

Report of the Head of Education and Learning

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

Recommendation:

To note the annual report and discuss

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## Response to Recommendations from the External Review

The "External review of placements for children and young people with Education Health and Care Plans" report clearly set out areas of strength within the service. We were reassured to note that the areas for development had already been recognised by the SEN team and actions were in place to address the issues raised. Other elements formed part of the SEND Improvement Board action plan.

A more detailed response to elements of the report is provided below. **References below refer to sections of the original report.**

### 3.1 Place Planning & Commissioning Arrangements,

The strengths of the strategic review, place planning and Specials School relationships were acknowledged, and the following recommendations were made.

#### **Recommendations and DCC Actions:**

##### *3.1.1 Consideration of joint strategic approach to SEND*

The participation of the co-design of the SEND strategy was recognised as good and it was recommended that this practice could be used to support future SEN strategic provision reviews.

##### DCC Action:

Consistent membership of parents on the SEND Board and sub groups are well established, and plans are in place to link this more closely to work undertaken in the next SEN provision review. Young people's participation in all reviews was already a focus of the Implementation Plan over the 18/19 year.

##### *3.1.2 Long term strategic planning*

The report recognised that the SEN Strategic Provision Review addressed most of the elements involved in the long term and annual planning process. It did however, suggest we could be clearer in our statement around our principles for placement, and numbers in special schools given increasing in demand; concern about the 10% (above capacity) was raised.

##### DCC Action:

The Local Authority has for a long time upheld the view that where-ever possible, provided their needs can be met, children with SEN should be educated in mainstream settings. Devon mainstream schools cater for

higher than average percentage of children with EHCPs (37%) and children achieve good outcomes.

A 'Local First' approach is also under development in respect to specialist independent settings. Our state funded Special schools have seen a significant increase in places in the last few years (12.8%). New provision is part of the long-term approach and Primary provision opened in Sep 2018 with an additional 30 places. Two new schools are planned, one with 72 places expected for Sep 2019 and another with 132 places expected for Sep 2020. It should be noted that even if the Local Authority fund this provision, we still have to work through the Free School Presumption process to open them.

Any special school placement that is made over and above the 10% additional to physical capacity allowed by DfE, will only be made with agreement from the school and full risk assessments for the learners involved. Tribunal however, can order the LA to place above this; the pupils above this additional capacity at the school, as identified in the report, were placed following Tribunal orders.

### 3.2 Quality Assurance and Monitoring EHCPs,

The strengths of the current practice in implementing the Code of Practice when undertaking assessments was acknowledged, and the following recommendations were made.

#### **Recommendations and DCC Actions:**

##### **3.2.1 *Consideration of whole system approach to SEND***

The guidance provided, and the criteria set out for assessments was acknowledged as sound. It was however, suggested that this could be revisited in light of the increased demand in Devon. It was recognised that national data indicates demographics and the extension to the age range as the most probable causes for growth, and further analysis in Devon may be helpful. It was suggested that a review of the guidance would also provide an opportunity to reinforce the graduated response, the value of mainstream schools, SEN funding and decision criteria.

##### **DCC Action:**

The Guidance has been revised in Summer 2018 and included the Graduated response, SEN Funding and decision making in assessments. All new guidance has been made available on the Local Offer – support for professionals. There is also a County wide consideration of panels in decision making and representation needed.

Use of the Graduated Response is a focus for work of Babcock LDP in 2018/19, guidance and updates were completed in Aug/Sep 2018. In addition, School Improvement support since 2017/18 has included a greater focus on SEN;

##### **3.2.2 *Consideration of good practice in statutory advice, EHCPs and Annual Reviews***

The report acknowledged the clarity given by the Local Authority about the principles of partnership and interdependency across education, health and care, including the multi-agency training undertaken. Despite the efforts, the recommendations were for greater focus to achieve the impact necessary.

DCC Action re:

*Return of advice to go into EHCPs:* Data on the timeliness of the return of advice is shared with all partners and some improvements are already in place. For example, there has been a 25% improvement in EP advice still outstanding. Specificity was also identified as an issue and an EP/SEN service day in Sep 2018 put in place a different report format.

QA audit and parent feedback has already led to agreed changes for ECHP content and quality with an implementation date of Nov 2018. All services have committed to a QA framework that includes monitoring of the advice provided.

The Local Authority welcomed the external validation that EHC Plans are not relevant for children with medical needs and no SEN. An Access to Resource Medical Referral Panel has been established to consider cases that are made on these grounds for discussion about support/intervention that can occur, without assessment or need for an EHCP. Representation on this panel includes: Educational Psychology, School Nursing, Occupational Therapy and CAMHS.

*Annual Reviews:* Team capacity and problems with IT are directly impacting on Annual Review response completion timelines. A specification for an electronic AR process is under development to improve IT and the efficiency in LA response. Immediate action has taken place to address the backlog identified.

*Residential Settings and LA visits:* These visits are in place across the LA from SEN, Social Care and the Virtual School. Information is shared between services and has already identified if any are missed. SEN visits made by Babcock LDP services and already pick up learners who are not in care or do not have a social worker. EPs and SEN support services undertake these visits.

### 3.3 Monitoring arrangements of educational settings.

The positive impacts and developments in Devon through school relationships, continuation of the commissioned support services, partnership arrangements and Boards, and monitoring of outcomes and educational attendance and exclusions were cited as strengths. Some further work was recommended to accelerate this progress.

#### *3.3.1 Consideration of review of admission process into Alternative provision*

The report acknowledged the difficulties posed through the recommissioning to a new academy trust over the last academic year.

DCC Action:

The new contract has been established and a review of admissions has taken place and is part of the new commissioning agreement.

#### *3.3.2 Consideration of whole system approach to quality assurance providers*

The report acknowledges significant strengths in QA processes across DCC. It was suggested this could be further improved by sharing the good practices across the mainstream and independent sector visits.

DCC Action:

Collaboration on this has already commenced.

In conclusion, the report clearly acknowledged the strengths and issues that were already identified across either the individual services or as a partnership under the SEND Improvement Board. The partnership is in a position of strength to move forward,

embedding the strategic commitment to SEN within the practitioners involved at child and family level. The recent feedback from parents within the Local Offer Ref Group welcomed the developments and positive progress made;

- Positive changes to the EHC Plan format, making the child's voice more prominent, strengthening the requirements on schools, clarifying the requirement for EHCP reviews, and making the layout changes we suggested;
- Inviting parent carers to share their experiences to support the professional development of the SEN 0-25 Team;
- The SEND Strategic Lead's willingness to listen to and work with parents;
- Pro-active written communication to parents who are experiencing delays with their child/young person's EHCP;
- More information from the SEN 0-25 team aimed at parent carers.

**Dawn Stabb**

Head of Education and Learning

**Electoral Divisions:** All

Cabinet Member for [Children, Schools and Skills](#): Councillor James McInnes

Chief Officer for Childrens Services: Jo Olsson

**LOCAL GOVERNMENT ACT 1972: LIST OF BACKGROUND PAPERS**

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