

Tuesday, 4 October 2022

SPECIAL EDUCATIONAL NEEDS AND DISABILITIES STRATEGY

Purpose of report:

To provide the Children, Families, Lifelong Learning and Culture Select Committee with a progress update on the Special Educational Needs and Disabilities (SEND) self-evaluation and strategy (which is being taken forward as the Additional Needs and Disabilities Strategy, in line with feedback outlined below), including an assessment of current performance, recent progress and next steps.

Following feedback from young people with additional needs via the User Voice and Participation 'ATLAS' group, on their preferred terminology and language, we will use the term 'additional needs and disabilities' wherever possible to replace the legal term 'special educational needs and disabilities'.

Introduction:

1. This report provides an overview of current performance, recent progress and next steps towards the implementation of a new strategy to improve experiences and outcomes for children and young people with additional needs and disabilities and their families to be in place from 2023.
2. This report also provides an update on the Additional Needs and Disabilities transformation programme and the Safety Valve Agreement.

Background

3. The current Surrey SEND Partnership Strategy covers the period from 2019 and 2022 and underpins the additional needs and disabilities transformation programme. The strategy sets out the commitment of the partnership to work together to enable all children with additional needs and disabilities in Surrey to thrive and achieve their full potential.
4. The Additional Needs and Disabilities transformation is a holistic and far-reaching programme. It incorporates activity across the Local Area 'SEND' system and is structured in a thematic way to aid delivery. It encompasses four key areas of focus:

- a) **Inclusion in local maintained schools and early help:** Increasing the proportion of children able to thrive in a mainstream or specialist-maintained provision closer to home along with their peers and siblings. Providing improved information, advice and support so that needs are met earlier, improving outcomes and avoiding unnecessary escalation.
 - b) **Sufficiency, outcomes, and value of school places:** Ensuring that the school estate provides sufficient, suitable places for children with Special Education Needs and Disability within the county, improving the value of independent places that are used through partnership and market management and reviewing the school funding model within maintained provision to ensure funds are allocated as efficiently and effectively as possible.
 - c) **Preparation for Adulthood:** Supporting post 16 children in preparing for adulthood through more and better educational pathways and support for independence.
 - d) **Partnership Accountability:** Ensuring all partners across the local area, including Council departments and local providers are working effectively together to support improvements in outcome, experience, and sustainability of the 'SEND' system in Surrey.
5. In March 2022 Surrey entered into a Safety Valve agreement with the Department for Education, committing to the delivery of our transformation plans to improve outcomes for children and young people with additional needs and disabilities and to achieve in year financial sustainability by 2026/27. The DfE will contribute a total of £100m to Surrey's DSG deficit in quarterly instalments subject to quarterly monitoring reports demonstrating the expected progress is being made. Surrey's Safety Valve agreement is on track and further information on these arrangements is provided in Appendix A.

Current performance

- 6. During 2022 work has been undertaken on behalf of the partnership to coproduce a self-evaluation to assess current performance across the 'SEND' system: How well do we collectively identify and meet the needs of children and young people with SEND aged 0-25 and how well are they supported to achieve great outcomes.
- 7. Surrey is strongly committed to engagement, participation and coproduction at a strategic, operational, and individual level in all our work with children, young people, and their families. In 2021 we appointed a Coproduction and Engagement Manager as part of our transformation and partnership approach to embed the principles of co-production throughout all new activity.
- 8. A culture of coproduction is being developed. Successful coproduction work so far has included the commissioning of ethnographic research and surveys of

parents and carers, children and young people, teachers and SENCOs and professionals engaging with children, young people and their families.

9. We work closely with our parent carer forum, Family Voice Surrey. As our strategic partners they have a strong presence on several boards, reference and steering groups and with SEND Advice Surrey our impartial advice service. There has been a significant improvement in the relationships between the parent carer forum and the local authority rooted in a culture of high support and high challenge. Feedback from Family Voice Surrey has told us that while there is still work to do, they can recognise the commitment Surrey has made to restorative relationships and acting on critical feedback.
10. In addition, we engage consistently with Surrey Youth Focus, who act as a representative for voluntary sector providers through an approach of confirm and challenge ensuring that we meet the needs of communities and groups who may be underrepresented or seldom heard. We also have strong representation from young people with additional needs whose voices are clearly heard and welcomed and whose input has helped shape our approaches, processes, communications and our documentation to ensure we are using authentic person-centered approaches.
11. Our young people are represented through the following groups:
 - ATLAS (user participation group for young people with additional needs and disabilities)
 - Care Council
 - CAMHS Youth AdvisorsBetween June and August 2022, we published the Our Voice Matters survey to gain the views of children and young people in Surrey and this has had high levels of engagement.
12. Both parent/carers and young people's groups can raise 'Action Cards' with services in Surrey to challenge, clarify or support our activities. The groups meet on a regular basis and highlight through the Action Cards what they would like to stop, start, or change about the services they access. The responses to the action cards have been well received by the authors and are valued by members of the Inclusion and Additional Needs Services as a positive tool to help us reflect on and improve our practice. We also publish monthly 'You Said, We Did' reports.
13. In the summer of 2022 we undertook a survey of parents' and carers' views on their satisfaction in how additional needs are met in Surrey. A total of 1,085 parents and carers completed the survey and reported on the experiences of 1,359 children and young people with additional needs and disabilities. This was a statistically higher response rate than in previous surveys. Analysis of those responses has shown that when asked about their satisfaction with support for the children and young people at SEN Support or with an EHCP, over 50% of parents reported being satisfied or very satisfied.

14. Analysis of recent complaints data shows us that the number of complaints and appeals to the SEN tribunal remains high. The SEND appeal rate for example is 4.1% compared to 1.8% nationally.
15. 'SEND' can often be a very emotive and complex area to navigate, and residents who raise concerns frequently share a range of issues that they are seeking to address. Recent complaints data show that the most common concerns raised relate to:
 - **Communication** – calls, emails and letters not responded to, 'chasing' for updates.
 - **Delays** - in the Education Health and Care needs assessment or annual review process.
 - **Missed education** – provision not being delivered in accordance with an Education Health and Care Plan.
16. To address these issues, the Council's 'SEND' Teams have implemented the following changes, the impact of which is expected to be seen over the course of the next academic year (September 2022 to August 2023). Complaint escalation requests have already reduced from 24% to 18%.
 - a) **Improved communications** – 'SEND' Teams are expected to proactively call families, provision and professionals to provide updates, as well as responding to their calls within 48 hours and emails within 5 working days.
 - b) **Local meetings** – Meeting regularly with educational settings to report on progress and problem solve. Arranging meetings with groups of local parents to explore concerns, share plans, co-produce solutions and provide key service updates.
 - c) **Focus on Early intervention and Mediation** – Early conversation with parents and schools to resolve issues. Specific Officers holding complex cases to manage and ensure consistent communication with families, educational settings and professionals involved.
 - d) **Restorative Practice** – Managers are engaged in ongoing training and will implement and model a relational approach when working with families and educational settings, which will improve residents' experiences of working alongside the Council and support best outcomes for children and young people with additional needs/disabilities.
17. Complaints and insights are analysed and reviewed in a termly report produced by the SEND Quality Team. Trends are triangulated with the information from the termly multi-agency audit process. The parents', young people's and professionals' surveys will be repeated next year (and then annually) to assess the impact of the above changes

Surrey Additional Needs and Disability Partnership Self-evaluation

18. Our partnership self-evaluation has identified areas of strength and progress, including:

- a) **Early-identification** of children with the most complex needs and exploration of the support available in a mainstream setting - The Early Intervention Fund invests in equipment and accessibility improvements so that more children with additional needs can attend their local early years setting, given that SCC is an outlier in EHCP terms at ages 0-5.
- b) **Strengthening of early support offer** - Building on Surrey's Graduated Response and refreshed Local Offer, the partnership is strengthening and promoting the Ordinarily Available Provision guidance so that children and families benefit from the full set of services available to them.
- c) **Learners Single Point of Access (LSPA)** - The LSPA was launched in 2020 to provide information and advice from a multi-disciplinary team of professionals from education, health and social care to support parents and practitioners with concerns about the development and/or learning needs of children and providing high support and challenge to schools and other providers to ensure that needs are appropriately identified and met at the earliest point to reduce the need for escalation or longer-term provision. Plans include strengthening of the Request for Support offer for schools and families.
- d) **Team Around the School pilot** - The objective of the pilot project is to identify children and young people with additional needs and intervene early. By providing a higher level of service early on, we avoid families reaching crisis point and support school placement stability within the existing setting. There are 16 schools taking part in the pilot (primary, secondary, specialist and PRU) with the potential of an additional 6 schools joining in the autumn term 2022. The Pilot is aligned to several Inclusion activities including Emotional Based School Non-Attendance, Valuing 'SEND' and Exclusion Prevention following the Royal Holloway '*Permanent School Exclusions in Surrey: What works to keep children and young people in education*' report. Subject to the evaluation and learning from the pilot, the intention is to roll out the recommended model from 2023.
- e) **Education, Health and Care Plans (EHCPs)** - Our work in Inclusion and Early Help has brought the rate of growth in EHCPs down from 13.3% in 2018/19 to 10% in 2020/21 which is back in line with the regional and national averages (South East 10.1% and National 10.4% 2020/21), including in Early Years. In 2021, Surrey completed 65% of EHCPs within the 20-week statutory timescale, compared to a national average of 60%.

Since then, however, Surrey has seen an increase in the number of requests for assessment (EHC needs assessment requests rose by 24.5% between August 2021 and August 2022 and there was a 41.5% increase

from August 2020). This increase has occurred alongside reduced capacity in the Educational Psychology Service and the SEN service. Consequently, Surrey is seeing a reducing trend on its timeliness figure as more needs assessments need to be completed by fewer staff. Therefore, this is also an identified area for improvement.

- f) **SEND Capital programme** – The Council’s extensive capital programme is designed to increase sufficiency of specialist school places and includes: ‘SEND’ Capital Programme Phases 1-3: Combined Capital investment of £79.6m, delivery of 1,600 additional specialist school places in Surrey. ‘SEND’ Capital Programme Phase 4: Further £60m Capital Investment approved by Cabinet January 2022, to deliver 800-900 further additional specialist school places in Surrey from Sept 2023 onwards.

The programme is on track to make another c280 specialist places available from September 2022, supporting our strategic commitment to keep children rooted in their local communities, ensuring that no child in Surrey is left behind. For example, a new specialist school for autistic children in Elmbridge will provide high quality specialist education for autistic children and children who have communication and interaction needs. Hopescourt School will create up to 80 additional specialist school places in its first year of opening in 2024, increasing to 200 by 2028/29.

- g) **Preparation for adulthood** - Reviews for young people aged 14+ are seeking to better understand their interests and future aspirations, as well as considering the likelihood of future adult social care involvement, resulting in multi-year plans that are supported collaboratively by Education, Social Care and Health (including redesigned pathways for Mental Health and Continuing Care).
- h) **Vocational opportunities** – An expansion of vocational opportunities including apprenticeships and internships, and support for independent living key skills. This has led to an increase in the number of post-16 young people with additional needs and disabilities accessing vocational pathways from 37 in 2019/20 to 67 in 2021/22, a reduction in the number of post-18 EHCPs for young people not open to adult services and a reduction in the reliance on NMI placements.
- i) **Partnership Accountability** - The Surrey Additional Needs and Disabilities Partnership Board is now well established and drives forward the work that is outlined above, holding partners to account for their contribution to the priority areas as set out in a number of key documents, the Additional Needs and Disability Partnership strategy (formerly the SEND Strategy), the Joint Strategic Needs Assessment and Joint Commissioning Strategy.

19 In addition, the following areas have been identified as needing further development:

- a) **Leadership, governance and accountability** - We need to further strengthen partnership accountability and multi-agency working. This will be evaluated by ensuring that our robust partnership self-evaluation has been completed and our refreshed Additional Needs and Disability strategy is in place by early 2023, with further improvements to services and outcomes driven by strong partnership accountability via the Additional Needs and Disabilities Partnership Board.
- b) **Co-Production** – We need to improve children, young people with additional needs and their parents’ experience of the SEND system. This will be evaluated via annual parent and young people’s surveys as well as a reduction in appeals to the SEN tribunals and a reduction in the number of SEN-related complaints.
- c) **Early Identification, information, and support** – We need to improve the information we provide for families about the support available for children and young people with additional needs. This will be evaluated by monitoring the use of the Surrey Local Offer website and seeking feedback from those who use it. Children’s additional needs should be identified, and support put in place at the earliest opportunity. This will be evaluated by the percentages of children identified as having additional needs, both at ‘SEN Support’ and statutory EHCP level, as well as the demand for EHC needs assessments.
- d) **Inclusion in education and community** – We need to ensure that more children and young people are able to have their needs met effectively in their local mainstream school or other education setting. We need to improve the timeliness of support for autistic children and young people and those with social, emotional and mental health needs. We will evaluate this by monitoring school attendance and exclusions data, school inspection outcomes, as well as the progress and outcomes of those accessing SEN Support.
- e) **Systems and practice** – We will continue to strengthen our systems and practice to ensure that:
 - SEN Practice Standards and Ordinarily Available Provision guidance are in place and applied consistently.
 - Professionals supporting children and young people in schools and settings are confident to meet their needs and have access to high quality professional development.
 - EHCPs are of high quality and improve outcomes for children and young people.

We will evaluate this by monitoring the timeliness and quality of EHCPs and by monitoring the progress and outcomes of children and young people with EHCPs.

- f) **Preparing for Adulthood** from the earliest years and achieving good outcomes – We need to improve the progress, attainment, destinations and successful preparation for adulthood for those with additional needs, including increasing independence and ensuring young people are prepared successfully for independent living and paid employment wherever possible. We will evaluate this via the numbers of young people in education, training or employment, by increasing the numbers of young people on Supported Internships and by monitoring progress, attainment and destination data.
- g) **Joint Commissioning, sufficiency, and evaluation** – We need to continue to ensure that services for children and young people with additional needs and their families are effectively jointly commissioned and can meet identified needs in a timely way and improve outcomes. We need to continue to ensure there are sufficient specialist school places, including specialist support in mainstream schools. We need to continue to reduce waiting times for specialist services across education, health and social care. We will evaluate this via monitoring waiting times for specialist services and reducing the numbers of children without a school place.

20 The self-evaluation has been co-produced with the partnership and identified the above priority areas of focus to be included in the new strategy.

National policy developments – ‘SEND’ Green Paper
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- 21 On 29th March 2022, the government published a green paper on the future of the ‘SEND’ and alternative provision system. A public consultation was launched on the proposals set out in the report, ‘*SEND Review: right support, right place right time*’. The consultation closed on 22nd July 2022. A submission was agreed and submitted on behalf of the Surrey AND Partnership. The government will publish the response to the consultation in the Autumn.
- 22 One of the key proposals within the green paper was the implementation of a new local area ‘SEND’ inspection framework from early 2023. The new framework will evaluate arrangements for children and young people aged 0-25 with additional needs and disabilities and will have an increased focus on the experiences of children and young people with additional needs and their parents, as well as a focus on outcomes. Inspections will result in a judgement about whether:

- a local area partnership's 'SEND' arrangements typically lead to positive experiences for children and young people with 'SEND',
- a local area partnership's 'SEND' arrangements lead to inconsistent experiences and outcomes for children and young people with 'SEND', or
- there are widespread failings and/or systemic failings leading to significant concerns about the experiences and outcomes of children and young people with 'SEND'.

23 The consultation on the proposed new inspection framework ended on 11th September 2022. The new local area inspection framework will be implemented from early 2023.

24 A 'Getting to Good' working group has been established to oversee the work that needs to be undertaken in preparation for a local area SEND inspection, which could take place from early 2023 onwards.

Conclusion and Recommendations:
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25 It is recommended that the CFLLC Select Committee notes the progress that continues to be made, as well as the ongoing challenges and the work underway to co-produce a refreshed strategy for 2023 to 2026.

26 It is recommended that the CFLLC Select Committee notes that the accountability of this area of work is to the Additional Needs and Disabilities Partnership Board and that the CFLLC Select Committee monitors future progress in this area by receiving regular updates, including a summary of the key performance indicators which are reviewed in detail by the Additional Needs and Disabilities Partnership Board.

Next steps:

27 Self-evaluation to be presented to the Additional Needs and Disabilities Partnership Board on 20th September 2022.

28 Inclusion and Additional Needs Strategy to be presented to the Additional Needs and Disabilities Partnership Board on 16th November 2022 and to be approved by the Cabinet on 31st January 2023.

29 Transformation programme monitoring via Additional Needs and Disabilities Transformation Board (ongoing)

30 Engage in Quarterly monitoring of the Safety Valve agreement with the Department for Education (ongoing).

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Sources/background papers

Surrey Community Vision 2030:

[Community vision for Surrey in 2030 - Surrey County Council \(surreycc.gov.uk\)](https://www.surreycc.gov.uk)

SEND Partnership Strategy:

[SEND\SEND System Partnership Strategy\Surrey SEND Partnership strategy 2019-22.pdf](#)

DfE SEND Review: right support, right place, right time:

[DfE SEND Review consultation page](#)

Surrey Safety Valve agreement:

[Dedicated Schools Grant 'Safety Valve' Agreement: Surrey](#)

Appendix: Financial position, deficit recovery and Safety Valve

- 31 The financial pressures on the DSG and High Needs Block (HNB) continue to be a key focus of the Transformation programme. At the end of 2021/22, following a year end overspend of £35.3m, the cumulative deficit on the HNB stood at £118m.
- 32 Between December 2021 and March 2022 SCC entered robust negotiations with the Department for Education as part of the Safety Valve programme, with the objective of receiving additional funding in order to achieve a balanced year on year position as quickly as possible.
- 33 Assurance on both sides concluded that Surrey's AND Transformation plans were comprehensive and ambitious, as well as being achievable. Surrey and the DfE agreed a Safety Valve Agreement committing to the plans and financial trajectory in return for financial contributions from both parties towards the cumulative deficit that will continue to grow until the in-year financial balance is reached.
- 34 This agreement and projected trajectory will see the DSG High Needs Block deficit peak at £244m. Contributions of £100m from the DfE and £144m from SCC's dedicated offset reserve have been committed to clear the deficit balance. It should also be noted that this includes contributions from schools' budgets as part of a 1% transfer each year for 5 years (£40m) and a transfer of surplus balances from other DSG blocks (£15m) in order to maintain a balanced position from 2026/27 onwards.
- 35 Signing this agreement gave the immediate impact of the Council receiving an additional £40.5m of DSG High Needs Block funding in 2021/22. This meant that the brought forward deficit came down from the previously forecast £118m to £78m.
- 36 As of September 2022, we have completed the first monitoring check point with the DfE, which concluded that we remain on the agreed trajectory. Provided we continue to maintain the agreed trajectory SCC should not need to add further funds to the offset reserve as we will continue to receive the annual payments of c£12m from the DfE.
- 37 Since the original agreement was signed the pressures from external factors, in particular inflation, have increased significantly. At present this has not been reflected in a change to the current planned trajectory, but the risks are being monitored and discussed with DfE as part of the quarterly meetings.
- 38 In particular, inflationary pressures are impacting the planned Capital strategy as the costs of development increase substantially. Part of the Safety Valve agreement process included a Capital funding bid, for which the Council requested £56m. The bid also made clear the intended trajectory was

dependent on this funding. In the end the award from DfE was for £8m therefore creating a £48m Capital funding gap.

- 39 Subsequently a new programme of Free School application bids has opened which enables the Council to apply through an alternative funding stream to support some of these schemes. However, there remains a need to seek further funding sources in order to close the gap or if not possible discuss the implications to the planned trajectory with the DfE. This is also being considered as part of the current MTFS review for the 2023/24 budget.