

# CHILDREN, FAMILIES, LIFELONG LEARNING AND CULTURE SELECT COMMITTEE



THURSDAY 26 MARCH 2020

## Special Educational Needs and Disabilities Task Group Report

### Purpose of report:

To provide the Children, Families, Lifelong Learning and Culture Select Committee with a report of the findings and recommendations of the Special Educational Needs and Disabilities Task Group which was established to evaluate the support provided to children with Special Educational Needs (SEN).

### Introduction

#### Context

1. Currently, there are approximately 27,000 children and young people requiring SEN support and over 9,500 with a statutory Education Health and Care Plan (EHCP) in Surrey. Outcomes for children with Special Educational Needs and Disabilities (SEND) in Surrey are lower than in comparator authorities and need to improve. Moreover, feedback from children, young people and families as well as our regulators highlights that services need to improve.
2. There has been, and continues to be, significant growth in demand for SEND services, both nationally and locally due to increases in more complex needs, changes to legislation, and population growth. However, the growth in demand for SEND services in Surrey has outpaced the growth of the underlying population. Furthermore, Surrey places twice as many children in non-maintained and independent sector schools as its statistical neighbours.
3. The combination of the factors above has led to significant financial pressures. Surrey, along with its peers, has seen a net increase in EHCPs in 2019, leading to further financial pressures in 2019/20.
4. Within the Children, Families, Lifelong Learning and Culture Directorate, the cost of pupil's requiring SEN transport continues to rise from its 2018/19 level and in excess of this year's budget provision. This is forecasted to rise further and, without mitigation, will lead to an overspend of £4m.
5. Improving educational and social outcomes for children and young people with SEND is highly consistent with, and will help achieve, Surrey County Council's Vision for Surrey 2030, particularly its ambitions for people:

*[Surrey County Council's] ambitions for people are:*

- *Children and young people are safe and feel safe and confident.*
- *Everyone benefits from education, skills and employment opportunities that help them succeed in life.*

- *Everyone lives healthy, active and fulfilling lives, and makes good choices about their wellbeing.*
- *Everyone gets the health and social care support and information they need at the right time and place.*
- *Communities are welcoming and supportive, especially of those most in need, and people feel able to contribute to community life.<sup>1</sup>*

The objectives of the Community Vision for 2030 also informed the development of the recommendations contained in this Report.

### **The Task Group**

6. On 14 October 2019, the Children, Families, Lifelong Learning and Culture Select Committee agreed to establish a Task Group to investigate the provision of Special Educational Needs (SEN) services. The Task Group comprised:
- Chris Botten (Chairman)
  - Chris Townsend
  - Barbara Thomson
  - Kay Hammond (ex-officio)

### **Methodology**

7. The Task Group agreed the following objectives:
- *To understand key details of SEND placements including where they are placed, what form of placements and what cost there is to the Council.*
  - *To understand what streams of work are in place to provide mainstream primary schools with support for the early intervention of children with SEND.*
  - *To confirm whether any early intervention support can be further expanded, publicised and resourced through the work of the Select Committee.*
  - *To review any issues caused by the resource gap and the impact it has on SEND services as demand continue to rise.*
8. The Task Group agreed it was to informally meet with and hear oral evidence from council officers, SEN professionals, and senior members of partner organisations.
9. The Task Group held three evidence sessions, each with a different focus:

#### Session 1 — 29 October 2019

Theme: The quadrant based model and the commissioning of SEND placements.

- Eamonn Gilbert, Assistant Director – Commissioning
- Mike Singleton, Service Manager for Place Planning and School Organisation
- Teresa Prior, Head Teacher of Brooklands School

#### Session 2 – 4 December 2019

Theme: Early intervention in mainstream primary schools and the Graduated Response Approach.

- Suzie Andrews – Special Educational Needs Coordinator
- Helen Cross, Service Manager
- Eamonn Gilbert, Assistant Director – Commissioning

#### Session 3 – 16 December 2019

Theme: The SEND services resource gap and its impact on support.

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<sup>1</sup> <https://www.surreycc.gov.uk/council-and-democracy/finance-and-performance/our-performance/our-organisation-strategy/community-vision-for-surrey-in-2030>

- Daniel Peattie, Strategic Finance Business Partner
  - Liz Mills, Director – Education, Learning and Culture
  - Eamonn Gilbert, Assistant Director – Commissioning
  - Maria Dawes, Chief Executive of Schools Alliance for Excellence
  - Rhona Barnfield, the Chair of Schools Forum
10. The Task Group thanks those who contributed invaluable evidence to its inquiry, informing the conclusions and nine recommendations regarding the future delivery of SEND services.
11. Any errors, factual inaccuracies or inconsistencies contained within the report are the responsibility of the Task Group alone and not of those who contributed their knowledge, insight and experiences to the formation of this Report.

<b>SEND provision</b>
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12. SEN learners are generally supported in one of three ways:
- through SEN support in mainstream education without an EHCP;
  - SEN support in mainstream education consistent with the requirements of an EHCP; or
  - in a specialist placement to satisfy an EHCP.
13. Where a child or young person has undergone an Education, Health and Care needs assessment, they may be issued with an EHCP – a legal document which describes the child or young person’s special educational needs, the support they need, and the outcomes they should achieve. The EHCP and the child or young person’s progress should be reviewed on an annual basis to consider if their provision is meeting their needs, if different provision is required, or if the child or young person’s needs have been met and the EHCP is no longer required. When an EHCP is no longer required, or where a young adult reaches 25 years old, the EHCP ceases. The special educational provision detailed in an EHCP, which may involve the child or young person attending a specialist SEN school, must be provided by the child or young person’s local authority.
14. As of October 2019, there were 3,091 young people in Surrey who were over the age of 16 with an EHCP. The council’s analysis indicated that their future adult pathways were likely to be:
- 5% on a Continuing Healthcare Pathway (provided by the Clinical Commissioning Group)
  - 11% on an Adult Social Care Pathway

Therefore, between 80% and 84% would not be suitable for either of the above pathways and therefore, in line with the SEND Code of Practice, would be supported by officers to follow an employment pathway. It was noted that, prior to the expiry of ECHPs, to facilitate smooth transitions off of plans, Children, Families, Lifelong Learning and Culture officers would undertake career reviews and conversations with service users and their families to identify service users’ aspirations and how they might be achieved.

15. On 1 September 2019, the Profile of Need and corresponding Graduated Response Approach were rolled out:
- i. *Universal – children and young people who make good overall progress in most areas of development.*

- ii. *SEN support – children and young people whose needs require some extra support, which can be managed within a school setting.*
  - iii. *Specialist SEN (special educational needs) support – children and young people whose needs are more complex. They require support from external professionals and often more than one service is involved.*
  - iv. *Education Health and Care Plan (EHCP) threshold level – children and young people whose needs are complex, enduring and cross many domains.*
16. The Task Group welcomes and supports the introduction of the Profile of Need and Graduated Response; it is essential that it be consistently and comprehensively promoted to schools and sufficiently resourced by the council.
  17. The Task Group noted that the current diagnostic process for Autistic Spectrum Disorder (ASD) could often take 18 months to complete. However, it welcomes the efforts taken to diagnose cases of ASD more quickly.
  18. The evidence heard by the Task Group identified a strained relationship between the council and the independent providers of SEN support who add essential capacity to SEN support services.

#### **Specialist support**

19. Many children and young people with special educational needs, including those with an EHCP, are capable of being educated in mainstream settings. Where this is the case, they are more likely to be educated closer to home and be able to pursue academic pathways that will deliver good outcomes for them.
20. Outcomes for young people receiving specialist provision are often suboptimal; and parents should be better supported to understand than an EHCP is not always helpful in securing positive outcomes for children. High-quality specialist support which is appropriate to the needs of the service user has been shown to generate positive outcomes.
21. Best practice indicates that specialist provision should be reviewed annually as, in some cases, continuing to receive the same specialist support can hold the child back and harm their outcomes compared to if they were to receive different, more appropriate support or attend a mainstream school.
22. Additionally, the long journeys sometimes necessitated by specialist placements can impact significantly on a child's progress and should be avoided where possible.
23. The recruitment of specialist staff, particularly Speech and Language Therapists and Educational Psychologists, is a significant challenge for the council – as it is nationwide. Children and young people could be better supported if further Speech and Language Therapists, Educational Psychologists and other professionals with specialist skills were recruited to establishment.
24. The Task Group welcomes the ongoing joint work between Surrey County Council and South Bank University to better understand the rising demand for SEND support, and believes the findings should be widely shared and discussed. Understanding such growth is essential to enable children's needs to be well supported in the future.

### Support in mainstream schools

25. Small schools can struggle to support children with special educational needs as they have more limited capacity and budgets.
26. Special Educational Needs Coordinators (SENCOs) are a valuable resource for the school system.
27. Efforts to support schools to meet the needs of SEND pupils through the development of local shared capacity should be increased.

### Early intervention

28. There is demand for specialist provision which engages with mainstream schools and communities to provide high-quality outreach support to allow for an early years intervention for a child with SEN. Research has found that early intervention which provides a child displaying early signs of SEN with the right support can prevent that child from requiring a specialist pathway in the future, such as when they reach the compulsory school age; the Task Group was told of cases where, owing to a lack of early intervention, children in Surrey had required specialist support upon beginning primary school.
29. The Task Group supports the continued efforts to ensure that health funding for children under the age of five is available to meet SEN requirements at an early stage.

### Funding SEND support

30. The Task Group shares the concerns of the Director – Education, Learning and Families that some interventions may not offer value for money.
31. The Task Group welcomes the introduction of the Local Learning Fund, which enables schools to bid for additional support, and hopes that it will be well publicised and that take-up will help to alleviate the resource constraints experienced by schools. Schools must be supported to make effective use of the Local Learning Fund.
32. The Task Group encourages schools to use Pupil Premium funding in a targeted manner to support disadvantaged learners with SEND.
33. The Task Group noted that high SEND spending does not necessarily generate positive outcomes. For example, specialist placements which incur long travel times or specialist placements which provide service users with more support than is necessary are fiscally expensive and do not enable, and in fact may limit, the attainment of positive outcomes.

### Cultural issues

34. There is an urgent need for officers to work to repair and sustain the relationship with the Schools' Forum, particularly in light of disagreement regarding the use of the high needs block.
35. The evidence taken in the third Task Group meeting indicated that the relationships between the Authority, schools and parents are damaged and may adversely affect the way stakeholders view council policies such as the Graduated Response Approach.

36. Strong relationships between the authority, schools and parents are important to ensuring support for and effective implementation of council policies such as the Graduated Response Approach.
37. The relationships between the Authority, schools and parents need to be restored to ensure stakeholders support the implementation of the Graduated Response Approach.
38. The fostering of trust across the education system is essential to ensure positive outcomes for children.

## Recommendations

### *Recommendation 1:*

*That, as soon as is reasonably practicable, nurseries be supported to provide appropriate support to children in early years through commissioning of outreach interventions into nursery settings.*

### *Recommendation 2:*

*That the funding arrangements for specials schools that provide outreach services for SEN children in mainstream schools be reviewed; and that the Executive Director of Children, Families, Lifelong Learning and Culture Directorate report with the findings of that review to the Children, Families, Lifelong Learning and Culture Select Committee no later than September 2020.*

### *Recommendation 3:*

*That, with immediate effect, the Children, Families, Lifelong Learning and Culture Directorate work with independent providers of SEN support to ensure that there is adequate, cost-effective provision to meet the needs of service users; and officers work with independent providers of SEN support to develop robust systems for contract management to prevent supply-driven demand caused by the overstatement of service users' educational needs.*

### *Recommendation 4:*

*That, to reduce journey times for service users, the commissioning of SEN provision closer to demand and the development of outreach services in mainstream schools under the capital programme be accelerated with immediate effect.*

### *Recommendation 5:*

*That, with immediate effect, commissioners work with SEND case officers to provide alternative pathways to support that do not require an Education, Health and Care plan.*

### *Recommendation 6:*

*That a review of the implementation and effectiveness of the Graduated Response be conducted; and that the Executive Director of Children, Families, Lifelong Learning and Culture Directorate report with the findings of that review to the Children, Families, Lifelong Learning and Culture Select Committee no later than October 2020.*

*Recommendation 7:*

*That, with immediate effect, the development of, and communication with, Special Educational Needs Coordinators be improved to support the implementation of the Graduated Response Approach.*

*Recommendation 8:*

*That, with immediate effect, to assist schools to use their budgets to appropriately resource SEND provision, Special Educational Needs Coordinator networks be invested in to ensure SEND staff and Governors are engaged and aware of the challenges faced by the education system.*

*Recommendation 9:*

*That the Children, Families, Lifelong Learning and Culture Directorate report by no later than December 2020 to the Children, Families, Lifelong Learning and Culture Select Committee on the implementation of recommendations 1, 3, 4, 5, 7 and 8 of this Report.*

<b>Next steps:</b>
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The Task Group will review the impact of its recommendations at its December 2020 meeting.

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**Annexes:**

Annex 1 – SEND Task Group Scoping Document

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