Public Document Pack

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CHILDREN'S SERVICES SCRUTINY COMMITTEE

20 July 2021

SECOND DESPATCH

Please find enclosed the following items:

B1.	SEND scrutiny review - Scrutiny Initiation Document and Introductory Presentation	1 - 12
B2.	Executive Member Annual Report	13 - 22
E1.	SEND Scrutiny Review - SID and Introductory Presentation - Appendix	23 - 26

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Children's Services Scrutiny

Special Educational Needs and Disability (SEND)

Candy Holder MBE
Head of Pupil Services

Agenda Item B1

Operational Framework: SEND Code of Practice

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SEND Code of Practice:

- Provides statutory guidance on duties, policies and procedures relating to the Children and Families Act 2014
- Where the text uses the word '**must**' it refers to a statutory requirement under primary legislation, regulations or case law
- The code applies to all children and young people with SEND age 0-25
- All relevant bodies (including local authorities, governing bodies and all schools and settings) **must** fulfill their statutory duties towards children and young people with SEND in light of the guidance set out in the Code

The First-tier Tribunal (Special Educational Needs and Disability):

- When considering an appeal from a parent or young person, the First-tier Tribunal (Special Educational Needs and Disability) ('the Tribunal') **must** have regard to the Code of Practice. The Tribunal will expect LAs and schools to be able to explain any departure from the Code.

Key Principles of the Code:

- Full participation of parents, children and young people in assessment, planning and review
- Collaboration between Education, Health and Care Services
- A focus on inclusive practice
- Supporting successful transition to adulthood

How does the Code translate to practice?

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- The Children and Families Act 2014 **secures the general presumption in law of mainstream education** in relation to decisions about where children and young people with SEND should be educated, and the Equality Act 2010 provides protection from discrimination for disabled people.
- Where a child or young person has SEND but does not have an Education, Health and Care (EHC) plan they **must** be educated in a mainstream setting
- The School Admissions Code of Practice requires children and young people with SEN to be treated fairly. Admissions authorities:
  - **must** consider applications from parents of children who have SEN but do not have an EHC plan on the basis of the school's published admissions criteria as part of normal admissions procedures
  - **must not** refuse to admit a child who has SEN but does not have an EHC plan because they do not feel able to cater for those needs
  - **must not** refuse to admit a child on the grounds that they do not have an EHC plan
- Where a child does have an EHC plan, the child's parent {or the young person if over 16) has the right to request a particular school, college or other institution to be named in their EHC plan and the local authority **must** comply with that preference and name the school or college in the EHC plan unless to do so would be:
  - unsuitable for the age, ability, aptitude or SEND of the child or young person, or
  - incompatible with the efficient education of others, or the efficient use of resources

How does SEND work in mainstream schools?

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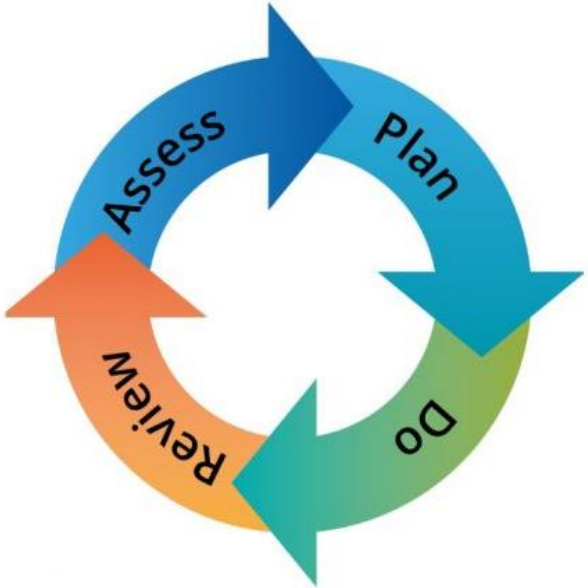
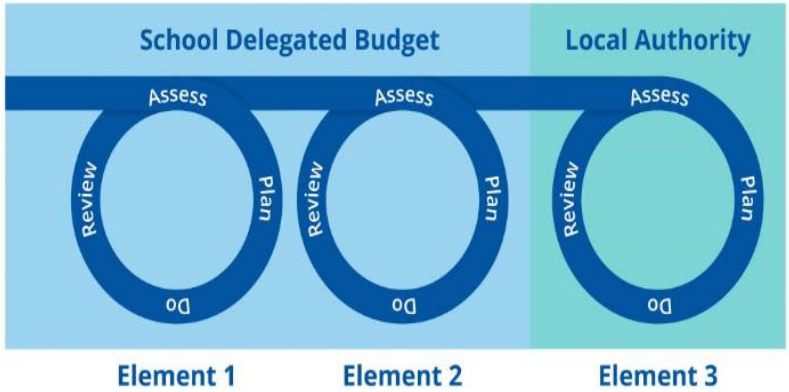
- School-based provision is called SEND Support
- Schools are expected to follow a 'graduated approach' to SEND Support intervention that takes the form of cycles of 'assess, plan, do, review' as an ongoing process to make sure provision is meeting identified needs.
- They should also consult relevant external agencies, make use of assessment tools and materials, record observations and evidence of progress.
- For children with significant or complex needs, where levels of support and intervention do not lead to expected progress, schools or parents may request a statutory Education Health and Care assessment. If needs are assessed as beyond a level that can be met from resources normally available to schools, an Education, Health and Care Plan may be issued.



Who pays for SEND? (national model)

- There are three levels of SEND funding, with Elements 1 and 2 paid through school budgets, and Element 3 directly from the local authority.
- All schools get funding for each pupil as part of their delegated funding - this is called the Age Weighted Pupil Unit (AWPU) or Element 1.
- Support which is in addition to or different from the general is covered by another source of funding which is part of a school's delegated budget, known as Element 2.



- For children with more complex needs, Element 3 'top-up' funding (i.e. to top up already available Element 1 and 2) funding is managed by the local authority, normally through an EHC plan.

Local Offer

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Out Borough mainstream & special

Learning and Cognition

Samuel Rhodes Primary (co-located with Montem School)
Samuel Rhodes Secondary (co-located with COLAHG)
Samuel Rhodes Outreach

Communication and Interaction

The Bridge Satellites (co-located with Hungerford and COLAHH)
The Bridge Primary (co-located with Hungerford School)
The Bridge Secondary (co-located with Beacon High)
The Bridge Integrated Learning Space (ILS)
The Bridge Outreach
The Courtyard

Islington Mainstream Schools and settings

Richard Cloudesley Outreach
Richard Cloudesley Primary (co-located Prior Weston School)
Richard Cloudesley Secondary (co-located with COLAI)
Laycock School Resource for children with hearing impairment

Physical and Sensory Need

New River College Outreach
New River College Primary
New River College Secondary
New River College Medical (including hospital class)

Social, Emotional and Mental Health

Independent and non-maintained special

Islington SEND Handbooks:

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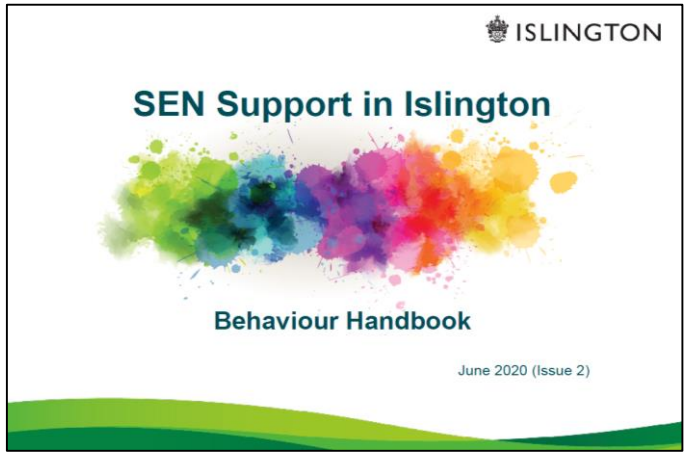
SEND Handbooks



Behaviour Handbook

SEND Profile and Projections 2021

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Number of EHCPs

1509

Number of EHCPs active as at Jan 2021 (1364 at 2020)

145 more ECHPs for 2021 mean:
- *145 x £14,891 (av cost of EHCP) = £2.16M additional spend*
- *145 more Annual Reviews*
- *38 more families requesting transport*
- *48 more special school places*

For All EHCPs…

26% are for Girls (23% in 2020)

74% are for Boys (77% in 2020)

For Years 0 – 14…

Year 5: largest cohort, with 109 EHCPs (av for Years 0-11 is 94)

Year 11: highest cost cohort at £1.8m pa

70 LAC with EHCPs

Year 7: high % of girls with an EHCP at 31% 31 girls)

Year 0: highest proportion of children with ASC at 80%

Area of Need

47%

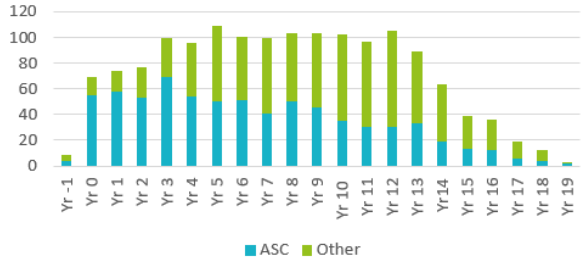
of all EHCPs identify Autism as the main area of need (47% at 2020)

62% *of children aged 0-11 with EHCPs have ASC as their main area of need (62% at 2020)*

37% *of young people aged 12-25 with EHCPs have ASC as their main area of need (34% at 2020)*

19% *EHCPs for SEMH rose by this amount between Jan 2020 to Jan 2021 (8% rise from 2019-2020)*

Autism and all other areas of need:



80%

of all EHCPs identify Autism, Moderate/ Severe Learning Difficulty or SEMH as the main area of need (81% in 2020)

Children attending special school

34%

of all children/young people with an EHCP attend special school (38% at 2020)

There are four more children and young people with ASC placed in special school in Jan 2021 than there were in Jan 2020.

Average cost of mainstream place for ASC: £23,641
Average cost of special school place for ASC: £67,043
(Do the Maths, London Councils 2018)

SEND Transport

£3,754,000pa

the cost of SEND Transport (2021)

£15,696: the average cost of a journey by taxi
£6,332: the average cost of a journey by bus

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Special Educational Needs and Disabilities (SEND)

Islington profile and projections: 2020-21

Data Health Warning….

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We currently have 1509 children with an EHCP, 178 of whom have no additional education top up. Of the remaining 1331:

- **Total Islington cost** (mainstream & special) – £14,609,451 [991 children / yp @ av. cost of £14,742 per pupil)
- **Total out-borough cost** (mainstream & special) - £5,225,996 [334 children / yp @ av. cost £15,515 per pupil)

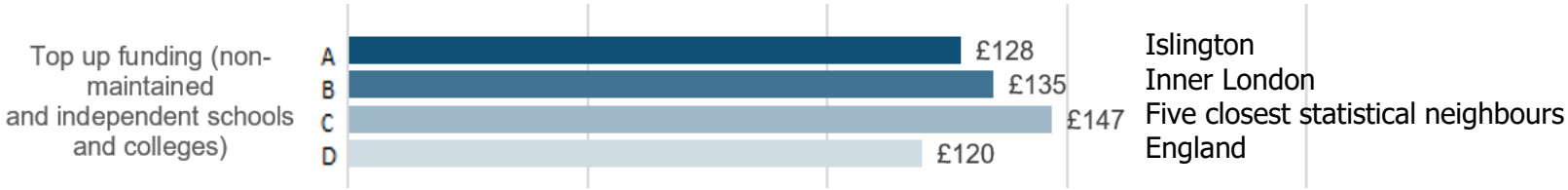
Of the 334 children / yp attending out=borough

- 44 (13%) are LAC at a cost of £775,993 (£17,634 average cost per pupil)
- 140 (41%) are in FE

For mainstream / special breakdown:

	Mainstream		Special	
	In-borough	Out-Borough	In-borough	Out-Borough
Total cost	£4,593,608	£2,586,564	£10,015,843	£2,383,607
Number	585	255 [1]	407	79
Average cost per pupil	£7,852	£10,143	£24,669	£30,159

- Of 255 out-borough mainstream, 117 (around 50%) are in FE colleges
- Of £2,383,607 out-borough special, 31 (2%) are in independent schools at a cost of £1,164,565 (average cost £35,566 per pupil)… but, our spend is lower than comparators



- Of out-borough (mainstream and special) 193 (57%) are attending school / college in adjacent boroughs (Camden, Hackney, Haringey). Another 44 (13%) are LAC (total 70%)
- 22% of Islington resident children & yp with SEND attend school out-borough. 25% of non-SEND cyp go out-borough

National SEND Review

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English county councils warn of £1.3bn special educational needs deficit

Local authorities say they face 'a financial cliff edge' due to 'an explosion' in number of children needing support

▲ A survey by the County Councils Network and Society of County Treasurers shows the deficit for 40 authorities has gone up from £134m to a projected £1.3bn. Photograph: Dominic Lipinski/PA

County councils in England are warning of a £1.3bn special educational needs deficit which threatens to derail their finances and undermine capacity to support recovery efforts after the pandemic.

They say the total deficit is set to increase eightfold in just five years as a result of "an explosion" in the number of children requiring additional support and they warn they are facing "a financial cliff edge"

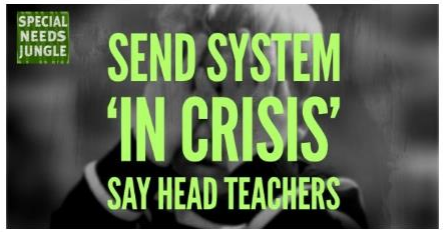
SEND National Crisis

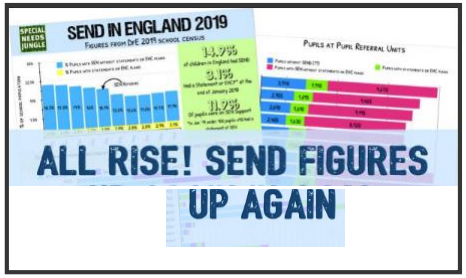
SEND Community Alliance

SEND crisis: A teacher's perspective

Tagged in SEND

Emma Parker has nine special educational needs and disabilities (SEND) children in her class, who aren't getting the support they desperately need.





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SEND Review , Why Change the System ?

Despite some amazing practice:

- A system now characterised by anger and disillusionment
- A system which is no longer financially sustainable

Council for disabled children

SEND Green Paper

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Vicky Ford (Minister of State for Children and Families) gave the following statement to update on the SEND Green paper (which was promised by mid-July) on 8th July…

'I would like to turn now to the SEND Review as I know many of you will want to know how we're getting on with this piece of work.

We know systemic change is needed across education, health and care if we are to improve outcomes, and better prepare young people with SEND effectively for adult life.

We know the SEND system does not identify and respond to need quickly enough and is driving an adversarial climate where parents only feel confident their child will get the same opportunities as every other pupil through an EHCP (Education Health and Care Plan), which in turn is driving up unsustainable pressure on budgets.

The pandemic has inevitably slowed the pace of this crucial review, but more importantly, as the HMCI spoke about last month, it has materially changed the context the SEND system is operating in. We need to take the time to get this right and to ensure we are designing a system which is protected against unintended consequences.

The Review team and I will continue to work closely with ADCS and other sector and system leaders, at pace over the coming months so we are in a strong position to publish bold proposals for public consultation as soon as possible.'

Local Review

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SEND Strategy (2018-21) → **Self-Evaluation** (March 2020) → COVID-19 → **Needs Assessment** (March 2021) → **Impact of COVID-19** Self-Evaluation (June 2021) → **New SEND Strategy** (2021-24)

Priorities:

- Sustainable, affordable and attractive local offer
- Improved SEND Support offer
- Better provision for children with Social, Emotional and Mental Health needs
- Developing Progression to Adulthood pathways

Strengths and areas for development:

Strengths:

- Leadership and governance
- Partnership working
- Co-production
- High quality provision
- Good outcomes

Areas for Further development:

Strategic

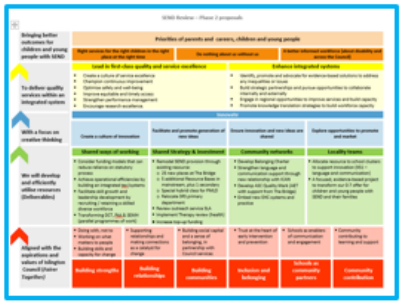
- Progression to Adulthood
- SEND Support
- Social, Emotional and Mental Health (SEMH) needs
- High needs funding (including capital plan)
- Autism pathways

Operational

- Integrated approach to family support
- Processes and timescales
- Young people's voice
- Parent/carer engagement
- Advice and information (local offer)

Key themes:

- Needs have changed – so must our offer
- Lost learning through COVID-19
- Rise in ASC and SEMH needs
- Inequality and need to rebuild trust in the system
- Strategic focus must shift to mainstream



Components of the new plan:

- Allocation of funding to support settings: currently perceived as unfair and inadequate
- Increased need / demand: (volume and complexity) – EHCPs and SEND Support. Resource bases and cluster funding
- Inclusive practice – not fully embedded across all settings. Training and support for culture shift

(**COVID-19 Disruption**)

Key drivers for local change:

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Allocation of funding to support settings:
Currently perceived as unfair and inadequate

Increase in need / demand (volume and complexity):
Both EHCPs and SEND Support

Inclusive practice:
A view that this is not fully embedded across all settings

Models under consideration

- Greater devolution model
- Additionally resourced provision
- Area of expertise model
- Solution circles
- EHCP Head-teacher Moderation

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Their Ambitions, Our Future: Children and young people at the centre

Executive Member Annual Report

Cllr Michelline Ngongo, Executive Member for Children, Young People and Families

October 2020 – July 2021

Covid19: Key moments for council services supporting children and young people

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- Support for children of critical workers, vulnerable children with a social worker and those with an EHCP during the lockdown period including our close support to secure their attendance.
- Free wifi to our care leavers
- Devices organised and allocated to support children with their learning
- Food parcel deliveries vulnerable families in partnership with voluntary sector partners
- Investment in supporting the increasing for social, emotional and mental health support
- Ensuring other key services for children and young people including early years and childcare settings, adventure playgrounds, youth centres and hubs and libraries were open to those who needed it
- Face to face contact with children during the pandemic based on a dynamic risk assessment of the need for multi-agency support. Gradual resumption of face to face contact with children, young people and their parents/carers for other services
- Programmes of work to ensure that groups such as Black Caribbean pupils make good progress and attain as well as their peers
- Taking forward actions from our joint study with the Youth Justice Board to address the disproportionality of Black, Asian and other minority ethnic young people in the youth justice system
- Responding to community safety issues for young people

The baton change: from January 2021

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Islington Parents' Voice

1. Parent Voice Forum

2. Young People's Forum

3. Book boxes

PLATFORM

4. Youth procurement and provision

5. No Need to Exclude

Imagine

Inspire

Ignite

A Fair Islington for Children and Young People

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Ensuring children are safe, cared for, succeed in learning and thrive post Covid19

Children and young people at the centre: grabbing good opportunities from the Covid19 challenges

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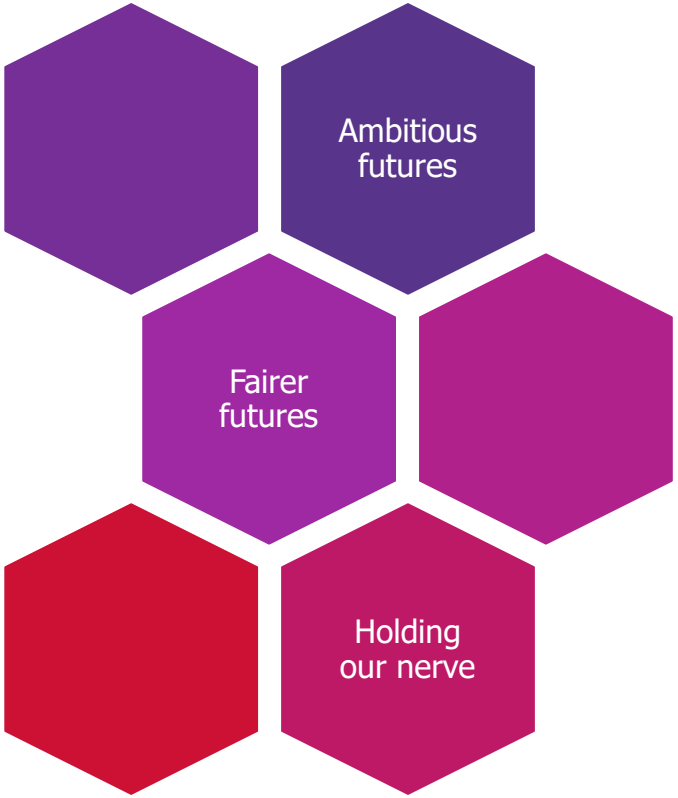

- Covid19 brought people together to do things differently and join up with children and young people at the centre.
- A 'new normal' means rebuilding back better:
  - A focus on equalities and equities that affect childhoods and life chances
  - Adapting swiftly to change to support children and families
  - New understanding of children and their families and their connection to everyone working with them
  - Care leavers – more we can do as a council that reduces isolation and opens up avenues for them
  - Learning from the device rollout - increasing digital access and internet connectivity
  - Strengthening participation and involvement of children and parents
  - All parts of the safeguarding system stepped up and we need to keep this
  - Strengthening relationships with external stakeholders to improve children's outcomes through individual actions e.g. headteachers.
  - Funding and income across services and support for children and young people in a post-Covid Islington

Future focus

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Lifelong learning and enrichment

To enable and empower children, young people and adults with the learning and skills for life, work and the future of work supported by a high quality and high performing, inclusive education and skills system

- Enrichment Strategy implementation

Early Help and Working Together for A Safer Islington

To enable and deliver system-wide approaches with local partners to intervene early and prevent problems from escalating among children, young people, their families and the wider community.

- Children's Social Care Transformation – Prevention
- Holiday Activity and Food Offer
- New universal youth work offer
- Violence Against Women and Girls (VAWG) strategy
- Preparation for Youth Justice inspection

Future focus

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Care, choice and control

To empower children, young people and adults to have choice and control over their care and support based on what matters to them, their individual strengths and needs and within systems that builds on the expertise of people, families and communities

- Children's Social Care Transformation Programme - In house fostering recruitment and new models of care, housing
- SEND Review and preparation for local area inspection

Maximising independence

To enable young people and adults who need support to either transition to and/or live healthy, independent and fulfilled lives with strong networks

- Lifelong corporate parenting

Future focus

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Reinvent and rebuild

To mobilise the talents of our staff and learning from Covid19 to design forward differently as Islington - the place and people - recover

- School organisation and planning
- Working in partnership with schools to identify and facilitate their work to support children in a post-Covid community
- Early Years, Childcare and Bright Start: The take-up of places for early years and childcare recover to pre-Covid levels and high levels of face to face Bright Start activity is in place for families with young children

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