

# Barnet Children's Partnership Board Report

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**Title:** SEND & Alternative Provision Action Plan

**Meeting Date:** 27 April 2023

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**Service/ Dept.:** Education and Learning

**Report to be Presented By:** Karen Flanagan

## 1. Summary

**1.1** The Children and Families Act<sup>1</sup> (CFA) was enacted in 2014. Part 3 of the Act relates to children and young people in England with Special Educational Need and/or Disabilities (SEND). The aims of the reforms were for children's needs to be identified earlier; families to be more involved in decisions affecting them; education, health and social care services to be better integrated; and support to remain in place up to the age of 25 where appropriate.

**1.2** Since then, there has been much criticism about the system from families, Councils and wider professionals<sup>2</sup>. This has included the National Audit Office report into SEND 2019 and the Inquiry by the House of Commons Select Committee. In the conclusion of the Select Committee report it notes

*“The Department for Education set local authorities up to fail by making serious errors both in how it administered money intended for change, and also, until recently, failing to provide extra money when it was needed”.*

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<sup>1</sup> [Children and Families Act 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

<sup>2</sup> National Audit Office report in SEND 2019. <https://www.nao.org.uk/wp-content/uploads/2019/09/Support-for-pupils-with-special-education-needs.pdf>

Local area SEND inspections: one year on', Ofsted and Care Quality Commission, October 2017; <https://www.gov.uk/government/publications/ofsted-annual-report-201920-education-childrens-services-and-skills>

Ofsted Annual Report 2019/20: education, children's services and skills', Ofsted, December 2020 <https://www.gov.uk/government/publications/ofsted-annual-report-201920-education-childrens-services-and-skills>

Inquiry by the House of Commons Select Committee October 2019 <https://publications.parliament.uk/pa/cm201919/cmselect/cmeduc/20/2002.htm>

**1.3** In response to the widespread concerns and findings, the DfE published a Green Paper in March 2022 'SEND Review: Right Support, Right Place, Right Time'<sup>3</sup>. A year later in March 2023 the DfE published its SEND and Alternative Provision (AP) Improvement Plan<sup>4</sup>.

**1.4** The Green paper set out its vision with regard how to support children and young people with SEND and improve the system for families. The Improvement Plan sets out how and when it will achieve this.

**1.5** Key proposals include the introduction of

- National standards to increase consistency at a national level.
  - These are wide ranging and include what provision should be in place for different need types, identification of need, , casework, communication, complaints, what is ordinarily available for children and young people with SEND but who do not have Education, Health and Care Plans (EHCPs), Alternative Provision, transitions, co-production, as well as standards for which there is already legislation such as decision making, annual reviews and mediation which the DfE proposes to make mandatory.
- Establish SEND and Alternative Provision (AP) Partnerships.
  - To ensure the right people at the right level undertake a needs assessment of the local area and produce a Local Inclusion Plan which clearly sets out what is available and will be commissioned.
- Introduction of a standardised EHCP and Digitise the process.
- Provide tailored lists to parents of suitable placements.
- Improve staff training.
- A three-tiered approach to AP
  - Direct support in mainstream, short term intensive off-site placements in a Pupil Referral Unit (PRU, longer term placement in PRU with the focus on reintegration into mainstream or Further Education (FE).
- Introduction of Inclusion dashboards so parents and professionals can see how the SEND system is performing at local and national level.
- Introduce a new national framework of banding and tariffs for funding matched to levels of need and types of education provision set out in the national standards.

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<sup>3</sup> [SEND Review - right support, right place, right time \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/111421/SEND_Review_-_right_support_right_place_right_time.pdf)

<sup>4</sup> [Special Educational Needs and Disabilities \(SEND\) and Alternative Provision \(AP\) Improvement Plan \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/111421/Special_Educational_Needs_and_Disabilities_(SEND)_and_Alternative_Provision_(AP)_Improvement_Plan.pdf)

- 1.6** It should be noted that the improvement plan comes with no new funding to Councils or schools over that which has already been announced and that many of the proposals will not come into force until 2025. The DfE have explained this is to take a test and learn approach before making changes, especially where a change in legislation may be required. There is a sense of disappointment from stakeholders about further delay, and frustration that this overcomplicates what could be an enforcement of what is already legislated for, with the addition of sufficient resources to ensure that local areas can comply with their statutory duties. *Please see Appendix 3 for timescales.*
- 1.7** From 2016 Ofsted and the CQC were commissioned to inspect local area SEND arrangements. Following a consultation about the proposals that finished in September 2022, a new inspection framework<sup>5</sup> has been published and been in use since January 2023.
- 1.8** There is continued concern that the inspection framework focuses on local areas in isolation from national policy with regards funding of schools, the high needs block as well as health, which has a considerable impact on local areas capacity to deliver in full what children and young people with SEND require.
- 1.9** Barnet was last inspected in January 2022. It received an extremely favourable inspection outcome. The feedback letter can be found [here](#).
- 1.10** The purpose of the inspection is to provide an independent, external evaluation of the effectiveness of the local area partnership's arrangements for children and young people with SEND who are educated in Alternative Provision (AP) settings and where appropriate, recommend what the local area partnership should do to improve the arrangements.
- 1.11** There is significantly greater emphasis on the experiences of children and young people with SEND, or who are educated in AP settings and their families in the new framework. The previous framework focussed on local areas progress in implementing the reforms of the CFA 2014. Inspections will be 3 weeks instead of 2, there is significantly more data needed which covers 7 pages (appendix 2) – much of which needs to be within 24 hrs of the inspection notice. It also includes a change of methodology which will utilise sampling and auditing of individual cases. This goes beyond compliance to the legal framework and is the same approach as taken in the Inspecting Local Authorities Children Services (ILACS) framework.

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<sup>5</sup> [Area SEND inspections: framework and handbook - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/107222/area_send_inspection_framework_and_handbook.pdf)

**1.12** There is a focus on strategic as well as individual outcomes and AP arrangements are also included in the inspection framework. There will be an overall judgement for each area, alongside the outcome letter that identifies key strengths and areas for improvement.

**1.13** There are 3 inspection Judgements:

*1: The local area partnership's arrangements typically lead to positive experiences and outcomes for children and young people with SEND. The local area partnership is taking action where improvements are needed.*

*2: The local area partnership's arrangements lead to inconsistent experiences and outcomes for children and young people with SEND. The local area partnership must work jointly to make improvements.*

*3: There are widespread and/or systemic failings leading to significant concerns about the experiences and outcomes of children and young people with SEND, which the local area partnership must address urgently.*

**1.14** Where a LA receives judgement 1, the next full inspection will be in 5 years; Judgement 2 - three years and in the case of Judgement 3, there will be a further monitoring visit in 18 months as well as a full inspection 3 years after the initial inspection. In all cases the local area partnership will need to update and publish its strategic plan based on the recommendations set out inspection outcome report.

**1.15** In addition to the full inspection there will also be annual engagement meetings between Ofsted and the CQC's representatives and representatives of the local area partnership to review their self-evaluation and action plan and discuss what is happening in the area, including any challenges and how leaders are addressing them.

## **2. Implications and Actions.**

**2.1** There is substantial additional workload for the Local Authority in terms of developing the expectations as outlined in the SEND and AP Green Paper and Improvement Plan and to ensure readiness for Area SEND Inspections. To date there has been no new burdens assessment for Local Authorities and this is on top of additional requirements that have already been added to Local Authority reporting and activity requirements in terms of attendance, SEN2 reporting which is now at pupil level, and schools place planning to which SEN places have been added (see also data requirement implications in 5.2 below).

## 2.2 This will include the following:

- **A SEF** will be required in readiness for the Area SEND Inspection as well as the annual engagement meetings. Please see appendix 1 SEF good practice guide sent by our DfE SEND Advisor, Judith Mobbs.
  - *Action: to be completed within 6 months; ahead of the first annual engagement meeting. We expect this to be towards the end of the year.*
  - *A full data mapping exercise is required give the extensive range of data and reporting asks. This will require additional staffing to ensure we are able to collect, store, cleanse, analyse and report on the data and information collected. The process of data mapping has started but is in itself complicated given the range and extent of expectations which go across council services and external health partners. That exercise should inform the capacity needed and any gaps.*
  
- A **Local Area Needs Assessment** to inform a **Local Inclusion Plan** (LIP) that will set out how the needs of children and young people in the local area will be met in line with **National Standards**. The Department for Education's new Regions Group will then need to see and approve each area's LIPs by end of 2024, but we will be expected to show progress towards this at our annual Ofsted engagement meeting.
  - *Action: Draft LIP to be developed and overseen by the SEND and AP Strategic Partnership Board. Recruitment of data analyst required as part of additional capacity needed described above.*
  
- Establishment of **SEND and AP Partnership Boards**.
  - *Action: The first SEND and AP Strategic Partnership Board meeting has taken place. Terms of Reference (ToR) for the Board are in the process of being co-produced. This board will have oversight of the local area's actions in terms of its provision and arrangements for children and young people with SEND and AP.*
  
- **National Standards**. These will be developed over the next two years, the DfE expect to publish "a significant proportion of the National Standards, with a focus on those that are most deliverable in the current system by 2025".
  - *Action: monitor publication of standards. Review data available and identify gaps in data over the next 12 months. Recruit data analyst to support and oversee this additional work.*

- Development of **AP pathways** in line with the expectations set out in the Improvement Plan and to ensure it meets new national standards and inspection Area SEND Inspection requirements.
  - *Action: set up a multi stakeholder task and finish group to map what is already in place for AP and identify changes needed to bring in line with the new expectations. This will include a review of PRU management, processes and referral pathways. To be finalised ready for implementation for new academic year 2024.*
- Strengthen arrangements for wider **feedback from Parents and Carers** and establish route of **feedback as well a strategic co-production for children and young people with SEND**.
  - *Action: coproduce agreed approach and methodology for seeking feedback from parents, carers and children and young people with SEND to be in place from new academic year 2024.*
  - *Liaise with education partners to ensure that pupils with SEND are represented on school councils and are able to have their voices heard within school settings.*
- **Codesign and co-produce a local area SEND Strategy**.
  - *Action. The Council's [SEND Strategy](#) will need to be updated from the start of 2025. Partners will need to codesign and coproduce a new SEND Strategy during 2024.*

### 2.3 Post 2022 SEND Inspection recommendations for improvement:

- **Gaps in therapy provision** narrow the support available to meet the needs of children and young people.
  - *Action: considerable action has been taken to increase the therapy offer. We have changed to a new provider who has significantly reduced staff vacancies and this is improving access. Therapy provision remains insufficient and additional recurrent funding has been agreed as well as substantial amounts of one-off funding from both the Council and The North Central London (NCL) Integrated Care Board (ICB).*
- **Children and young people in Barnet wait too long for a diagnosis of autism spectrum disorder (ASD)**.
  - *Action: NCL hub developed to manage backlog in ASD diagnosis and HELIOS appointed to complete online ASD assessments.*
- **Not all expectant parents are offered an antenatal contact in Barnet**. This is one of the requirements of the 'healthy child programme'. This means that some early or emerging needs may not be identified and responded to.

- *Action: from September 2022, all expectant mothers to be offered an antenatal appointment. A new Public Health Nursing contract has been let and is being closely monitored.*
- **Some children and young people wait too long for specialist child and adolescent mental health (CAMHS) services.**
  - *Action: Development of patient treatment list across NCL to ensure that patients waiting for treatment can be identified by borough and service line to better target resource. Overseen by NCL Mental Health Oversight Group and NCL MH Programme Board which has developed a new Mental Health Strategy. We will update progress at the meeting.*
- **Some children and young people with complex medical and health needs have to wait for essential home equipment.** There is not a clear pathway for those under 18 who need pressure care equipment. This means that children and young people under 18 experience a delay in receiving essential equipment.
  - *Action: A Task and Finish group was established to review the equipment pathway to expedite provision to patients. We will update progress at the meeting.*
- **Objectives in EHC plans do not typically focus on the steps needed to help children and young people realise their wider hopes and ambitions.**
  - *Action: EHCP Template has been amended to include the Aspirations at the top of Section E (Outcomes, increased focus from professionals in their reports on Transition to Adulthood from Y9, continuation of multi-agency EHCP Audit.*

**2.4** It should be noted that the action plan will be added to as learning from new inspection arrangements is shared and further details with regard the proposals outlined in the DfE SEND and AP Improvement Plan emerge such as

- A national system of Bands and Tariffs.
- Introduction of a standardised EHCP and Digitise the process.
- Provision of tailored lists to parents of suitable placements.
- Mandatory Mediation.

### **3. Impact**

#### **3.1 Equalities and Diversity**

The Council has a duty contained in section 149 of the Equality Act to have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics are:

- age
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.
- Marriage or civil partnership

The broad purpose of this duty is to integrate considerations of equality into day to day business and to keep them under review in decision making, the design of policies and the delivery of services. School improvement monitoring, supporting and challenging arrangements ensure that the quality of education in Barnet is maintained and improved. Outcomes for all groups of children and young people are monitored including children with special educational needs and disabilities and disadvantaged children (those in receipt of free school meals and children looked after).

The SEND and AP Action Plan is intended to improve outcomes and choice for children and young people with SEN and will therefore positively impact on children and young adults, working age adults who are parents and children and young people with disabilities.

#### **3.2 Corporate Parenting**

A disproportionate number of looked after children have special educational needs. Ensuring appropriate arrangements are in place for children and young people with special educational needs and disabilities will thus be of clear benefit to significant numbers of looked after children.

#### **4. Consultation and Engagement.**

- 4.1** There is no need to consult on ways forward currently.
- 4.2** Barnet has a strong background in authentic co-design and co-production with parents, carer and young people and this is a core part of the CFA, as well as the DfE SEND and AP Improvement Plan and Area SEND Inspection arrangements.
- 4.3** We will need to codesign and co-produce the LIP.
- 4.4** The Council will need to lead on the formal consultation of the new proposed [SEND Strategy](#) 2025-2028.

#### **5. Conclusion and Recommendations.**

- 5.1** Children's Partnership Board to note the contents of this report, including the progress on necessary actions.
- 5.2** The data required to inform and co-produce the local area Needs Assessment, SEF and LIP and to be ready for the Area SEND Inspection is significant and will require mapping to clarify the extent of the additional burdens to ensure we can meet the new expectations and the actions detailed in section 1. We will need to urgently recruit a dedicated data analyst to set up the systems needed to collect, cleanse, report and analyse the data needed and to determine the longer-term data resources to support this ongoing work. This will need to be supported by a data support worker.
- 5.3** A detailed action plan, including timescales and accountability will need to be drafted, discussed and agreed at the next SEND and AP Strategic Board meeting on the 13 June 2023 and brought to a future Children's Partnership Board. Following this task groups will be established, and progress reported back to both Boards.