched on 1 September 2014, is reviewed and monitored regularly and reported to the Inclusion Strategic Board.
- 6.8.4 Since 2014 Information about key areas of SEND has been developed and enhanced including: getting a diagnosis (for example Autistic Spectrum Disorder (ASD) and post diagnosis support, SEND in schools (role of the SENCO, SEN Support, specialist support services) Content is continually reviewed and updated across all Local Offer category areas - this has been particularly important in the case of health (one of the most popular categories) because providers have changed. More than 80 additional services have been added to the site since it was launched, including Council, health, independent and voluntary sector services.
- 6.8.5 A new online form has also been added to the site. This allows people to update information about their service, in addition to adding new provision and giving feedback.
- 6.8.6 A Local Offer video ([www.brent.gov.uk/localoffer](http://www.brent.gov.uk/localoffer)), was produced for parent/carers and children and young people to make it more accessible
- 6.8.7 Recognising the need to reach as many parents as possible and as early as possible, a Local Offer leaflet has been created which is included with every request for an EHC Plan, refusal to assess as well all transfer reviews to signpost parents to the Local Offer. The leaflet has been sent to schools and settings to distribute to parents of children on SEN support and is in libraries and GP surgeries and given to paediatricians and health visitors and other services who are in early contact with parents of children with SEND.
- 6.8.8 Future enhancements to the Local Offer are planned and a further consultation with parents took place on 15<sup>th</sup> March 2017 at the SEND parent participation Forum. Additional feedback was obtained about the site, about any gaps in provision and gave consideration about how the Local Offer might evolve in the future.

6.8.9 The Local Offer website is regularly monitored and the data below shows the number of page views on the site between June and November 2016 the site had:

- 13,580 page views
- Average of 670.5 users a month
- Average of 2263 page views a month

6.8.10 The most viewed category pages were education (506 page views), leisure (269 page views) and help and advice (355 page views). The most looked at individual pages were access to social care, Brent Citizen's Advice Bureau, Child and Adolescent Mental Health Services (CAMHS) and Health Visiting Service.

## **6.9 The Graduated Approach and SEN Support in schools**

6.9.1 All schools and settings follow the Assess, Plan, Do and Review model with a graduated approach to identifying and assessing needs for children and young people requiring additional support. Where appropriate and with parental agreement and involvement, the child will be placed on SEN support and a range of interventions put in place and reviewed with support from specialist services is accessed as appropriate. Special Educational Needs Coordinators (SENCOs) in schools and settings have received training and guidance on the identification of SEN as well as tools for assessment. SENCOs meet regularly for updated training.

6.9.2 All maintained schools and maintained nursery schools and academies must publish information on their websites about their policy for pupils with SEND. This is called the SEND Information Report and it must be updated annually. The Local Authority has provided training and guidance to enable schools to publish this report and to make links to the Local Offer.

6.9.2 The Local Authority also provides outreach services for schools and settings for those children and young people that are identified as requiring SEN Support. The type of support is detailed below

- The Inclusion Support Team – Support for children and young people with Social, Emotional and Mental Health (SEMH).
- Brent Outreach Autism Team (BOAT)
- Services for Children and Young People with Visual or Hearing Impairment
- Brent Access to Inclusive Technology Service (specialist equipment for children with high level and low incidence needs)
- Educational Psychology Service
- Early Years Inclusion Team providing support to Early Years settings
- The SEN advisory service providing support for school SENCOs (special education needs coordinators) and advice on dyslexia and complex needs.

6.9.3 The Local Authority supports schools with training to ensure that they are able to meet their statutory responsibilities to meet the needs of children with SEND. Bespoke training is available for staff in schools when children with specific needs are admitted. The Brent Schools Partnership, in collaboration with the Manor School, The Village School and Woodfield Teaching School Alliance produces a comprehensive training offer for schools. This includes developing SEND leadership and provision, assessment of SEND and supporting schools to achieve outstanding provision. School SENCOs meet regularly to collaborate and share good practice.

## **6.10 Brent Parent/Carer Forum**

6.10.1 There have been some difficulties in sustaining the Parent/Carer Forum in Brent. The Forum is an important group through which the views of parents and carers of children with special educational needs and disabilities (SEND) are fed back. 'Contact a Family', the organisation that has been given the responsibility by the Department of Education to support local authorities in setting up SEND Parent Carer Forums, has identified a different approach that is successfully used by other local authorities and this has now been agreed for Brent.

6.10.2 The Westminster Society is now facilitating the Brent Parent/Carer Forum. Like before, this is an independent group run by parents/carers for families of children and young people with SEND. The Westminster Society's role is to manage all of the administration that has previously been a burden. The Westminster Society's involvement now allows more time for parents of the group to participate in the design and development of SEND services in partnership with the local authority.

6.10.3 The Westminster Society is currently promoting the Forum, recruiting new and existing members and appointing parents to various roles. Representatives from the group are members of the Inclusion Strategic Board and other meetings.

6.10.4 Five key priorities have been identified for parents' participation and consultation for 2017:

- SEND Inspection – Identifying parents who would be involved in preparation for the forthcoming Inspection of SEND.
- Review of the Local offer – to obtain additional feedback about the site, identify any gaps in provision and consider how the Local Offer might evolve in the future.
- Short Breaks Review – Consultation on the Short Breaks strategy and provision.
- Transition Protocol – Consultation on the development of the Transition protocol.
- Transport Policy – Consultation on the review of the Transport policy.

## **7.0 Governance**

7.1 The implementation of the SEND reforms is monitored by the Inclusion Strategic Board which meets every 2 months. Implementation of the new SEND code of practice across education, social care and health provision requires a

transformational approach with input and engagement from services across the Council and as well as external partners and stakeholders. The Board is chaired by the Operational Director - Integration & Improved Outcomes to ensure senior level oversight. The Board is made up of representatives of Education, Social Care, Health, special and mainstream schools, Parent/Carer representatives and the Voluntary sector. The Board reports to the Children's Trust.

The Inclusion Strategic Board also has a wider remit to provide strategic direction for the work to be undertaken to meet the requirements of the Children and Families Act 2014 in relation to Special Education Needs and Disability (SEND) as well as the implementation of any legislation and guidance in relation to Inclusion.

7.2 There is a work programme that is identified by the Board around the strategic areas of work that need to be addressed to implement and embed the SEND Reforms which are now in its third year of implementation. The Board identifies actions to be undertaken.

7.3 The key areas of the Inclusion Strategic Board's work programme in 2017 are as follows:

- Developing and agreeing the Transition Protocol
- Aligning SEND Annual Reviews and LA reviews for Children with SEND who are also LAC
- Joint commissioning of paediatric therapy services
- Overview of strategic planning for special provision
- Updating the SEND and Inclusion strategies

## 8.0 Specialist provision in Brent

8.1 Most children and young people with SEND can have their needs met in a mainstream setting but the demand for specialist places is increasing. In 2017 (Jan SEN2 return) 48% of children and young people with EHC plans attend a mainstream provision and 52% of children and young people with EHC plans attend a specialist provision.

The table below shows the increase in children and young people with Statements of SEN/EHC Plans and the type of school they attend over the last 3 years from 2015-17. The data excludes the number of young people attending further education.

2015			2016			2017		
Total No CYP with Statements /EHC Plan	Mainstream	Special	Total No CYP with Statements /EHC Plan	Mainstream	Special	Total No CYP with Statements /EHC Plan	Mainstream	Special
1653	819	834	1772	871	901	1824	873	951
	50%	50%		49%	51%		48%	52%

- 8.2 Since 2012 all four Brent special schools have expanded and this has resulted in 104 additional special school places.
- 8.3 The four Special Schools in the Borough now cater for a wide range of complex SEND (see table below). Even with this expansion there is still a demand for specialist provision and Brent is reliant on sourcing places in out of Borough maintained Special Schools or Independent schools. Currently a total of 259 pupils are placed in schools out of Borough mainly for Autistic Spectrum Disorder (ASD) or Social Emotional and Mental Health Needs (SEMH).

School	Type of School	Special Need	Actual number of pupils in Brent Special and ARPs January 2017	Number of Planned Places
Manor School	Special	MLD/ASD	172	170
Phoenix Arch School	Special	ASD/SEMH	47	48
The Village School	Special	PMLD/SLD/ASD	277	270
Woodfield School	Special	MLD/ASD	156	165
Alperton Community School	ARP	MLD	13	16
Kingsbury Green Primary School	ARP	HI	17	16
Kingsbury High School	ARP	HI	6	7
Oakington Manor Primary School	ARP	ASD	15	15
Oakington Manor Primary School	ARP	SLCN	18	18
Preston Manor School	ARP	ASD	12	12
Preston Manor School	ARP	SLCN	12	12
<b>Grand Total</b>			<b>754</b>	<b>756</b>

*Note: ARP - Additionally Resourced Provision,  
MLD – Moderate learning difficulties,  
HI – Hearing Impairment, ASD – Autistic Spectrum Disorder,  
SLCN – Speech and Language Communication Needs,  
SEMH – Social, Emotional Mental Health,  
SLD – Severe learning difficulties  
PMLD - Profound and Multiple learning difficulties*

By September 2017 – All places will be taken up

- 8.4 The Council is continuing to implement its school place planning strategy approved in November 2015 to develop provision locally within the Borough and a new Special Free School is planned for 2018 to alleviate some of the need to place pupils with severe learning difficulties and ASD out of Borough. Officers are also exploring whether more provision can be provided through Additionally Resourced Provision (ARP) in mainstream schools to meet the particular needs of pupils with ASD and Moderate Learning Difficulties (MLD). This would go some way to relieving pressure on places in special schools. It

will help meet the demand but there is still pressure to meet the ongoing demand for special school places in the Brent for those with Autism and Social Emotional and Mental Health needs. Brent does not have specialist provision for those with Social Emotional and Mental Health needs and some of these children are placed in independent or out of borough maintained school placements.

- 8.5 The priority is to develop provision locally. In order to meet the needs of Children with SEMH planning is underway to make provision for primary age pupils who either have been excluded and have long term complex needs or are at risk of being excluded. The Local Authority is also working with the Brent Schools Partnership and two primary schools to deliver preventative programmes commissioned by schools for KS1 and KS2 children at risk of exclusion.

## **9. Care Quality Commission (CQC) and Ofsted Local Area SEND inspection**

- 9.1 In 2016 Ofsted and the CQC began SEND inspections of all local areas over a five-year period. Judgements are made about the performance of the local area since the implementation of the reforms in September 2014 and there is a narrative evaluative report following the inspection. There is no overall effectiveness grade.

- 9.2 When selecting local areas for inspection in a given year, Ofsted will ensure that there is a spread across the country and will, wherever possible, take account of the timing of any other Ofsted or CQC inspection activity. There will be a risk assessment element to the selection where Ofsted or CQC have significant concerns about an area's ability to fulfil its responsibilities, for example weaknesses found in the area's education inspections.

- 9.3 The inspection teams will usually consist of one of Her Majesty's Inspectors (HMI) from Ofsted, a Children's Services Inspector from CQC, and a trained inspector from a local authority (not from the local area being inspected). The local authority inspector will have specialist knowledge of disability and special educational needs and have a health, social care or education background.

- 9.4 The proposed focus of the inspection will be:

- How effectively does the local area identify children and young people who have special educational needs and /or disabilities?
- How effectively does the local area assess and meet the needs of children and young people who have special educational needs and/or disabilities?
- How effectively does the local area improve the outcomes of children and young people who have special educational needs and/or disabilities?

- 9.5 The inspection team will:

- Meet key managers and leaders from the local area's education, health and social care services

- Visit a number of early years settings, schools and further education providers.
- Visit health settings, where inspectors will discuss with managers and practitioners how the local area fulfils its responsibilities and how they contribute to this.
- Review files and information about how practitioners from health, education and care and other services contribute to assessments and Education, Health and Care plans.
- Meet children and young people, and parents and carers to get their views of how effectively the area fulfils its responsibilities.

9.6 The Local Authority, with partners, is preparing for the inspection through undertaking a self-assessment with contributions from all key partners. This has led to the identification of priorities for action in 2017 and areas for further development. There have been briefings and communication with all key stakeholders including parents/carers. 5 days notice for the inspection will be given.

The following areas and local authorities have been inspected so far and reports published:

<b>Area in England</b>	<b>Local Authority</b>
<b>Outer London and Inner London</b>	Bexley Hillingdon Hertfordshire Enfield
<b>East and West Midlands</b>	Nottinghamshire Derbyshire Stoke Herefordshire
<b>North East, North West and Yorkshire and Humber</b>	Hartlepool Bolton Leeds North Yorkshire Rochdale Sefton
<b>South East, South West and East of England</b>	Hertfordshire Suffolk Brighton and Hove Surrey East Sussex Gloucestershire Plymouth

## 10.0 Outcomes and Priority actions for 2017/18

10.1 The SEND reforms and the changes have been welcomed in terms of the benefits of a co-ordinated assessment and planning together across agencies,

co-production with parents, carers and children and young people through a person centred approach, the greater focus on outcomes and preparing for adulthood and the establishment of the Local Offer. There is a strong commitment from all partners in the Children's Trust and schools and settings to deliver a high quality SEND offer in Brent. However, it needs to be recognised that there have also been challenges that are ongoing including:

- Extending the age range from to 0-25 years
- Population growth and the increased demand for assessment and EHC Plans and the impact on services within limited resources
- The demand for specialist provision
- Changes in ways of working and training needs of staff across agencies
- Joint Commissioning of services

10.2 In terms of standards and achievement the performance measures for schools and colleges were changed in 2014, so it is not possible to make comparisons with previous years. More information can be found in the School Annual Standards and Achievement Report 2015/16 to this committee.

In 2016 at Key stage 2 pupils with SEND attaining the expected standard in reading, writing and mathematics was 26% which is above the national average of 16% but remains below the Brent and national average for all pupils.

At Key Stage 4 in 2016 the Brent average Attainment 8 score for pupils with SEND was 2 points below the national average for pupils with SEND and well below the average for all pupils. However, for the Progress 8 measure Brent pupils made more progress at secondary schools than pupils with SEND nationally but less progress than the average for all pupils.

In 2015 at Key stage 4, 90% of pupils on SEN support were in education employment or training which is well above the national and London averages. For pupils with an EHC Plan 85% were in education, employment or training and this is lower than national at 91%.

All of Brent's special schools have been judged good or outstanding.

10.3 Next steps -the following are the priority actions in the SEND strategy for 2017/18

- Continue to embed the reforms and new ways of working through refresher training for all agencies and partners involved in the EHC Assessment and Planning process
- Deliver the conversions of statements to EHC Plans by March 2018
- Aim to achieve 100% of EHC Plans within 20 weeks
- Complete the Joint Commissioning of Paediatric Therapy services by 2018
- Further develop the co-production of EHC Plans with parents and children and young people ensuring the voice of the child/young person is embedded in practice

- Support strengthening of the Parent/Carer Forum to enable the effective participation of parent and carers in the decision making at both an individual and a strategic level
- Continue to work with schools and partners on the development of local specialist provision ( Special schools and Additionally Resourced Provision- ARPs in mainstream schools) to meet the growing needs in the Borough with a focus on support for pupils with Autistic Spectrum Disorder and those with Social Emotional and Mental Health Difficulties.
- Support schools and settings to embed good practice on raising the attainment of children and young people with SEND and build capacity and skills in mainstream schools to support the inclusion of children with SEND
- Continue work to align the reviews of children who are LAC or CIN with the annual review of EHC Plans
- Develop and implement a Multiagency Transition Protocol
- Updating the Strategy for Children and Young Peoples with Special Educational Needs and Disabilities

## **11.0 Financial Implications**

- 11.1 The High Needs Block of the Dedicated Schools Grant funds SEN places and provision in Brent, and out of borough provision, in addition to funding some Council SEN services. The total High Needs Block for 2017/18 is £53 million.
- 11.2 The recent funding consultation on High Needs funding included proposals which would mean that Brent would not receive any growth in the medium term from 2018/19 onwards. This therefore means that increases in demand will have to be met from existing resources, and compensating efficiencies found. For example by increasing provision in-borough to achieve savings by reducing the number of higher cost out of borough SEN placements.
- 11.3 This also means that like mainstream schools, special schools are unlikely to receive increased funding despite experiencing costs pressures, which the NAO estimate will total 8% of current budgets by 2020.

## **12.0 Legal Implications**

- 12.1 **Education Law legal implications:** The requirement that all children with statements be placed on EHCs by 1 April 2018 is set out in The Children and Families Act 2014 (Transitional and Saving Provisions) No. 2 Order 2014.
- 12.2 It provides that the old law ceases to apply from the beginning of 1st April 2018. If there are any children that have not been transitioned to a EHC Plan by that date, the legislation explains that the new law does not prevent the statement maintained for the child or young person from continuing to have effect from 1 April; but means from it has effect as if the special educational provision specified in it were specified in an EHC plan maintained for the child. The local authority that maintains the statement for the child or young person must therefore secure that an EHC needs assessment for him or her is carried out and concluded as soon as is reasonably practicable after that date.

- 12.3 What this will all mean in practice remains to be seen. However any local authority which has not put in place EHC plans by 1 April 2018 and does not do soon afterwards, will be at risk of being Judicially Reviewed.
- 12.4 **Adult social care legal implications:** Local authorities must carry out a transition assessment when there is significant benefit to the young person (or carer) in doing so, and if they are likely to have needs for care or support after turning 18. The provisions in the Care Act 2014 relating to transition to adult care and support are not only for those who are already receiving children's services, but for anyone who is likely to have needs for adult care and support after turning 18.
- 12.5 That a young person or carer is 'likely to have needs' means they have any likely appearance of any need for care and support as an adult – not just those needs that will be deemed eligible under the adult statute. It is highly likely that young people and carers who are in receipt of children's services would be 'likely to have needs' in this context, and local authorities should therefore carry out a transition assessment for those who are receiving children's services as they approach adulthood, so that they have information about what to expect when they become an adult.
- 12.6 For young people with special educational needs (SEN) who have an Education, Health and Care (EHC) plan under the Children and Families Act, preparation for adulthood must begin from year 9 - see Special Educational needs & Disability (SEND) Code of Practice 'Preparing for Adulthood' . The transition assessment should be undertaken as part of one of the annual statutory reviews of the EHC plan, and should inform a plan for the transition from children's to adult care and support.
- 12.7 Equally for those without EHC plans, early conversations with local authorities about preparation for adulthood are beneficial – when these conversations begin to take place will depend on individual circumstances. For care leavers, local authorities should consider using the statutory Pathway Planning process as the opportunity to carry out a transition assessment where appropriate.
- 12.8 Local authorities should not carry out the transition assessment at inappropriate times in a young person's life, such as when they are sitting their exams and it would cause disruption. The SEND Code of Practice similarly states that local authorities must minimise disruption to the child and their family – for example by combining multiple appointments where possible. Local authorities should seek to agree the best time for assessments and planning with the young person or carer, and where appropriate, their family and any other relevant partners.
- 12.9 **Children social care legal implications**  
The Children and Families Act Part 3 became law on September 1<sup>st</sup> 2014
- There were 7 key tenets of the act:
- i. A new Education, Health and Care (EHC) Plan based on a single assessment process will replace special education statements. EHC plans will support children, young people and their families from birth to 25.

ii. Local authorities must involve families and children in discussions and decisions relating to their care and education; and provide impartial advice, support and mediation services

iii. The legislation extends the rights to a personal budget for the support to children, young people and families

iv. There is a statutory protection for 14-25 year olds embedding preparing for adulthood pathways

v. The legislation covers all schools including academies.

vi. The provision of local offer to be prepared for children and families must be made available in a clear, easy to read manner

vii. Joint commissioning across education, health and care of appropriate provision and placements

12.10 Any perceived failure by the local authority can be challenged via mediation Special Educational Needs and Disability (SEND) Tribunal or an application for Judicial Review.

### **13. Diversity Implications**

13.1 Part 3 of the Children and Families Act 2014 refers to relevant linked legislation and in particular the Equalities Act 2010 where schools, early years providers, post 16 institutions, Local Authorities and others have legal obligations towards disabled children and young people for example:

- They must not discriminate for a reason arising in consequence of a child or young person's disability
- They must make reasonable adjustments to ensure that disabled children and young people are not at a substantial disadvantage compared to their peers.

13.2 Where a child or young person is covered by SEN and Disabilities legislation reasonable adjustments and access arrangements should be considered as part of the SEN planning and review.

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