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22 September 2022

Dear Member,

**Children and Young People's Services Scrutiny Committee - Wednesday,
28 September 2022**

Please find enclosed the following document(s) for consideration at the meeting of the Children and Young People's Services Scrutiny Committee on Wednesday, 28 September 2022 which was unavailable when the agenda was published.

Agenda No	Item
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| 5. | SEND and Inclusion Strategy 2019-2024 - Delivery and Performance (Pages 3 - 18) |
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Yours sincerely

Tony Kershaw
Director of Law and Assurance

**To all members of the Children and Young People's Services Scrutiny
Committee**

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Children and Young People's Services Scrutiny Committee
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28 September 2022

SEND and Inclusion Strategy 2019 – 2024 – Delivery and Performance

Report by Assistant Director (Education and Skills)
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Summary

The SEND and Inclusion Strategy 2019 – 2024 outlines the key priorities and actions which focus on improving outcomes for children and young people with Special Educational Needs and Disabilities (SEND) in West Sussex. This report outlines the progress of the Strategy to date and the on-going plans for ensuring that children and young people with SEND have their needs appropriately identified and met in the most appropriate local educational setting.

This report also addresses the challenges being faced by the local authority in relation to meeting our statutory deadlines for completing Education Health and Care Plans (EHCPs) within the 20-week deadline, and the plans for mitigating this risk.

The focus for scrutiny

The Committee is asked to scrutinise the progress of the SEND and Inclusion Strategy 2019-24 and assess how the Strategy is meeting its aims and objectives of promoting inclusive practice and improving provision for children and young people in West Sussex. The Committee is also asked to identify any further matters it would wish to be briefed upon.

Key Lines of Enquiry

1. The key projects, priorities and actions taken to date as part of the SEND and Inclusion Strategy workstreams and whether these demonstrate that appropriate progress is being made.
2. The areas of the Strategy yet to be achieved, and if the plans in place to achieve these are sufficient.
3. To consider the performance data on EHCPs, including how it compares to national data (SEN2) and how this is being addressed as part of the Strategy.
4. Identification of any further specific areas around SEND and Inclusion to highlight to the Cabinet Member for consideration in the development of the Education and Learning Strategy 2022 - 2025.

The Chairman will summarise the output of the debate for consideration by the Committee.

1. Background and context

- 1.1 In 2019 the [SEND and Inclusion Strategy \(2019-2024\)](#) was published following a comprehensive analysis of feedback from stakeholders, including schools, settings and parent/carers. West Sussex's own data analysis revealed that too many children and young people were being identified with SEND in West Sussex compared with national and regional statistics. Consequently, too many children were being placed in specialist placements as opposed to being supported in mainstream settings and with too many children being placed into high-cost independent specialist provision. The evidence indicated that we needed a greater focus on developing inclusive practice in our mainstream schools with a more specialist offer that could meet the needs of those that required it. Three key priorities were identified within the Strategy which were updated in 2022 to include a greater focus on holistic outcomes for children and a greater focus on capturing the voice of the child and family:
- 1) To know our children and families so that we accurately identify their needs.
 - 2) To meet the needs of our children through our educational settings and services.
 - 3) To work together to find solutions and take a collective responsibility with a multi-agency approach.
- 1.2 To support and focus both the discussion and scrutiny of the Strategy and its progress to date, a number of key questions and lines of enquiry were shared in advance of the meeting. The report has taken some of these key themes and questions and drawn together information from the Strategy and its actions under each theme.

2. Key Themes and lines of enquiry

Key line of Enquiry 1:

Explore the key projects, priorities and actions taken to date as part of the SEND and Inclusion Strategy workstreams and consider whether these demonstrate that appropriate progress is being made.

- 2.1 The Strategy committed to a number of actions which were completed and reported on through the SEND and Inclusion Strategy project board and moved into business as usual. These included providing resources, advice and guidance to support mainstream schools in securing the inclusion of children and young people with SEND and meeting their needs without requiring an Education, Health and Care Needs assessment: <https://schools.local-offer.org/>. The Strategy also committed to providing a Data Dashboard to show the impact of the actions taken in terms of deliverables and, where possible, demonstrating the outcomes of such actions on children and young people. The dashboard is updated and presented to each meeting of the SEND Strategy Board and published on the [tools for schools website](#). We have continued to monitor progress although

the COVID-19 pandemic has had a significant impact on the children and young people with SEND and the data we report on.

- 2.2 We can see through our website analysis that there has been a 54% increase in accessing the additional resources since October 2021, with more schools directly accessing the range of resources. There has also been an increase in requests for hard copies of the 'Ordinarily Available Inclusive Practice' guide (<https://schools.local-offer.org/inclusion/ordinarily-available-inclusive-practice/>), and the Inclusion Framework which supports schools in identifying their own strengths and areas for improvement (<https://schools.local-offer.org/inclusion/inclusion-framework/>). We have also published many excellent examples of inclusive practice in our schools (<https://schools.local-offer.org/inclusion/celebrating-inclusion/>) and shared these at SENCO and headteacher forums.
- 2.3 A SEND Sufficiency Strategy has been developed to increase our maintained and academy offer for those children and young people requiring a specialist provision, in order to enable them to make progress. We have included expansion of our existing special schools, development of specialist resource provision and building new special school provision to reduce the need for independent non-maintained special schools. However, progress has been hindered by the COVID-19 pandemic and the increased costs associated with building development in recent times, despite the obvious cost-savings associated with developing more local provision, including transport costs. Currently, £26.582mill capital fund has been allocated to creating additional specialist placements within the county and a programme has been put together against this capital spend. Whilst this will create over 317 additional places, the Council's High Needs Recovery Plan and projections are forecasting the need for an additional 757 places being required by 2027-28.

Key Line of Enquiry 2:

What are the areas of the Strategy that have yet to be achieved, and are the plans that are in place to achieve these sufficient to meet the goals?

- 2.4 Since much of the initial activity initiated through the Strategy has moved into business as usual, new workstreams have been developed and a new governance structure has been implemented to support the oversight and accountability of the SEND and Inclusion Strategy. These include the following components:
- Project Workstream meetings focused on Transitions, Alternative Provision, Collective Responsibility, and Communications, all attended by workstream leads and chaired by the Head of Service.
 - SEND Partnership Board focused on the impact of the Strategy across a wide range of stakeholders including the SEND Youth Board, and these Boards being used to agree items to be escalated to the SEND Board, chaired by Head of Service. The SEND Board feeds into the cross service SEND & Inclusion Strategy Board.

- SEND and Inclusion Strategy Board chaired by Assistant Director (Education and Skills) with key decision makers and influencers of policy across Education, Health and Social Care.
- Children First Board for reporting into the wider organisation, for scrutiny of progress.

2.5 The focus for workstreams can be expressed as follows:

Transitions/Journey to Independence:

Workshops to identify key areas of focus and outcomes across phases:

- Transitions planning for Children and Young People returning to mainstream education
- Transitions in early years through to starting school
- Transitions from Primary to Secondary
- Transitions into further education (FE) and employment
- Focus on using Preparation for Adulthood outcomes and cross-agency working

Alternative Provision

Identification of areas for improvement for pupils with social, emotional and mental health (SEMH) needs:

- Higher than average permanent exclusion rates
- Mainstream provision not meeting need
- Use of unregulated alternative provision and pressure on the Alternative provision College
- Recognition of requirement for more effective learning environments
- Recognition of increasing mental health needs exacerbated by the pandemic
- Early intervention to reduce the risk of exclusion

2.6 The Strategy aims to reduce the number of children and young people being permanently excluded from West Sussex schools by working in partnership to:

- Transform the way in which early intervention is used and alternative provision is commissioned, ensuring early mainstream intervention and improved outcomes for vulnerable children and young people in a safe and quality assured environment.
- Ensure the resources and provision available to children and young people at risk of permanent exclusion is of the highest quality.
- Create learning environments that are fit for purpose and support effective learning.
- Develop a high-quality curriculum that is tailored to meet the needs of pupils attending these provisions, including effective transitions.

- Ensure effective systems and processes for the assessment of children and young people's needs.
- Improve multi-agency collaboration and communication to ensure support/services are targeted and available at the point of need.
- Target outreach support for children and young people with high levels of dysregulated behaviour in mainstream schools, avoiding placement change where possible.
- Plan re-integration packages as part of the exclusion process.
- Reduce costs associated with alternative provision by ensuring effective use of funding and, over time, supporting the sustainable delivery of the High Needs budget.
- Deliver appropriate provision for KS4 learners to explore alternative curriculum pathways.

2.7 As part of the County's Alternative Provision Strategy, we are working to ensure that our aims also align to The [SEND and Alternative Provision Green Paper](#) in the following ways:

Chapter 4: A reformed and integrated role for alternative provision:

A - Make alternative provision an integral part of local SEND systems by requiring the new local SEND partnerships to plan and deliver an alternative provision service focused on early intervention.

B - Give alternative provision schools the funding stability to deliver a service focused on early intervention by requiring local authorities to create and distribute an alternative provision-specific budget. We are exploring ways of redistributing funding to schools to better engage the broader school community in providing sustainable AP provision that meets their needs and is integral in supporting pupils.

C - Build system capacity to deliver the vision through plans for all alternative provision schools to be in a strong multi-academy trust, or have plans to join or form one, to deliver evidence-led services based on best practice, and open new alternative provision free schools where they are most needed. We are exploring the possibility of bidding to host a new AP Free School.

D - Develop a bespoke performance framework for alternative provision which sets robust standards focused on progress, re-integration into mainstream education or sustainable post-16 destinations.

E - Deliver greater oversight and transparency of pupil movements including placements into and out of alternative provision.

F - Launch a call for evidence, before the summer, on the use of unregistered provision to investigate existing practice.

Collective Responsibility

2.8 Joint working is intended to focus on:

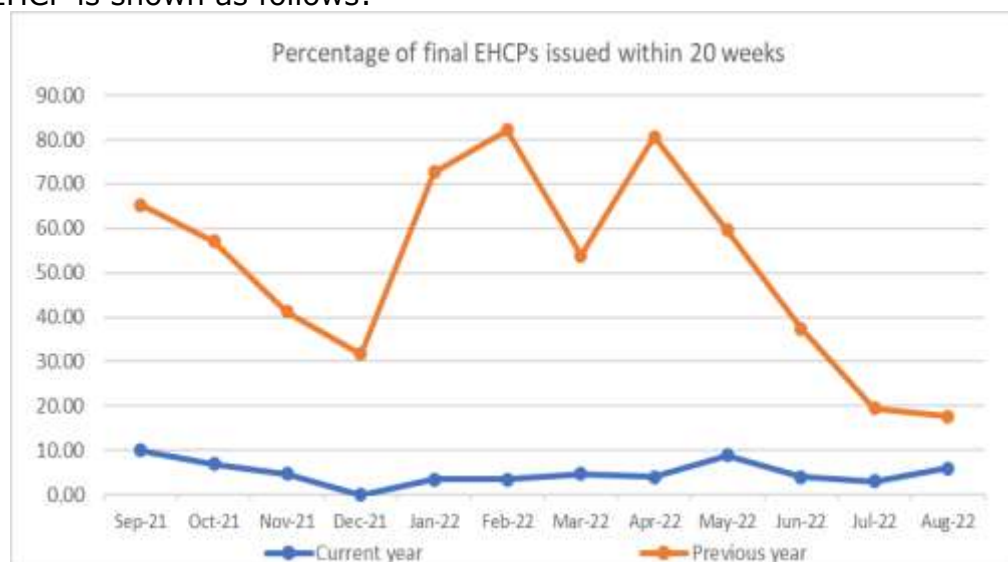
- Multi-disciplinary panels
- Systems/processes
- Building relationships with the Designated Schools Team in Early Help
- Building health engagement

Raising awareness across all agencies of the support available for children and young people at SEND Support without recourse to an Education Health and Care Plan (EHCP).

Key line of Enquiry 3:

To consider the performance data on Education Health and Care Plans (EHCPs) and assessments as compared with national data (SEN2) and how this is being addressed as part of the Strategy.

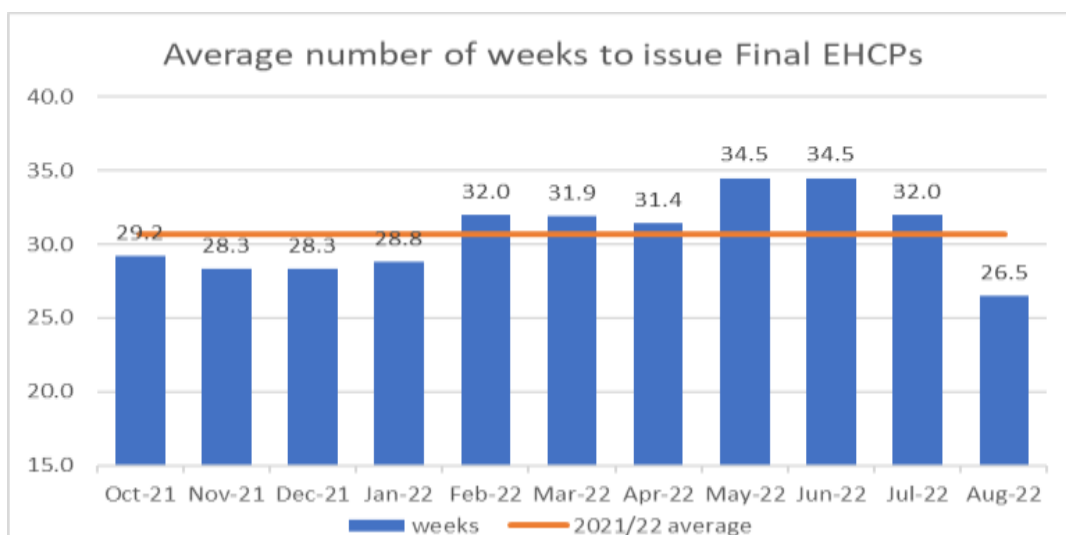
2.9 The current position for achieving the 20-week timeline for issuing a final EHCP is shown as follows:



- Whilst completion of EHCPs within a 20-week deadline has traditionally been well above the national average prior to covid, a significant surge in demand for Education Health and Care Needs Assessments (EHCNAs) during and since the covid pandemic has significantly reduced the number of EHCPs completed within the 20-week timescale. The latest data shows that 6% of EHCPs issued so far in the calendar year 2022 have been issued within 20 weeks.
- 35 EHCPs have been issued within 20 weeks in 2022. This continues to be the result of the significant increase in the number of assessments being completed, and the contributors towards the assessments therefore being unable to provide their assessments to the SEN Assessment Team within the required timeframes. This includes both health and psychological assessments. A clear plan is in place to improve the position which includes action taken to ensure early years provision better meets

children's learning needs to reduce the need to escalate to an EHCN assessment, increased work to support education psychology assessments, and better co-ordinated advice lines to support parents and schools.

- Whilst the number of assessments meeting the 20-week deadline has reduced, the average number of weeks to issue Final EHCPs has decreased and is currently running at 26.5 weeks, which is a significant improvement and is the best seen across the 2021/2022 academic year.



- 2.10 On 15 May 2022, the Department for Education (DfE) produced a summary of the findings of the national SEN2 data return. This provides data on the number of children and young people with Education, Health and Care Plans in England. The following information compares West Sussex with these national and regional trends:

	West Sussex	National	South East
% EHCPs	3.8	4.0	4.2
% SEND Support	14.2	12.6	12.4
% increase in new EHCPs	+4.5	+3.0	
% increase in total EHCPs	+5.7	+ 9.9	
EHCPs issues within 20 weeks	35.5	59.9	
New EHCP placements	Mainstream 63.4% Special 24.6%	Mainstream 72.8% Special 14.2%	
INMSS* as % total EHCPs	10.5		7.5
% increase in requests for EHCNA	72% of which 36.9% are refused	22.3 % of which 22.3% of the above are refused	
% increase in EHCP requests completed	+3.4%		

INMSS - Independent Non-Maintained Special Schools

Commentary

2.11 The following are the key presenting features in the above data:

- A high percentage of SEND is identified, leading to an increase in requests due to increases in need across the population following the Covid pandemic.
- An increase in requests for EHCPs, potentially due to reduction in services across health combined with increase in need. A higher than national percentage proportion of requests in Early Years due to lack of specialist support directly available in settings, and children coming to EHCNA panel without prior assessment from an Educational Psychologist (EP).
- Challenges to the capacity of services to meet increasing demand, resulting in longer waiting lists and a drive to request EHCPs.
- The Educational Psychology Service (EPS) have been impacted and unable to fully undertake assessments during the pandemic, creating a backlog in requests and a delay in completing assessments within the statutory timeframe.
- West Sussex is completing more assessments in a year than in previous years. However, the real growth in new EHCPs may not yet be evidenced in this data. The number of assessments completed would be expected to be significantly higher than the national picture, given the increase of agreed assessments.
- The data also shows that more of our assessments end in EHCPs, with only 1.6% being closed and not ending in an EHCP, whereas nationally this figure is 5.9%.

Action Plan

2.12 The Action Plan relating to this work is given in Appendix 1.

Resources

2.13 Costs for the activities described in this report remain within the approved budget envelope.

3. Factors taken into account

3.1 Issues for consideration by the Scrutiny Committee

3.1a The Committee is asked to scrutinise the progress to date of the SEND and Inclusion Strategy 2019-24 and assess how the Strategy is meeting its aims and objectives of promoting inclusive practice and improving provision for

children and young people in West Sussex. The Committee is also asked to identify any further matters it would wish to be briefed upon.

4. Consultation

4.1 Not applicable – this is a report for information.

5. Risk Implications and Mitigations

Risk	Mitigating Action (in place or planned)
Non-completion of EHCPs within the statutory 20-week timeframe	Action Plan in place which includes efficiencies in processes but also ways to reduce the flow of requests coming into the system and support for children/families awaiting an assessment and the final EHCP.
Growth of High Needs Budget deficit if numbers of children with EHCPs in Independent, Non-Maintained Special Schools continues to grow	SEND and Inclusion Strategy focus on increasing inclusion in mainstream schools, supporting transition and alternative curriculum pathways where appropriate. SEND Sufficiency plan to increase the number of maintained and academy specialist placements.
Due to capital budgets and rising costs of construction, the current capital is insufficient to meet the number of additional places identified in the SEND Sufficiency Plan	Work with external agencies to look at other ways of reducing demand for INMSS placements through outreach support into the early years and mainstream schools. Seek opportunities to repurpose existing facilities to provide more specialist provision where possible.

6. Other Options Considered

6.1. Not applicable – this is a report for information.

7. Equality Duty

7.1 The service recognises the primary importance of nurturing children to fulfil their potential. The provision of the service is based on need, as determined through formal assessment protocols. This need is not explicitly related to formally protected characteristics, but any such characteristic is and will continue (as now) to be respected in compliance with equality principles and taken into account in the way in which the service is delivered.

- 7.2 In terms of those with a protected characteristic, the service will ensure enablement and support across all relevant categories.

8. Social Value

- 8.1. The SEND and Inclusion agenda and the measures discussed in this report will directly support improved delivery of the West Sussex Plan priority to help people and communities fulfil their potential. Improving educational opportunities will continue to build resilience and social capital and contribute towards stronger and more effective communities. The implementation of service improvements will also respect sustainability principles in accordance with the County Council's strategic policies.

9. Crime and Disorder Implications

- 9.1. There are positive implications for Sections 17, 37 and 39 of the Crime and Disorder Act 1998 in the prevention and reduction of crime and anti-social behaviour, and in reducing offending and re-offending by young people, all of which are affected by the activity discussed in this report.

10. Human Rights Implications

- 10.1. The County Council has an overriding duty to safeguard the Human Rights of children and young persons in its area, and this has been recognised in the Children First agenda. The Council is mindful of Article 8 of the European Convention on Human Rights – The Right to Respect for Family and Private Life - and has taken relevant factors into consideration in preparing this report. The processing of personal and special category data is subject to the Council's Data Protection Act policies and procedures in relation to discharging the Council's and its partners' legal responsibilities.
- 10.2. The County Council is also mindful of Article 12 of the United Nations Convention on the Rights of the Child - which states that all children have the right to be consulted and to have their opinions heard on any decision that affects them. Hearing, understanding, and acting upon the voice and experiences of the child is a key design principle of the Children First service improvements. The Council will continue to ensure it fulfils all its statutory duties regarding meeting the needs of children and young persons in its area as part of the delivery of the SEND and Inclusion agenda.

Paul Wagstaff

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Appendices

Appendix 1: SEND and Inclusion Action Plan

Background Papers:

None

SEND and Inclusion Strategy - Action Plan

Improvement Item	Tasks	End Dates	Measures of Success	RAG
WHAT is the problem that you are trying to solve and how does this impact upon Children in West Sussex?	HOW are you going to solve it?	WHEN will the work finish?	MEASURES of SUCCESS...baseline your starting position, demonstrate and evidence your journey to improvement(s) and the difference made to Children in West Sussex	
1. There is a growing view that EHCPs are the only way to meet needs which drives request for EHCPs. This leads schools and practitioners to feel they cannot impact change without making a request for an EHCP.	Get the message(s) 'out there' about what is available at SEN Support (Ordinarily Available Inclusive Provision) and graduated approach. Allocate time to do this. Importance of language and changing the narrative. 'Right support at the right time' (Re-) fresh guidance/message to schools, parents, other agencies. Guidance on what EHCP can provide. Feedback to schools about examples of good/poor inclusive practice.	November 2022 (initial messages) July 2023 (impact review)	OAIP and graduated approach info is available at info points through range of media. Language used is more positive. Requests for EHCNA come through only after OAIP/grad approach (i.e. getting the right ones through and managing expectations). People are engaged with the right support at the right time.	
	Health: Attend Health forums to encourage different thinking.	December 2022		
	PCF: Engage parent support groups to	December 2022		

	share these messages.			
	OAIP training for Early Years: Funding from WS so that all EY training is free to EY settings. EYCs follow up in their termly conversations to embed practice.	December 2022 then on-going		
	OAIP training for Early Help Dedicated school teams this is followed up in termly conversations with schools.	tbc		
	OIAP training for Social workers.	December 2022		
	Promote the Inclusion framework with schools, inform and equip schools to implement graduated response and give positive, appropriate messages to parents/carers.	Summer 2023		
	Robust training for school staff, including resilience.	July 2023		
	Develop positive relationships between primary and secondary schools.		Confidence in destination schools' ability to meet children's needs.	
	Problem solving activities with schools Training/support in solution circles approach:			

	For WSCC staff/ Schools/EYs settings.			
2. The national shortage in Educational Psychologists prevents EHCNAs being completed in a timely manner	Recruit Early Years Inclusion Practitioners Assistant EPs supporting EHCNAs	December 2022	Educational Psychologist are supported in their role by Early years Inclusion practitioners and assistant psychologists to support assess, plan, do, review, process in early years settings and schools which will reduce number of assessment requests and to 'frontload' early years assessments so EHCNA process should be quicker and part of a person-centred coproduced process.	
	Associate EPs and agencies used to provide additional capacity.	December 2022 - ongoing	A bank of associate EPs will increase capacity increasing number of assessments completed and the timeliness of assessments.	
	Recruitment project – improve timescales for recruitment Job evaluations for hard to recruit posts.	December 2022	Key posts are filled more quickly, increasing capacity in the system.	
3. The local authority is not able to adhere to week 20 timelines. Children and families wait a long time for advice providers assessments and for a	Communication: Establishing protocols around communication by SENAT to parents and schools when a decision to assess is made.	September 2022	Clear communication will occur regarding time frames for assessments, which reminds schools and parents that they can continue to access support from services.	
	Current process and timeframes will be shared at SENCO focus groups.	December 2022		

<p>draft to be issued and finalised. During that time some children's difficulties escalate and appropriate support is not put in place. Parents and school become frustrated at the wait.</p>	<p>To prevent escalation of need during waiting period: A process will be put in place for planning coordinators to signpost for support and a process to escalate cases where there is significant risk of school placement breaking down</p>	<p>December 2022</p>	<p>Planning coordinators will be supported to signpost to appropriate services and where indicated (placement breakdown) advisory services become involved. Those at panel shown at risk will have a 'lead professional' assigned.</p>	
	<p>SENAT managers to ensure all staff are aware of the expected timescales for decisions to issue and draft and finalising EHCPs. Protocol implemented to monitor and support this.</p>	<p>September 2022</p>	<p>Efficiency of workforce maximised.</p>	
	<p>EPS manager to continue to monitor EPS efficiency to maximise assessments undertaken and timeliness.</p>	<p>Ongoing</p>	<p>Efficiency of workforce maximised.</p>	
<p>4. It is unclear if increase in requests, rise in percentage of requests agreed and plans issued is due to increase in need or decision making processes being influenced by</p>	<p>Ensure robust multi-agency Panel attendance. Representation from key professionals and parent/carers. Strong consistent chairing of panels. Shared understanding of options and processes, moderation of decisions reframe panel to an</p>	<p>October 2022</p>	<p>The EHCNA panel becomes an inclusion support panel. Decision making is consistent and robust.</p>	

the 'low legal bar' and increase in appeals.	Inclusion Panel – accessing appropriate support.			
	Develop data analysis system of requests and decisions.	December 2022	Data regarding request and decisions will be analysed to identify themes to inform action and allocation of resources.	
	Review Inclusion Planning Meeting process and paperwork. Training for staff undertaking IPMs Introduction of process through Senco forums.	September 2022	Where a decision is made not to assess a structured Inclusion Planning meeting is expected (either led by school or a nominated professional). Clear indicated next steps for children and families which does not involve returning to panel.	
	Moderation process for decision to issue is in place.	September 2022	Robust decision making regarding whether a plan is need after assessment.	

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