
Meeting	Safeguarding Overview and Scrutiny Committee
Date	2 July 2012
Subject	“Choice and Achievement” – Draft Special Educational Needs and Inclusion Strategy
Report of	Cabinet Member for Education, Children and Families
Summary	This report outlines the implications of “Choice and Achievement” draft Inclusion Strategy and requests that the Committee provide feedback to the Cabinet Member for Education, Children and Families

Officer Contributors	Brian Davis, Principal Education Psychologist
Status (public or exempt)	Public
Wards affected	All
Enclosures	Appendix A – Choice and Achievement Principles
Reason for urgency / exemption from call-in	Not applicable

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1. RECOMMENDATION

- 1.1 That the Safeguarding Overview and Scrutiny Committee consider the implications of “Choice and Achievement” draft Inclusion Strategy and provide feedback to the Cabinet Member for Education, Children and Families.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 The previous Inclusion Strategy has lapsed and therefore it is necessary to develop a new Inclusion Strategy which takes account of changes since 2010.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The three priority outcomes set out in the 2012/13 Corporate Plan are: better services with less money; sharing opportunities, sharing responsibilities; and a successful London suburb. Ensuring that children with special educational needs and disabilities (SEND) are appropriately supported is important in helping to meet the Corporate Plan strategic objective “we aim to ensure that every child can reach their potential”. Identifying children with SEN and /or disabilities 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 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 and disabilities also contributes towards the partnership Children and Young People Plan 2012/13 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 Choice and Achievement Inclusion Strategy 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 Choice and Achievement Inclusion Strategy is suggesting. One risk is the possibility of partners not being able to pool budgets to enable a holistic approach to a child or young person. Existing main risks relate to the growth and increase in complexity of the SEN population in Barnet.
- 4.2 Without a revised Inclusion strategy aimed at ages 0-25, reorganisation and consideration of budget arrangements, Barnet would not be able to meet the needs of current legislation and proposed legislation which is outlined in the SEN Green Paper as previously reported to this committee on 20 October 2011.
- 4.3 There are substantial risk management issues in relation to provision for children and young people with SEN and /or disabilities 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 SEN 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 same is also true for children with disabilities. The compounding effects of increasing SEN and/ or disabilities 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 Advances in medical treatments means that children with complex SEN and /or disabilities are surviving longer. There will continue to be an increase in costs to meet these needs.
- 4.5 Increasing statutory obligations for children with SEN will come into force in 2013. This will see an increase costs but with no evidence that there will be additional resources
- 4.6 In 2013 more children with statements of SEN and /or disabilities will continue in full time schooling beyond age 16 due to the Raising of the Participation Age. By 2013 the Local Authority is also expected to manage and distribute the funding currently managed by the Education Funding Agency (EFA) for Learners with Learning Difficulties (LLDD) and Disabilities (from 16 plus for children leaving school with statements) and ensure access to education, training, and work in addition to the current responsibility to support living arrangements (in association with adult services). Risks are presented in that the capacity and processes to undertake this work are not yet fully in place, but they are in development with some good practice elements already present.
- 4.7 Although a high cost area, outcomes for children and young people with SEN and / or disabilities 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.
- 4.8 Children with SEN and/ or disabilities are vulnerable and present significant daily operational risk management and safeguarding issues in their education, transportation and care.
- 4.9 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 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 Equality and diversity issues are a mandatory consideration in decision-making in the council pursuant to the Equality Act 2010. This means the council and all other organisations acting on its behalf must have due regard to the equality duties when exercising a public function. The broad purpose of this duty is to integrate considerations of equality and good relations into day to day business requiring equality considerations to be reflected into the design of policies and the delivery of services and for these to be kept under review.
- 5.2 Children and young people who have SEN and or disabilities are a vulnerable group who are more at risk of not achieving their potential The national Family Resources Survey carried out by the Department for Work and Pensions estimates that around 5% of 0-15 year olds have a disability and the Department for Education estimated around 7% of children have a disability as defined by the Disability Discrimination Act (DDA). In Barnet, this would equate to around 3,600 – 5,000 children from 0-15 or 4,400 – 6,100

from 0-19. Estimates for the number of children with a disability vary depending on the definition of disability and the method of calculation.

5.3 Barnet currently has 1676 children with statements for SEN and 400 children on the register for children with disabilities.

6. USE OF RESOURCES IMPLICATIONS (Finance, Performance & Value for Money, Staffing, IT, 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 and or disabilities will place increased pressure on Children's Service budgets. The current Complex Needs base budget funded from the Children's Services Budget is £8.9m of which £5.2m is spent on transport. In addition there is a retained element of the Dedicated Schools Grant (DSG) of £11.4m.

6.1.2 Transportation costs are being reduced per child presently through efficiencies. However, pressures on this budget may increase in relation to growing numbers and the complexity of some cases.

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 Pupil Referral Units (PRU) (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.

6.2.2 Work is being undertaken with the West London Alliance and the North London Strategic Partnership to drive down costs of independent specialist placements. Further work, which is at an early stage in its development, is looking at how savings to transport costs could be achieved.

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 and reflected in the Choice and Achievement Inclusion Strategy). The proposed use of a single assessment and plan will 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 and this is taken into account in the Choice and Achievement Inclusion Strategy. An exercise is currently underway to look at revised ways of working within the current Complex Needs Service to address this issue.

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. Work is now in hand to address this issue.

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. The ability to support the Local Authorities position in the statutory SEN Tribunals on the basis of the quality of Barnet's provision has improved with all special schools now judged as outstanding by Ofsted. 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 their units of additional resourced provisions. The agreements indicate that the number of places can be reviewed according to local ongoing 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. However, the Academies Act 2010 does allow special schools and PRUs to convert to academy status. It also allows special schools and PRUs to be set up as free schools Academies and free schools sit outside the local authority.

7.2 The Education and Skills Act 2008 increases the age at which young people in England can leave education. The Raising Age Participation (RAP) comes into effect in 2013 when the staying on age for school leavers rises to 17 years of age and in 2014 it goes up to 18 years of age. This will see children staying at school or in training for longer and will have an impact on provision planning and resources. Sitting along side this, the EFA will pass its budget for young people with LLDD to the Local Authority to manage.

7.3 The anticipated Children and Families Bill in 2013 is likely to see the introduction of Education, Health and Care plans for children, known as the Single Plan, and the end of SEN statements. The current Code of Practice will be replaced with new guidance.

- 7.4 Changes are currently being consulted on for School Funding and in particular to how Higher Needs Learners will be funded. (Higher Needs Learners is the new terminology for children who are currently referred to as SEN or children with disabilities.) This will see a significant departure from the current funding patterns.
- 7.5 There are a number of routes for challenges to local authorities including Special Education Needs and Disability Tribunals (SENDIST), Judicial Review and Ombudsman complaints. Negative outcomes can generate significant cost. SENDIS tribunals are a route by which parents and carers can challenge local authorities if they disagree with the proposed SEN statement or the local authority's refusal to assess a child for SEN. Tribunals are costly and time consuming. They are also a stressful time for parents. It is therefore important that the local authority has effective mediation processes in place and they are used at the earliest possible stage in the assessment and statementing process to improve levels of customer care.

8. CONSTITUTIONAL POWERS

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

9. BACKGROUND INFORMATION

Background

- 9.1 The previous Inclusion Strategy has lapsed. Therefore it is necessary to develop a new one which addresses the changes in legislation (Academies Act 2010 and the RAP) and the proposed changes in the SEN Green Paper, Support and Aspiration 2010 which will be incorporated in the Children and Families Bill expected in 2013 and the proposed changes to school funding.
- 9.2 The Choice and Achievement Inclusion Strategy is in a very early draft form. It is being brought to this committee at an early stage in its development for discussion and to agree the principles and their implementation as set out in the attached document and to endorse the direction of travel. Following the agreement of the principles an implementation plan will be developed and brought to this group for consultation.
- 9.3 The Council will need to determine how they act as "champions" for children with SEN and disabilities to ensure that strategic developments in this area, for example how the Council addresses the need to expand the provision for autism, lead to the best possible outcomes for children and young people.
- 9.4 The strategy has been generated through the Barnet Inclusion Strategy Group. Members on this group include representatives from Health, parents, voluntary organisations, schools, Barnet and Southgate College, Parent Partnership, Adult Social Services, a paediatrician and Children's Services. Work on the inclusion strategy began with a workshop session to discuss ideas and gain a common understanding and ownership of the principles that helped to shape the strategy. The principles will also seek to reflect the vision statement for Care Integration which was agreed at the Health and Well-Being

Board on 31 May 2012. It is important that these two documents share the same vision and principles to ensure a smooth transition from one service to another.

- 9.5 It would be helpful if the Committee could explore ways in which they could support joint developments across the Council, private and voluntary sector, the Children's Trust and the Health and Well Being Board.
- 9.6 The development of the Strategy has taken into account the content of the SEN Green Paper: Support and Aspiration and has been the subject of ongoing consultation throughout the process.
- 9.7 It is proposed to widen further the consultation on this Strategy. The draft Strategy will be taken to the Children's Trust Board in September and the Health and Well Being Board in October. There will also be updates on the Council's website. The Inclusion Strategy Group will continue to track further developments in the approaches outlined in the Green Paper and the SEN pathfinders and move forward flexibly in order to maintain ongoing improvements and be in a position to implement the requirements of the Children and Families Bill expected in 2013.

10. LIST OF BACKGROUND PAPERS

- 10.1 Draft Choice and Achievement Inclusion Strategy
- 10.2 SEN Green Paper –Support and aspiration: Next Steps
<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/CM%208027>

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