

AGENDA ITEM: 9 Pages: 19- 26

Meeting	Safeguarding Overview and Scrutiny Committee
Date	10 October 2011
Subject	Implications of the Special Educational Needs Green Paper
Report of	Cabinet Member for Education, Children and Families
Summary	This report outlines the key recommendations of the SEN green paper, their implications for Barnet, and the next steps required.

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Status (public or exempt)	Public
Wards affected	All
Enclosures	None
Reason for urgency / exemption from call-in	Not applicable
Key decision	Not applicable

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1. RECOMMENDATION

- 1.1 That Members consider the implications of the recently published SEN Green Paper and other related developments for Barnet as set out in this paper and provide comment to the Cabinet Member for Education, Children and Families.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 None.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The three priority outcomes set out in the 2011/13 Corporate Plan are: Better services with less money; Sharing opportunities, sharing responsibilities; and a successful London suburb. Ensuring that children with special educational needs are appropriately supported is important in helping to meet the Corporate Plan strategic objective 'create the conditions for children to develop skills and acquire knowledge to lead successful adult lives'. Identifying children with SEN early is also an important part of the Children's Service's commitment to early intervention and prevention expressed in the Corporate Plan.
- 3.2 Reducing the Special Educational Needs (SEN)/non-SEN attainment gap is a key performance target in both the Corporate Plan and Children and Young People Plan. Supporting those with SEN also contributes towards the partnership Children and Young People Plan 2011/12 objective to 'enable every child and young person to achieve their full potential, narrowing the gap for those whose attainment is at risk'.

4. RISK MANAGEMENT ISSUES

- 4.1 Risks in relation to the SEN Green paper need to be considered alongside the risk presented in management of SEN issues in Barnet generally. As well as potential benefits, inevitably there are risks associated with developing new ways of working as the SEN green paper is suggesting. Existing main risks relate to the growth and increase in complexity of the SEN population in Barnet.
- 4.2 Without a revised SEN strategy aimed at ages 0-25, reorganisation and consideration of budget arrangements, Barnet would not be able to deliver on the expectations of the SEN Green Paper.
- 4.3 There are substantial risk management issues in relation to provision for children with Special Educational Needs in Barnet. Pupil numbers are increasing due to an increase in the number of births in the borough and movers into the borough. Over the next four to five years this could lead to a 15-20% increase in the number of statements of special educational needs maintained from its current number of approximately 1,700. This increase will place increased pressure on the Children's Service in terms of providing education; supported living and respite costs for those up to the age of 25; and managing caseloads. The compounding effects of increasing SEN child populations in neighbouring boroughs also need to be considered in terms of the effects of other authorities seeking placements in Barnet SEN provision and vice versa.
- 4.4 In 2013 more children with statements of SEN will continue in full time schooling beyond age 16 due to the Raising of the Participation Age. By 2013 the Local Authority is also

- 4.5 Although a high cost area, outcomes for children and young people with SEN in Barnet are extremely good by national comparison. Maintaining this performance in the context of budget reductions generally in the council will be challenging and poses a potential reputational risk for the Council. Getting things right early can prevent substantially greater spending and conflict with parents and carers.
- 4.6 Children with SEN are vulnerable and present significant daily operational risk management and safeguarding issues in their education, transportation and care.
- 4.7 Partnership working across the statutory agencies and the voluntary sector needs to be robust with effective communication and information sharing processes. Should the Local Authority delegate or share responsibilities to a greater degree, for example, with the voluntary sector as indicated in the green paper this will become increasingly important. There is a risk that current IT and communication platform may not be sufficient to support increased joint working and sharing confidential data.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 Over the past ten years the number of annual births in Barnet has increased by 28%. Over the next five years, regeneration and demographic growth will bring about a shift in the ethnic profile of the borough, with a projected increase in the Black and Minority Ethnic population from 33.1% to 35.0%. There are substantial and regular numbers of “mover in” families from inside/outside London and particularly overseas, where children have significant special educational needs which may previously have been inadequately addressed. In addition families often present with English as an additional language.
- 5.2 Although not a statutory requirement in relation to SEN, tribunal outcomes indicate a need for due regard being given to parental and child views with regard to education within particular religious contexts.
- 5.3 There are a number of consultation processes which particularly apply in the relation to the delivery of services to children and adults with disability.
- 5.4 The SEN Green paper must be considered in the light of the Education White Paper (The Importance of Teaching - The Schools White Paper 2010) which includes the development of free schools and academies and the increasing autonomy of schools. There continues to be national policy development, consultation and discussion around responsibilities in relation to the education of children with special educational needs, social and emotional and behavioural difficulties and admissions and exclusions. Changes are also anticipated in school funding arrangements including the introduction of the pupil premium for disadvantaged children and young people.
- 5.5 Current Excellence in Clusters (EiC) arrangements allow for additional SEN-related services such as speech and language therapy and educational psychology to be delivered in EiC schools for sections of the school age child population more socially economically deprived.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

6.1 Finance

- 6.1.1 As outlined in this section and in the risks section , an increase in the number of children with Special Educational Needs will place increased pressure on Children’s Service budgets.
- 6.1.2 Transportation costs are being reduced per child presently through efficiencies but pressures on this budget will also increase in relation to increasing numbers and age ranges and increasing delivery of personalised arrangements, potentially involving more than one education or work related provider.
- 6.1.3 Parental expectations for quality of provision, choice and outcomes in Barnet are high and our children’s services, schools and children’s centres are also aspirational in this regard. Expectations may rise even higher in relation to the expressed aims of the SEN Green Paper. Barnet is moving forward with a high performance baseline and this needs to be considered in relation to perceptions about improvements that can be gained in the future, through implementation of new ideas. All four special schools and one of the main PRUs (Northgate –catering for young people with psychological issues affecting access to education) are judged as outstanding. The other main PRU for behavioural issues is judged as good. Children with SEN in mainstream schools in Barnet progress very well. Parental expectations for education post transition are high.

6.2 Procurement

- 6.2.1 Procurement and contracting have been an area of focus within SEN in recent months. The use of formal contracting across providers of education and therapies has been extended and this will bring improved Value for Money over time. The effect will not be great with regard to out of borough placements as monitoring of provision, progress and safeguarding arrangements has been reasonably strong. It is hoped improvements will be gained in relation to the delivery of therapies including delivery of speech and language therapy.

6.3 Value for money

- 6.3.1 There may be potential for some long-term efficiencies through more “joined up” approaches to assessing and meeting special educational, additional and care needs across agencies and also across age groups (within the 0-25 model indicated in the green paper). The proposed use of a single assessment and plan could ultimately replace statutory assessment altogether. Some efficiencies have already been realised in Barnet through greater joint working between Children’s and Adult’s services around transport of children with SEN and vulnerable adults. Initiatives are underway to link decision making with regard to provision during transition.

6.4 Staffing

- 6.4.1 There will need to be some review of roles and functions and critical review of capacity in the area of SEN to deliver on a new and expanding agenda for local authorities. The green paper also suggests opportunities to expand the role of the voluntary sector.

6.5 IT

- 6.5.1 The IT, data management and communication platform for developing the single plan approach and for the efficient management and monitoring of SEN outcomes in Barnet requires development. The authority has supported the implementation of the SEN progression guidance to monitor attainment through annual reviews. Some analysis of this data takes place for those young people involved with our specialist teacher service (virtual school). This work could be extended.

6.6 Property and in borough capacity

- 6.6.1 Reliance on more expensive out of borough and independent placements for school aged children with SEN has been reduced and the ability to defend tribunals on the basis of the quality of Barnet's provision has improved with all special schools now judged as outstanding. In borough capacity needs to be increased year on year and targeted more efficiently where there is need. Specialist placements locally are required for older young people with learning disabilities. This will need to include consideration of which building and existing property opportunities or market building opportunities are presented. Our special and mainstream schools could have a role in this as well as local colleges.
- 6.6.2 To help ensure that there is sufficient SEN provision going forward we are putting in place contracts with schools that convert to academy status, especially around additional resourced provisions. The agreements indicate that the number of places can be reviewed according to local on going need.

7 LEGAL ISSUES

- 7.1 Moving into this period of innovation and national learning about improving processes, the law does not change and councils will still need to meet the statutory requirements of existing legislation, guidance and systems.
- 7.2 There are a number of routes for challenges to local authorities including SENDIS tribunals, Judicial Review, Ombudsman complaints and negative outcomes can generate significant cost. Levels of challenge are high and we are exploring ways of reducing this e.g. through improved mediation.

8. CONSTITUTIONAL POWERS

- 8.1 The scope of Scrutiny Committees is contained within Part 2, Article 6 of the constitution; the Terms of Reference of the Scrutiny Committees are in the Overview and Scrutiny Procedure Rules (Part 4 of the constitution).

9. BACKGROUND INFORMATION

- 9.1 The Education White Paper (November 2010) proposed increased academies and free schools, to include special schools. It also proposed changes in the training of teachers to include some focus on SEN, and the development of teaching schools (including special schools) in relation to training and school improvement models. It reinforced quality first teaching in all schools as a primary consideration in meeting children and young people's needs. In the related area of behaviour management and exclusion schools would have more powers and autonomy with reduced potential for challenge.

- 9.2 The SEN Green paper 'Support and aspiration: A new approach to special educational needs and disability' was published in March 2011. It aimed to address the following issues:
- Parents are said to feel they have to battle to get the support their child needs
 - SEN statements are not joining up education and care support
 - Children are falling between the gaps in services or having to undergo multiple assessments
 - Multiple layers of paperwork and bureaucracy are adding delays to getting support, therapy and vital equipment
 - There is a confusing and adversarial assessment process, with parents' confidence in the system undermined by the perceived conflict of interest where the local authority must provide SEN support as well as assess children's needs
 - OFSTED and others suggest that children are being over identified as having SEN, which prevents them from achieving their potential because of reduced teacher expectation.
- 9.3 Government consulted on the green paper and Barnet encouraged local professionals, parents and carers, children and young people, mainstream and special schools to make direct consultation responses and to share those responses with the Council. Barnet Council considered the responses made by various groups and submitted a Barnet response to the consultation before the deadline of 29 June 2011.
- 9.4 The Barnet consultation submission broadly welcomed the proposals in the green paper. Some key aspects of the response were: support for the emphasis placed on early identification and proposals to make the assessment process more streamlined; the belief that provision needs to be shaped around the needs of the child; and support for increased independence for parents. Barnet has already piloted personal budgets for children with complex needs and believes that empowering parents to make their own choices about the care package their child receives is a positive step, as long as parents are adequately supported to take on this role. The consultation response also stressed the importance of integrating services, being mindful of value for money, and ensuring there is a continuum of support.
- 9.5 The SEN green paper indicates proposed improvements in the way special educational and additional needs are identified and addressed in the future. Mechanisms for this are not yet clear as the next stage is further government reflection on the consultation, the issuing of further guidance to local authorities (due imminently) and the implementation of a number of pathfinder projects to test out improved approaches through evaluation. This will be followed by legislative changes.
- 9.6 Some key aspects of the green paper on SEN are:
- a new approach to identifying SEN through a single Early Years setting-based category and school-based category of SEN;
 - a new single assessment process and Education, Health and Care Plan by 2014;
 - local authorities and other services will set out a local offer of all services available;
 - the option of a personal budget by 2014 for all families with children with a statement of SEN or a new Education, Health and Care Plan;
 - give parents a real choice of school, either a mainstream or special school (particularly in maintained sector); and
 - introduce greater independence to the assessment of children's needs.
- 9.7 A strategic role continues to be emphasised for local authorities. Collaboration and training through schools is promoted, with a focus on achievement and progress rather than SEN 'labels'. Early intervention is promoted, with implications for the planned use of resources

- 9.8 The following paragraphs outline proposals identified in the Green Paper where Barnet will need to consolidate existing good practice or make considered progress in systems development and learning in preparation for the near future.
- 9.9 Early Identification and Assessment** - Health and development reviews are planned for those aged 2 – 2 ½ years with integrated support arrangements incorporating increased numbers of health visitors. Early access to education is promoted within the 15 hour offer to 2 year olds. A single Education, Health and Care plan 0 - 25 is proposed from 2014. Links between multi-agency planning and assessment are well established in Barnet at the Early Support stage and appreciated by parents of children with complex needs. Early Intervention and Prevention is a priority in Barnet and includes a focus on family support and collaborative team working to identify issues of concern and address them.
- 9.10 **Giving parents control** - Parental Control, It is intended that there is a clear offer to parents describing what help is available from whom, with transparent information about funding and further exploration of the scope for personalised budgets and funding.
- 9.11 **Learning and achieving** – The child’s view is to be given greater emphasis and the child will have the right to appeal. The child’s view must be taken into account in issues of bullying, exclusion, promoting understanding of impairments, dealing with fear and stigma. The management of behaviour links to initiatives outlined in the schools white paper. Barriers to learning are to be identified, and challenging behaviour and bullying addressed through, intervention supported by training. Special school outreach is promoted (existing to some extent in Barnet). It is thought that a single SEN category replacing school action and schools action plus would help reduce any over identification of SEN. More outstanding schools and academies are intended and education and training is to be available to all students up to age 18 from 2015.
- 9.12 **Preparing for adulthood** – intentions include more effective transition, provision of more entry level courses, opportunities for work experience, and supported employment. It is intended that by 2015 local authorities will have a clear offer for transition.
- 9.13 **Services working together for families** – promotes innovative local collaborative working, including through commissioning, professionals working together and integrated collaborative approaches. Joint strategic needs assessments, joint health and wellbeing strategies, NICE and health outcomes frameworks will underpin the work between health and local authorities. It is proposed that GP consortia lead on commissioning. There is also an intended review of the SEN Code of Practice. Barnet benefits from strong multi-agency partnerships and health commissioners from NHS North Central London are both part-seconded to and based with the Council.
- 9.14 **Statutory timeframes** - The SEN green paper proposes reducing the timeframe for statutory assessment of SEN from 26 to 20 weeks. This comprises a reduction in the time local authorities have to decide whether to assess a child from 6 weeks to 3 weeks and a reduction from 12 to 9 weeks in the time for the statutory assessment. Barnet completes 100% of statutory assessments on time when solely responsible. Performance declines in the case of exceptions and involvement of other agencies such as therapy services, but has recently been improving and now stands at close to 80%. A move to shorter timeframes for statutory assessment is likely to create a performance and compliance pressure in Barnet.

Next Steps

- 9.15 More detailed proposals and plans from Government are anticipated by the end of this year. A series of pathfinders will take place to pilot the new approaches outlined in the green paper. Legislative changes are expected from May 2012.
- 9.16 Based on the proposals contained within the SEN green paper there will need to be further discussion with the voluntary sector with regard to roles they can fulfil in contributing to any assessment processes and supporting the independence and objectivity of such. Direct appeals by young people may need to be considered. Banding approaches to funding may also need to be further developed alongside testing of personal budgets systems.
- 9.17 Local Authorities are currently expected to maintain a strategic role and a role as champions for children with SEN and disability (including promoting childcare for disabled children). Within Barnet we will be reviewing the membership of our inclusion strategy group, focusing on 0-25 development, and developing a new strategy for SEN to move us forward.

10. LIST OF BACKGROUND PAPERS

- 10.1 SEN Green Paper –Support and aspiration: A new approach to special educational needs and disability - A consultation.
<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/CM%208027>
- 10.2 Education White Paper. *The Importance of Teaching - The Schools White Paper 2010*
<https://www.education.gov.uk/publications/standard/publicationdetail/page1/CM%207980>
- 10.3 Health White paper Equity and excellence: Liberating the NHS. 12th July 2010.
http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_117353
- 10.4 Health White Paper Healthy Lives, Healthy People: Our strategy for public health in England
http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_128120
- 10.5 SEN Green Paper – Barnet response to the government consultation
- 10.6 Barnet bid for SEN pathfinder

Papers 10.5 and 10.6 can be requested by contacting Brian Davis on brian.davis@barnet.gov.uk

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