

# Cabinet

30 January 2019

## SEND & Inclusion Strategy Update and Peer Review

### Recommendation

That Cabinet approves the report, updated self-evaluation and SEND & Inclusion strategy delivery plan in response to the Special Education Needs and Disability (SEND) Peer Review

### 1.0 Background

- 1.1. Warwickshire launched its SEND & Inclusion Strategy in April 2019. In September 2019, along with all local authorities in the West Midlands, Warwickshire agreed to undertake a SEND Peer Review. The final report has now been published and is attached at Appendix A. The updated self-evaluation and delivery plan are attached at appendices B and C. The SEND & Inclusion Board has accepted the report and the response outlined below. This report provides an update on the SEND & Inclusion Strategy, including feedback from the Peer Review.

### 2.0 Overview

- 2.1 The SEND & Inclusion Strategy has six priorities. The full delivery plan, including progress against named indicators is set out in Appendix C.
- 2.2 *Promoting Inclusion.* Increasing the number of children with EHC plans learning in mainstream settings remains a challenge for the local authority. National reports show this to be a national problem, with base funding for schools and a culture of performance tables acting as significant barriers to inclusion. However, Warwickshire is an outlier with regard to the proportion of learners in specialist provision. Key activities are in progress such as expanding resourced provision and revising our guidance to mainstream settings (SEN Provision Matrix). Our arrangements for early years, in particular the Warwickshire Inclusion Kitemarking Scheme, has been identified as best practice in inclusion.
- 2.3 *Getting it Right for Learners with High Needs.* The investment in the Pears site is significant for Warwickshire in being able to meet the needs of learners inside the county border as the population increases. The percentage of EHC plans issued within 20 weeks has improved dramatically in two years from 29% to 90% (nationally the average has dropped to 61%). Whilst the Peer Review pointed out some areas for clarification in our processes, Warwickshire has a sound base to work from.

- 2.4 *Improving Health and Social Care.* The major success has been the reduction of young people in mental health inpatient beds with a learning disability and/or autism due to collaborative work on the transforming care project. Further to this, Care Quality Commission has judged South Warwickshire NHS Foundation Trust's children and young people community services to be outstanding. The Peer Review commented on the positive relationships across education, health and social care. This covers a vast number of service areas and projects. There is genuine collaboration and agencies are working together on agreed plans to improve joined-up provision. Governance structures for joint commissioning are being reviewed to ensure swifter decision-making.
- 2.5 *Preparing for Adulthood.* Warwickshire's work on supported internships puts it in a leading group nationally in this area. The County Council itself is hosting 3 supported internships in 2019/20, with a total of 57 being offered across the County. The ambition is for 100 supported internships to be offered by 2020/21. Whilst significant improvements can be made to joining up adult social care and health with EHC plan processes, the Peer Review was complimentary of the commitment of agencies to achieve this.
- 2.6 *Transport.* Pressures on transport increase as the number of learners with EHC plans increases. The introduction of a risk assessor team has both improved the responsive of the Council to quality issues, as well as ensuring that support is targeted appropriately in line with our policy.
- 2.7 *Workforce Development.* Improving the confidence of the workforce, particularly in meeting social, emotional and mental health needs, remains key to transforming our system. Developments have taken place, such as increasing the number of local school leaders in SEND from 2 to 5. A broader workforce development plan is due to be presented to SEND & Inclusion Board.
- 2.8 *Resources.* Cabinet will be aware from the High Needs Block Report in December 2019 that significant resource issues remain for learners with SEND. The Council is working with the Schools Forum to develop an achievable long term plan for balancing the dedicated Schools Grant, as well as lobbying central government for additional funding.

### **3.0 Feedback from Peer Review**

- 3.1 The Peer Review process was overseen by the Schools Development Support Agency (SDSA). A team of four professionals from two local authorities, a Parent Carer Forum and the Council for Disabled Children spent two days in Warwickshire. The first day included an opening presentation, 14 focus groups and observation of one of our EHC request panels. The second day included visits to six settings prior to a session with the Warwickshire Parent Carer Forum and a final presentation of the team's findings. As well as highlighting strengths and areas for improvement, the experience was a helpful practice for the Ofsted/CQC SEND Local Area Inspection that is expected in 2020.

- 3.2 The review team was asked to focus on our processes for issuing and reviewing EHC plans, and our practice for preparing young people with SEND for adulthood (with a particular focus on health and social care practice in the latter).
- 3.3 The report highlights a number of strengths within current practice. These are now reflected in our full self-evaluation document (summary attached at Appendix B).

## **Strengths**

### *Early Years*

- 3.4 Positive feedback on our arrangements for early years was well received and reflect an integrated approach. Reviewers visited one of our WInCKs settings and were particularly positive about the scheme in verbal feedback and the inclusive approach of our early years settings.

### *Supported Internships and post 16 education*

- 3.5 The progress and ambition for supported internships was also commended, to the extent that Warwickshire were encouraged to share best practice with other areas. We are now presenting at the National SEND Employment Forum in February 2020 (Leeds). A visit to a post-16 setting where WCC invested capital funding in 2016, was also highly positive and demonstrated inclusive practice in our colleges.

### *Working with health and social care*

- 3.6 The review highlighted good joint working practice across education, health and social care professionals, and the ability to articulate a shared ambition in their areas of work.

## **Areas for improvement**

### *Decision not to assess*

- 3.7 The identification of high levels of 'decision not to assess' requests for EHC assessment is to be investigated. Comparatively, Warwickshire does turn down a higher proportion of requests for assessment than the national average.
- 3.8 It should be made clear that Warwickshire practice is in line with the SEND Code of Practice, Chapters 6 and 9 (in particular 9.14). This expects a graduated approach to SEND within schools. Local guidance is set out in the Warwickshire SEND Provision Matrix. Requests for EHC assessment are considered against evidence of a graduated response from settings. Whilst this usually involves two cycles of 'Assess, Plan, Do, Review', there is an exceptional circumstances pathway to ensure that a blanket policy is not adopted.
- 3.9 It should be stated that the majority of decisions not to assess are **not** overturned at mediation as stated in the report. In 2019, there were 233 requests for EHC assessments resulting in decision not to assess. In 31 cases an assessment was carried out following mediation or appeal.

3.10 It is also noted that Warwickshire has increased the percentage of EHC plans at school age from 3.1% to 3.2%. The national average has risen from 2.9% to 3.1%.

#### *Special school placements*

3.11 The report also stated that 'Consultations with parents for special school settings does not meet the requirements set out in the Children and Families Act 2014 regarding a parental right to name the setting, as parents are not chronologically responded to following parental requests.'

3.12 Warwickshire assert that current arrangements are fully compliant with the Children and Families Act and SEND regulations which are to name the school of parental preference except where:

- (a) the school or other institution requested is unsuitable for the age, ability, aptitude or special educational needs of the child or young person concerned, or*
- (b) the attendance of the child or young person at the requested school or other institution would be incompatible with—*
  - (i) the provision of efficient education for others, or*
  - (ii) the efficient use of resources.*

3.13 Warwickshire use a panel process called the SEND Provision Panel. Parental preferences for specialist provision are consulted upon within 15 days. 8 out of 11 special schools in Warwickshire are currently oversubscribed. The panel considers requests and feedback from consultations from within the time period and places according to the needs of the child, rather than by order of request. Legal advice has approved the decision-making arrangements for admission to specialist provision (which is similar to a number of other local authorities) and which are published at [www.warwickshire.gov.uk/SEND](http://www.warwickshire.gov.uk/SEND).

#### *Relationship with Warwickshire Parent Carer Forum*

3.14 The relationship with the Warwickshire Parent Carer Forum was not a key line of enquiry for the Peer Review. As a result, there was not an opportunity to triangulate some of the issues raised. However, it was evident that the current working relationship is not in a good place and urgent action is required (see 5.2 below). Warwickshire continues to work with the Parent Carer Forum as well as other groups of parents, to implement the delivery plan.

#### *Local Offer Review*

3.15 The Local Offer webpages were highlighted in our self-evaluation as an area for improvement and work is underway to address this.

#### ***Preparation for Ofsted/CQC***

3.14 Overall, the experience of the Peer Review was helpful. As well as identifying strengths and areas for improvement, it provided a helpful dress rehearsal for inspection in terms of logistics and presentation. There was some disappointment that certain areas of our preparation for adulthood (16-25) services received minimal scrutiny and health and

social care transitions remain areas for improvement on our self-evaluation.

## **4.0 Urgent actions**

4.1 The SEND & Inclusion Board monitor the SEND & Inclusion Delivery Plan every half term.

4.2 With regard to the urgent actions:

- Impower has been commissioned to deliver the SEND Transformation project over the period October 2019 to February 2020. Investigating the number of 'decision not to assess' is a key line of enquiry. In addition, and with immediate effect, the request panel is already revising its approach to requests in particular circumstances. The number of decisions to assess is being monitored on a monthly basis.
- Contact (the organisation who award the grant to the Parent Carer Forum) is providing additional support to improve the relationship between WCC and the Parent Carer Forum, and expand representation (including succession planning). A development plan is expected to be drafted by January 2020
- Working with the web team, the Local Offer webpages have been reviewed using "treejack" and feedback from stakeholders; Finn Wilding Ltd has been commissioned to provide recommendations on future design (December 2019-February 2020).

## **5.0 Financial Implications**

5.1 The SEND & Inclusion Strategy covers a wide range of services, costs centres and sources of funding. There is a separate paper on the Cabinet agenda addressing the High Needs Block. Overall, the financial implications will need to be managed by Education Services and will need to align to the Medium Term Financial Strategy.

## **6.0 Environmental Implications**

6.1 The action plan includes recommendations for increased resourced provision, specialist provision (to meet housing growth). The environmental implication for associated capital projects with these activities will be considered as part of the capital strategy reports to Cabinet.

## **7.0 Conclusions**

7.1 The SEND & Inclusion Strategy, self-evaluation and delivery plan remain key documents for upcoming SEND Local Area inspection (expected in 2020).

## Background papers

SEND & Inclusion Strategy (April 2019)

	<b>Name</b>	<b>Contact Information</b>
<b>Report Author</b>	Jane Carter & Ross Caws	<a href="mailto:ianecarter@warwickshire.gov.uk">ianecarter@warwickshire.gov.uk</a> <a href="mailto:rosscaws@warwickshire.gov.uk">rosscaws@warwickshire.gov.uk</a>
<b>Assistant Director</b>	Ian Budd	<a href="mailto:ianbudd@warwickshire.gov.uk">ianbudd@warwickshire.gov.uk</a>
<b>Strategic Director</b>	Mark Ryder	markryder@warwickshire.gov.uk
<b>Portfolio Holder</b>	Colin Hayfield	colinhayfield@warwickshire.gov.uk

The report was circulated to the following members prior to publication:

Local Member(s): None

Other members:

Cllr Colin Hayfield  
Cllr Jeff Morgan  
Cllr Yousef Dahmash  
Cllr Pam Williams  
Cllr Corinne Davies  
Cllr Dominic Skinner  
Cllr Jonathan Chilvers  
Cllr Jerry Roodhouse  
Cllr Richard Chattaway

## Appendices

Appendix A - Peer Review Report  
Appendix B – SEND Self Evaluation  
Appendix C – Updated SEND & Inclusion Strategy Delivery Plan