
Children and Young People’s Services Scrutiny Committee

15 November 2023

Special Educational Needs and Disabilities (SEND)

Report by Director of Children, Young People and Learning

Summary

The purpose of this report is to provide the Scrutiny Committee with an overview of the current condition of the local area Special Educational Needs and Disabilities (SEND) partnership and the service it provides to children, young people, and their families. This report is written in the context of the Education and Learning Strategy and the Send & Inclusion Strategy, both of which have been considered by the Committee in the recent past. It will discuss the context in which the service is delivered and the challenges it faces. The report explains the management response to acknowledged under-performance, largely attributable to very high demand and the improvement work now being undertaken across the partnership to address it. There has been a step-change in recent months with the introduction of the Children First Transformation approach which now prioritises education improvement.

In setting out a clearer system that is better communicated and provides more timely outcomes, the changes are expected to address the main concerns that service users have rightly expressed. Actions to enhance the experiences and outcomes for children and young people who have SEND are now being delivered with the involvement of service users through an enhanced parent/carers forum. Improving the SEND service is now the foremost management priority in Children and Young People’s Services.

This report therefore sets out the following:

- **Section 1** - The background to the SEND reforms introduced under the Children and Families Act 2014 and the challenges facing local areas, together with an analysis of recent trends in demand and a comparison of West Sussex County Council’s performance against national and statistical neighbours.
- **Section 2** - Implications of the above for local performance and their financial impact.
- **Section 3** – Performance and the specific issues facing West Sussex County Council involved the delivery of effective and timely Education, Health and Care Plans (EHCPs).
- **Section 4 & 5** - The management response to the issues in the service, outlined within the Children First approach and including a summary of the improvement plans being put into effect to address performance, with a focus on good governance, SMART planning, improved practice, enhanced

staffing complement and making financial provision to counter current delays in assessment.

- **Section 6** - A summary of the central government improvement initiatives that West Sussex is now involved in, that will further benefit the service and bring added resource to support the improvement programme.
- **Section 7** - Leadership, Management and Governance improvements and the preparation planning for a forthcoming Area SEND Inspection.

Focus for Scrutiny:

The Committee is asked to consider the SEND Improvement Programme and how it will address the areas identified to provide improved experiences and outcomes for children and young people who have special educational needs or disabilities (SEND). The Committee is also asked to scrutinise the preparedness for the forthcoming SEND Area Review.

Key Lines of Enquiry for scrutiny include:

- 1) The activities being put in place to address the areas of improvement and challenges identified, and the timescales and milestones to measure the progress of improvement. A particular area of focus includes the timeliness of EHCP assessments.
- 2) The importance of effective partnership working arrangements to deliver the improvement plan and how these are evidenced.
- 3) The SEND Area Review self-assessment and how effectively the areas identified for improvement are addressed in the improvement plans (Section 7).
- 4) Any areas for action or response by the Cabinet Member.

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

1. Background

- 1.1 The Children and Families Act 2014 included reforms intended to link the support for children and young people with Special Educational Needs and Disabilities (SEND) aged 0-25 across Education, Health and Social Care. The responsibility for ensuring that the SEND system is effective lies jointly with the local authority and the Integrated Care Board (ICB). This local area partnership drives a whole system approach through collaboration with key partners including the County Council, Health (ICB) schools and colleges, parents and children and young people. The Sussex ICB is responsible for arranging the provision of health services in West Sussex. The healthcare contribution to the process for Education, Health and Care Plans (EHCP) includes professional advice such as medical treatments, occupational therapy, physiotherapy and specialist equipment and wheelchairs.
- 1.2 Within West Sussex there is an acknowledgement that the SEND partnership arrangements, governance and performance needs to be improved and the partnership has therefore recently been reviewed and improved. The

governance arrangements now prioritise; improved practice and provision of the necessary structural support to achieve this; that resources are focused where they are needed; improved engagement and coproduction with parent/carers and to set out a road map for sustainable improvement. The new Governance Framework outlines illustrates how the SEND improvement work fits into the wider partnership and senior management strategic and operational arrangements (see Appendix 4). Significant work has been done to implement new performance and governance arrangements, develop robust improvement plan (See Appendices 1 to 4), a robust self-evaluation and a new quality assurance framework to enable managers to provide continued focus and oversight on the quality of practice.

- 1.3 Following the completion of the Ofsted inspection of Children's Services in May 2023, a 'root and branch' review was undertaken by the senior leadership team of the Education and Learning leadership, service business plans, management and governance arrangements, performance and service delivery. The outcome of this review initiated a transformative programme of work (Appendix 1), that supports the delivery of the Education & Learning Strategy and the SEND improvement activity. This programme of activity will now drive improvement in the service similarly to the approach that taken for Children's Social Care, within the Children First Transformation Programme. It uses a proven track record of project management approaches that ensure a robust, sustainable and long-acting plan, with partnership governance overseeing delivery and impact. It will be delivered at pace but is intended to be sustainable and will therefore take up to two years to be fully implement. The programme's priority workstream is focused around SEND improvement and will include national change programmes, supported by the Department for Education's (DfE) and accompanying funding streams.
- 1.4 Nationally there has been a significant increase in the number of parents and carers who have requested Education, Health and Care Plans (EHCP) for their children. This national trend has been replicated in West Sussex and this impacted upon the service which was initially overwhelmed. The challenges in supporting and meeting the needs of children and young people with SEND in West Sussex is well known by the Committee. The significant increases in demand for associated Education, Health and Care Needs Assessments (EHCNA) has overtaken the service's capacity to meet the statutory timescales set for this work. This in turn has led to a significant backlog of assessments that require discreet plans to address them whilst, at the same time, the service recovers to meet the ongoing new demand for new assessments. The comprehensive set of improvement plans that have recently been put in place intend to address this issue.

Trends in service demand

- 1.5 At a national level, the number of EHCPs issued in the 2022/23 academic year was 389,171: this is an increase of 9.5% from 2022 (June 2023 National Statistics). The proportion of pupils with an EHCP has risen from 4.0% to 4.3% between 2022 and 2023.
- 1.6 In West Sussex, there are currently 7,270 children and young people with EHCPs. The proportion of pupils with an EHCP in West Sussex in the 2022/23 academic year was 4.1%; this is slightly below the national average of 4.3%.

- 1.7 In the 2022/23 academic year, 18.7% of pupils in West Sussex have an EHCP or are receiving SEN support, which is above the national average of 17.3%. For SEN support, 14.6% of pupils receive support compared with 13.0% nationally.
- 1.8 The increase in demand cited above has created pressure in the local SEND system, which has led to increases in the following:
- Education Health and Care Needs Assessments (EHCNAs) which has resulted in an increase in the number of pupils with an Education, Health, and Care Plan (EHCP)
 - Pre-16 specialist placements (special schools, special support centres) and Independent and Non-Maintained Special Schools (INMSS)
 - Post-16 High Needs placements in special schools, colleges of Further Education (FE) or Independent Specialist Providers (ISP)
 - Personal budgets and exceptional needs expenditure to meet very complex needs.

Commentary on the current pressures

- 1.9 One of the main reasons for the increasing level of EHCNA referrals has been the extension of the age range. The Children and Families Act 2014 extended the age to 25, thus creating additional EHCNA referrals from the 19-25 cohort. There was no increase in resource to deal with this extension of the accessibility criteria. Under the previous system, Statements of SEN previously lapsed at age 19; however, since 2014, West Sussex, along with all other local authorities, has been supporting the educational needs of young people aged 19-25. The responsibility for this age range has remained with Education and Children's services budgets and is not part of Adult Social Care funding.
- 1.10 The volume of EHCPs has led to increases in parental requests for high-cost placements. Furthermore, Tribunal decisions in favour of supporting parental preference have also further added to this pressure. Nationally, the number of SEND Tribunal appeals has increased by 29% from 2021/22 and has tripled since 2014. Out of 5,600 Tribunal hearings last year, only 3.7% of decisions made by local authorities nationally were upheld.
- 1.11 Within West Sussex there are further underlying reasons for these pressures which include:
- The needs of children with SEN and/or disabilities are becoming more complex. There is a shortage of local specialist educational provision to meet need, particularly in relation to speech, language, and communication needs (SLCN), and social, emotional, and mental health (SEMH) needs. This is resulting in increased specialist placements with costly independent providers. We are also seeing increased demand for top-up funding across all settings.
 - There is limited capacity within mainstream settings to provide a graduated response to additional needs. Schools are facing financial pressures and therefore may not always have the capacity to provide additional support to pupils.

2. Implications for Performance and Finance

- 2.1 The County Council has seen a significant increase in the number of requests for EHCNAs to support the needs of children and young people, particularly since the Covid-19 pandemic. Requests for assessment in the calendar year 2022 increased by 26% in West Sussex; this is in line with national trends as per national SEN2 data. Requests for assessments in the calendar year 2023 are currently projected to increase by a further 22%. As a result, we are expecting the number of assessments in 2023 to be 3 times higher than they were in 2018.
- 2.2 This increase in assessment requests and the consequent rise in the number of pupils with an EHCP has created the following challenges:
- Reduced ability to complete assessments within the statutory 20-week timeline due to resource constraints, particularly insufficient staffing capacity to meet the increased demand.
 - Insufficient capacity within Health to provide timely advice creates delays. For example, the shortage of Speech and Language Therapists frequently means that the professional advice required for EHCNAs is submitted too late in the 20-week EHCP process.
 - Insufficient capacity to fulfil statutory duties to complete annual reviews of EHCPs.
 - Increase in the costs of Home to School transport. This has increased by 57.8% from financial years 2018/19 to 2022/23 and is currently projected to overspend by £4.4m this financial year.
 - An increasing deficit within the High Needs block of the Dedicated Schools Grant (DSG). As at 31 March 2023, the cumulative deficit was £41.86m.
- 2.3 The majority of SEN expenditure is chargeable against the High Needs block of the DSG. However, expenditure incurred by the Council undertaking its statutory duties in relation to Home to School Transport and SEN; discharged through the Special Educational Needs Assessment Team (SENAT) and the Education Psychologist service; are charged to the Council's revenue account.

3. Education, Health and Care Plans (EHCP) Performance

- 3.1 The County Council has a statutory requirement, set out in the Children and Families Act 2014 and Special Educational Needs and Disability Regulations 2014, to complete an Education, Health and Care Needs Assessment (EHCNA) for individuals that meet the criteria defined within the Act. As defined within Regulation 13(2) the local authority should complete the EHCNA within six weeks. This is the first step of the process and means that if an EHCP is to be issued, it must be completed within the remaining 14 weeks before the 20-week statutory deadline.
- 3.2 Every EHCNA must also include psychological advice and information from an Educational Psychologist as outlined in Regulation 6(1). Table 1 below shows the trend in the proportion of Education, Health and Care plans completed within 20 weeks compared with our statistical neighbours and the national

average. Although Wests Sussex has seen the biggest dip in performance (due to the exceptional increase in demand in this area), none of our statistical neighbours have recovered their EHCP 20-week performance to pre-pandemic levels.

Table 1 Proportion of new EHCPs issued within 20 weeks excluding exceptions 2018-22

Statistical Neighbours	2018	2019	2020	2021	2022	Diff from previous year
West Sussex	41.70	77.60	55.00	35.30	16.50	-18.80
Statistical Neighbours	70.45	74.84	54.95	38.35	29.90	-8.45
South East	51.00	47.40	48.70	49.30	45.80	-3.50
National all England authorities	60.10	60.40	58.00	59.90	50.70	-9.20

Source Local Authority Interactive Tool (LAIT) August 2023 (West Sussex Ranked 6 out of 11)

- 3.3 The increase in demand of the number of EHCNAs has been further exacerbated by a national shortage of Educational Psychologists (EPs) leading to the volume of assessments taking longer than 20 weeks escalating. The current average for the completion of assessments is 41.4 weeks. In June 2023 only 1.1% of final EHCPs were issued within 20 weeks. Overall, in the last 12 months, only 2.8% have been issued within the 20-week timeline. Plans are already in place and being implemented (see section 3.4 below) to reduce the average time of completion and improve the percentage increased within 20 weeks.
- 3.4 Currently the Educational Psychology (EP) Service has a capacity to undertake an average of 75 assessment per month but it is receiving an average of 105 requests per month. Additionally, the EP service is experiencing significant staffing issues with 11.2 full time equivalent (FTE) vacancies within the team. As outlined above, there is a severe national shortage of Education Psychologists and recruitment is extremely difficult. In terms of the management response, current recruitment plans will result in 3 FTE EPs coming into the service by September 2024. Management is also exploring more efficient ways of processing these requests and therefore to increase the service capacity beyond the 75 assessments.
- 3.5 The following tables summarise key performance across the EHCP process of decision-making, assessment and report writing up to September 2023.

Tables 2 and 3 – EHCP process performance and Timeliness

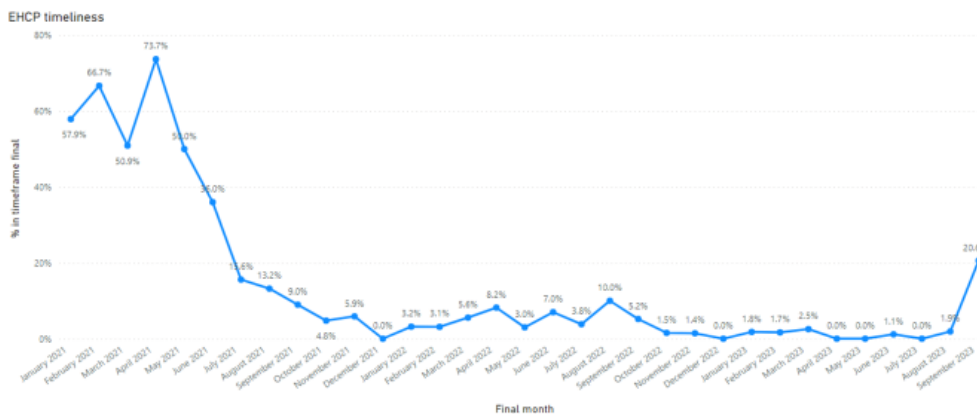
EHCP Performance Summary

Current EHCPs	September 2022 Not available	September 2023 7702
20 week timeliness (excluding exceptions)	September 2022 5.2%	September 2023 20.6%
In process cases exceeding 20 weeks	September 2022 Not available	September 2023 526
Decision to assess rate	September 2022 69.9%	September 2023 56.8%
Decision to issue rate	September 2022 94.8%	September 2023 98.6%

New reporting has recently been developed and therefore some historic data from previous year's is not available.



EHCP timeliness



- 3.6 As well as the pressures within the EP service, there is limited capacity within the Special Educational Needs Assessment Team (SENAT). This is leading to delays in drafting EHCPs after all the advice has been received.
- 3.7 In addition to the demand pressures, the number of complaints into SENAT, including to the Local Government Ombudsman, Judicial Reviews (JR), and appeals lodged with the SEND Tribunal Service have also significantly increased in the last two years. This has led to another significant demand

on staff resources in SENAT to deal with the tribunal proceedings, complaints handling and responding to JR proceedings.

Table 4 – Increase in Tribunal demand

	Jan 2018/19	Jan 2019/20	Jan 2020/21	Jan 2021/22	Jan 2022/23
Total Appeals (2014 Act)	91	114	140	233	237

4. The Service Response:

Staffing Resource Implications and Action Plan

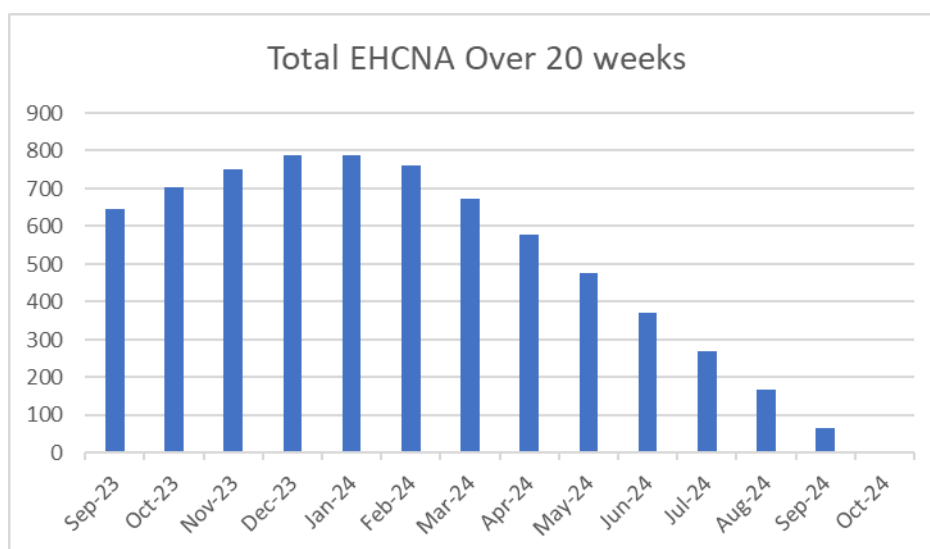
- 4.1 To respond effectively to this range of pressures, the senior leadership have implemented the Children First approach to service transformation and review. This includes a comprehensive SEND Improvement Plan (Appendix 2) to tackle the causes of the under-performance and implement a set of actions to address them over the coming months. Due to the levels of demand and the consequent backlog, it is projected that it will take over twelve months for the annual performance to return to its target of regaining pre-pandemic levels. However, managers expect to see the month-on-month figure improve more significantly as the recovery process develops momentum.
- 4.2 There are several competing financial demands on the current budget because of the need for extra staffing resource to manage and improve the timeliness of assessment completion. For example, to tackle the backlog and (at the same time) assess new applications in a timely way, steps have been taken to isolate the backlog and reduce it by contracting externally employed staff. This will enable the current workforce to focus on the new applications that continue to come into the Council. At the same time, further support and advice is being given to parents with children whose applications are not completed within the timescales.
- 4.3 The Council is in the process of increasing the resources within the service to meet both the on-going capacity issues within the EP service and SENAT and the current backlog with both EHCNA assessments and EHCP annual reviews. The following increase in resources has been prioritised and will be finalised through the 24/25 budget process:
 - £0.400m from April 2024 for a potential continuation of external contracting of EP assessments next year (annual contract cost of £0.610m offset by EP staffing vacancies of £0.210m), were more efficient ways of processing the EHCP referrals within existing EP team resources not to be found.
 - Permanent SENAT posts from April 2024 to meet continuing demand at an annual cost of no more than £0.800m. This funding allows for a Team Manager, 2 Special Needs Officers, a Senior Planning Co-ordinator, 10 Planning Co-ordinators, 2 Caseworkers, 1 Disagreement Resolution and Tribunal manager, 1 Payments Officer and 1 Data Officer. The proposed staffing plan is currently being reviewed to ensure that it will meet the future needs of the service; colleagues within Human Resources are supporting this process.

- Two-year fixed term appointments from October 2023 for 2 Special Needs Officers, 2 Senior Planning Co-ordinators, 5 Planning Co-ordinators, and 2 Caseworkers to tackle the existing backlog, at an annual cost of £0.450m.
- 4.4 The Committee should also note that the increased number of EHCPs that are projected for completion will also result in additional financial pressure on both the Home to School Transport budget and the DSG High Needs block. Further financial modelling will be required factoring in projected future demand and is being undertaken as part of the budget setting process for 2024/25.

Summarising the Improvement Plan

- 4.5 Following the positive ILACS in May 2023 and the judgement that takes social care out of inadequate, the SEND transformation programme is now the foremost priority within Children's Services. Significant activity is underway to improve the overall capacity of the service to deal with the demand and provide a more robust performance management framework to embed improvements. As well as the extra staffing resource, a caseload monitoring system with alerts of key activities is now being developed to support improved performance and to meet the 20-week requirements. This is being introduced together with a new SEND Performance Dashboard with key performance information which is updated monthly. The Director of Children's Services has implemented (and is the chair) of a monthly performance clinic to focus on recovery and ensure any blocks are resolved. Targets have been set with a clear trajectory to bring EHCP timeliness back on track over the next twelve months. Weekly monitoring and reporting on EHCP timeliness have been introduced with senior managers in SENAT. Reports are provided to Directorate Leadership Team as part of the Education and Skills Transformation programme (see Appendices 1 to 4) which outline the transformation programme, SEND Improvement Plan, EHCP Recovery Plan and Governance arrangements. The recovery plan will also be supported by the initiatives and pilot best practice initiatives through the Delivering Better Value (DBV) and sub-regional South-East Change Programme Partnership (CPP) outlined below. These programmes will also attract extra financial resource into the Council to support the improvement work now being planned.
- 4.6 The service is determined to improve performance month on month but also to set realistic and deliverable plans to achieve the improvements. Similarly, to the challenges faced within children's social care, these challenges are deep seated and complex. They will therefore require a detailed and iterative approach supported by strong governance, performance oversight and self-evaluation. These initial changes have now been implemented and will support the improvement journey to be effective and sustainable. The plans are backed by clear objectives and trajectories for improvement. The projected improvements in EHCP Timeliness is outlined in the table 5 below.

Table 5 – Projected improvement in EHCP timeliness



5. Financial response to delays in Assessment

- 5.1 Delays in assessments potentially results in children and young people not receiving the support they need in a timely manner, since additional funding is very often contingent upon an agreed EHCP being in place. This can exacerbate the difficulties that children and young people experience and may lead to additional complaints from parents and schools. The delays can also mean that potential placement costs are being delayed too and therefore the County Council risks the challenge that it is avoiding these costs whilst the assessments are still being undertaken. The Service is therefore implementing temporary support for those cases that are delayed beyond the 20 weeks to ensure individual children are not disadvantaged.
- 5.2 Recent data analysis on the EHCP agreements within the county has shown that once there is agreement to assess for an individual, it is highly likely (98% are agreed) that an EHCP will be approved. Therefore, following recognition of the escalating backlog issue, from June 2023, in those instances where the EHCNA process is taking longer than 20 weeks, additional temporary funding of £3,644 per annum has been paid to meet identified needs as an interim step. This is equivalent to the Individually Assigned Resource (IAR) rate paid to a mainstream school for the majority of pupils with an EHCP. This will be paid to schools until such time as the assessment process is completed. This initiative is providing additional monies to schools to enable them to better meet the needs of the pupils whilst the assessment process is still taking place and is forecast to cost the High Needs DSG an additional £1.3m this year.

6. National DfE Programme to support the improvement of the Service Delivering Better Value Programme (DBV)

- 6.1 There are two specific national programmes that will also support the improvement planning that the service is undertaking. The first of these is the Delivering Better Value (DBV) programme which is commissioned by the Department for Education and is supporting the County Council and 54 other

local authorities and their local systems to identify the highest impact changes that each system involved can make to better support their local children with SEND and make plans to implement those changes. There is a separate action plan which details the high impact changes which include an Early Year's support project and an Achieving appropriate Step Down from EHCP project and it is therefore dovetailed into our wider improvement activity. The DBV programme will attract up to £1.5m in extra grant funding into the service. There is also a DBV workstream in the wider Education and Learning Transformation Programme as illustrated in Appendix 1.

SEND and Alternative Provision Change Programme Partnership (CPP)

6.2 The second national programme that the County Council is now involved in is the South-East region SEND and Alternative Provision (AP) Change Programme Partnership (CPP) with Portsmouth, East Sussex and Brighton & Hove. The CPP will run across the Department for Education's nine regions. Portsmouth is the lead authority in the South-East region. The Change programme will run for the next two years and brings additional resources to the South-East region and West Sussex specifically with over £1.0m in grant funding into the service. The Change Partnership Programme will be testing the following elements prior to national roll-out after the pilot period:

- Development of national standards
- Developing local inclusion partnerships
- Explore and design a national system of funding bands and tariffs
- Tailored list of SEND placements for parents to choose from when expressing a preference for a placement
- Changes to mediation
- Inclusion dashboards
- Changes to Alternative provision funding and commissioning
- Working with NHS Integrated Care Boards

6.3 The first meeting with of local authorities involved in the Change Partnership Programme was hosted by the Department of Education (DfE) in September 2023. Plans are at the early stages of development but our participation in the CPP will inform and support our SEND programme of improvement. The second meeting was held in October 2023, which explored areas to pilot in more detail. A draft, West Sussex Strategic Delivery Plan, has been submitted to Portsmouth, which will be amalgamated with the other local authorities within the CPP and submitted back to the DfE. The West Sussex delivery plan was well received and the grant funding will come into the service later this year. A final regional Strategic Plan and Implementation Plan is due in December 2023.

7. Improvement Planning, Leadership, Management and Future Inspection

7.1 In order to refresh the management approach towards addressing the current issues, a new Interim Assistant Director of Education and Skills was appointed and has been in post since the beginning of August 2023. The interim Assistant Director is experienced and will focus on rapid improvement of the EHCP performance during the Autumn to bring the service back into a steady state. Further service changes will then follow as the leadership team drive forward more effective ways of working. The senior management

expertise previously gained in transforming the social care part of the Directorate for the Ofsted inspection is helping to inform this process.

- 7.2 Parental engagement is also a key focus for the new Interim Assistant Director. Poor communication is frequently cited as an aggravating factor in correspondence with parents, and this is now being actively challenged. Locality parental engagement sessions will be held once a term starting in Autumn 2023. The purpose of these sessions is to share our priorities for improvement and chart progress against core activities and to ensure parent/carer input into the improvement planning.
- 7.3 A key aspect of service reorganisation is to ensure that governance protocols are robust and constructive, ensuring sound oversight of partnership activity and supporting proper accountability. Accordingly, a SEND and Alternative Provision Strategy and Partnership Board has been improved and now has an independent chair. Terms of Reference have been signed off. The SEND Board is responsible for ensuring delivery of priorities in the SEND Strategy across the local area partnership. The Board will hold the local area SEND system to account as well as resolve matters that are escalated to it by the local area partnership. This approach aligns with the DfE's national guidance and an element for testing within the South-East CPP, therefore positioning the County Council in a strong starting position for this regional programme. This governance arrangement also aligns with work being delivered within the SEND and Alternative Provision Improvement Plan, therefore aligning the interdependencies across the improvement plan and the transformation programme. The following partners sit on the Board:

Independent Chair

- Director of Children Young People & Learning (DCS)
- West Sussex Lead Member for Children, Young People Learning and Skills
- West Sussex Parent Carers Forum
- Assistant Directors for Education & Learning, Children's Social, Children First
- Assistant Director Adult Services Operations
- Nursery, primary, secondary and special schools
- Alternative Provision
- Further Education
- Early Years Sector
- West Sussex Governors Association
- NHS Sussex Integrated Care Board (ICB)
- Designated Clinical Officer (DCO)
- Head of Virtual School
- Designated Social Officer
- Head of Early Help
- Head of SEND and Inclusion
- SEND Commissioning
- SEND Improvement Lead
- Head of Standards and Effectiveness
- Early Years SEND Lead

Area SEND Inspection

- 7.4 The SEND and Alternative Provision Strategy and Partnership Board oversees wider improvements across the local area partnership and it is also responsible for ensuring that preparations and plans for the local area partnership SEND inspection are progressing in a timely manner. The inspection will be under a new inspection framework introduced in January 2023 with a particular focus on the lived experiences and outcomes for children, young people, and their families.
- 7.5 The area SEND inspection of the West Sussex local area by the Office for Standards in Education (Ofsted) and the Care Quality Commission (CQC) is expected at any time during the current academic year. A Self Evaluation (SEF) is being carried out; this a live document which will be updated regularly as evidence is gathered against the key judgement areas in the inspection framework. A strategic group consisting of senior managers across the local area partnership has been set up with a particular focus on inspection readiness.
- 7.6 The immediate focus is on improving practice and the quality of our interventions at pace; the implementation of a transformation programme across Education and Skills to improve outcomes for children and young people has already started. Six Partner Working Groups responsible for driving forward SEND and Alternative Provision improvement plan priorities are set out in the appendices.
- 7.7 The Self-Evaluation Form (SEF) has identified four overarching areas for improvement as follows:
- Improving the timeliness and effectiveness of Education, Health and Care Needs Assessments (EHCNAs) and Education, Health and Care Plans (EHCPs) across the system.
 - Consolidating earlier intervention to improve practice in SEND support within schools and early years settings.
 - Working together to promote an inclusive culture with co-production at the centre to address the key priorities in practice.
 - Partnership working to address gaps in provision for children.
- 7.8 There are three possible outcomes of an Area SEND inspections as follows:
- The local area partnership's SEND arrangements typically lead to positive experiences and outcomes for children and young people with SEND. The local area partnership is taking action where improvements are needed.
 - The local partnership's arrangements lead to inconsistent experiences and outcomes for children and young people with SEND. The local area partnership must work jointly to make improvements.
 - There are widespread and/or systemic failings leading to significant concerns about the experiences and outcomes of children and young people with SEND, which the local area partnership must address urgently.

7.9 The senior leadership team is now fully focused on rapid improvement of those parts of the service where performance has been unsatisfactory and at the same time building a strong evidence base to demonstrate the positive steps made in other parts of the service. The improvement partnership and governance arrangements together with improved parent/carer forum and constructive co-production with service users are evidence of movement in the right direction.

8. Resources

8.1 There are a number of factors as set out in this report that could impact on the number of EHCPs. Finance officers have looked at three possible DSG High Needs financial scenarios moving forward based on differing EHCP growth levels. The deficit on the DSG at the end of March 2024 is expected to be £67.3m and could increase to between £399m and £789m by the end of 2027/28 without any mitigated management action being taken by the County Council.

8.2 Although a statutory over-ride is in place until March 2026, meaning the deficit is held off balance sheet, the current direct impact on the County Council's financial position is three-fold:

- Around a third of young people with an EHCP will be entitled to home to school transport;
- All assessments require an assessment by an Educational Psychologist; and
- The deficit will continue to have an adverse effect on the County Councils cash flow and return on investments. Assuming a current interest rate of 4.5%, the use of cash balances to offset the deficit results in a loss of investment income of estimated £2.3m this year.

8.3 In addition, the service will be able to add additional resource to the agreed budget to support the implementation of the transformation and improvement work through the DBV and CPP programmes (outlined in section 6 above) and which will add an additional £2.5m to £3m over the next two years.

Factors taken into account

9. Consultation

9.1 As part of the SEND and AP Partnership arrangements and the new parent /carer forum all key partners agencies and stakeholders are being consulted as set out in the report.

10. Risk Implications and Mitigations

Risk	Mitigating Action (in place or planned)
The levels of demand for special educational needs	This is a national issue affecting all local authorities, and reform of the SEND system is under active consideration by central

Risk	Mitigating Action (in place or planned)
cannot be managed downwards	government. It is believed that the improvement plans set out in this report offer the authority an achievable interim position that will improve both outcomes and customer satisfaction.
The current plans are unable to deliver satisfactory EHCP timeliness	Service management is confident that the planning and intervention measures being put in place will significantly improve EHCP timeliness in the coming months. Performance levels are now closely monitored and will improve. The Committee will be kept closely updated on progress.
Shortage of specialist staff functions cannot be met through ordinary recruitment	The current plans to increase recruitment are discussed in Sections 3 & 4 above. This is also a national issue, although the situation in the Southeast region may be particularly acute. Nonetheless, Children's Services has a strong record of attracting scarce skills into the county.
Costs attributable to the Council's revenue account are difficult to control – especially Home to School Transport costs	This is the subject of a specific project within the service supported by School Transport, aimed at improving operations and cost management in this area.

11. Other Options Considered

11.1 Not applicable – this is a report for information.

12. Equality Duty

12.1 The service recognises the primary importance of educational attainment and the nurture of children to fulfil their potential, as well as safe and fulfilled transition to adulthood. A full equality impact assessment and testing against the public sector equality duty will be maintained throughout the improvement programme and inform its implementation.

12.2 In terms of those with a protected characteristic, the service will ensure enablement and support across all relevant categories, and this will both continue and be enhanced through the SEND Improvement agenda as part of the full equality impact assessment that will be maintained throughout the improvement programme and its implementation.

13. Social Value

13.1 The services for those with Special Educational Needs and Disabilities discussed in this report will directly support improved delivery of the West

Sussex Plan priority to give every child the Best Start in Life. Supporting the development of young people will continue to build resilience and social capital and contribute towards stronger and more effective communities. The implementation of the service improvements will also respect sustainability principles in accordance with the County Council's strategic policies.

14. Crime and Disorder Implications

- 14.1 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 progress activity discussed in this report.

15. Human Rights Implications

- 15.1 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 its Children First agenda. The County Council is mindful of its duty to ensure no child is denied access to education as set out in Article 2 of the First Protocol to the European Convention. 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.
- 15.2 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 SEND service improvements. The County Council will continue to ensure it fulfils all its statutory duties regarding meeting the needs of children and young persons in its area during the SEND transformation programme.

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Appendices

Appendix 1: SEND AP Improvement and Transformation Programme Structure

Appendix 2: SEND AP Improvement Plan (Full detailed plan)

Appendix 3: SEND AP Improvement Plan – EHCP Response

Appendix 4: SEND AP Governance

Background Papers- None