

Update on Special Educational Needs & Disabilities (SEND) Transformation Programme

Report of the Director of Children & Young People's Futures

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

1. Recommendation

- 1.1. That the Committee;
 - a) Agree to future updates being scheduled and aligned to the seven strands of the SEND Transformation Programme.
 - b) Note the work being undertaken under the sufficiency strand of the SEND Transformation Programme.
 - c) Note the progress made since the previous meeting, on the SEND Transformation Programme

2. Background / Introduction

- 1.1. In September 2023, the Council and its partners agreed a new approach to delivering improvements through the SEND Transformation Programme which takes a system wide approach to delivering positive change and is broadly set out under seven key strands (see Annex A), bringing Ofsted/CQC improvement work and Safety Valve activity together in one place.
- 1.2. This report provides an update on the sufficiency strand and on the overall progress made since the previous Committee meeting.

3. Update on SEND Transformation Programme

SEND Sufficiency

- 3.1. The main sufficiency challenges for the Authority are linked to the increase in demand for Education Health and Care Plans (EHCP) and the number of children educated in independent specialist provision. In both areas Devon is significantly above the national average. There are also other indicators of pressure in the system, including the number of referrals seeking alternative education for children who cannot attend school because of health needs and the number of permanent exclusions.
- 3.2. The work to date has involved providing demographic forecasting which has supported the Safety Valve submission to the Department for Education and the bid for additional capital funding. Work is underway to delve further into the areas

where Devon is an outlier in terms of age, need and provision. Below is an example of the high-level national analysis of 2022-23 numbers as a proportion of the population, and where Devon ranks against the other 152 Local Authorities. A glossary of acronyms within this table can be found in Annex B.

ANALYSIS OF DEVON EHCP NUMBERS & NATIONAL COMPARISON										
Primary Need	TOTAL	Rank	0 to 4	Rank	5 to 10	Rank	11 to 15	Rank	16 to 18	Rank
ASD	1.39%	75	0.46%	110	1.28%	89	1.84%	39	1.11%	112
SEMH	0.90%	33	0.04%	43	0.79%	37	1.39%	36	0.09%	74
SLCN	1.24%	15	0.44%	103	1.34%	26	1.43%	7	0.51%	48
MLD	0.34%	88	0.06%	61	0.32%	47	0.48%	97	0.09%	130
PMLD	0.08%	121	0.00%	133	0.07%	120	0.08%	96	0.40%	58
SLD	0.23%	33	0.07%	43	0.19%	37	0.35%	36	0.11%	74
HI	0.10%	23	0.05%	30	0.09%	44	0.09%	47	0.54%	7
VI	0.04%	79	0.00%	79	0.02%	109	0.07%	33	0.00%	102
MSI	0.03%	10	0.01%	47	0.04%	8	0.02%	38	0.14%	7
SpLD	0.23%	33	0.07%	43	0.19%	37	0.35%	36	0.11%	74
PD	0.20%	40	0.05%	97	0.18%	51	0.26%	20	0.26%	66
Total	4.02%	10	0.53%	117	5.08%	17	7.84%	4	5.06%	34

- 3.3. The Sufficiency Strategy and plan document is nearing completion and will provide formal recommendations which will need to be regularly reviewed. The information it provides is used to inform other areas of work and the targeting of DCC resources including, for example, the expansion of resource base provision.

Resource Bases

- 3.4. Resource bases are an integral part of mainstream schools and provide specialised provision which caters to the educational needs of children, who typically have an EHCP, whilst also promoting community inclusion and ensuring children can access education effectively.
- 3.5. The sufficiency work has identified a significant shortage in resource base provision in Devon compared to national. Devon has 0.05% of its school population in resource base provision compared to a national average of 0.18%. The lack of provision is a key pressure and there is evidence that Authorities with a lower proportion of resource base provision commission more places from high cost independent specialist providers.
- 3.6. The Authority plans to establish an additional 200 places over the next 5 years. All are required to go through a statutory consultation process and be agreed with the Regions Group in the Department for Education. There are 6-7 new resource bases due to be operational in September 2024. Proposals either agreed or being consulted on include Holsworthy College, Brixington Academy, Great Torrington Bluecoats and Westcroft Primary. There are a number of other proposals in early development including the expansion of existing bases.

Special School Places

- 3.7. Since 2017-18, the special school estate has increased by 74% (684 places) to meet a combination of growing need and demographic change. The programme

has included an expansion of existing provision and new schools in areas considered underserved i.e. Tiverton, Bideford, Newton Abbot and Okehampton. Devon is below national average in terms of numbers in special schools as a proportion of the total population (National 1.14% Devon 1.06%).

- 3.8. The remaining programme continues to focus on the increase in places for children with Autistic Spectrum Disorder (ASD), Speech Language and Communication Needs (SLCN) and Social Emotional and Mental Health (SEMH) needs. This will be delivered through;
- SW Devon Free School: A new special school to support children with ASD/SEMH from Key Stage 2 to 4 in Ivybridge. Up to 120 places. Due to open in September 25 (see below Tavistock link);
 - Cranbrook Special School: A successful Free School bid. Up to 70 Places Due to open in September 2026.
 - Tavistock satellite site: remodelling of existing provision to support a temporary SW Devon Free School initially to mitigate against delays on building and then provide a satellite provision of circa 30 places.
- 3.9. These projects are not without risk, relying on third parties to deliver and land to be secured and serviced. Proposals at Tavistock are subject to a capital bid as a part of the wider Safety Valve programme.

Further Education places

- 3.10. In addition to the plans to extend pre 16 provision identified above, a further 300+ places are planned in our Further Education colleges to meet demand, as well as providing an improved and enhanced SEND offer.
- 3.11. The Authority is working in partnership with Exeter College and Petroc College and there are plans to provide new specialist post 16 provision in Exeter, Tiverton and Barnstaple. The post 16 proposals will ensure providers have suitable provision and accommodation to support learners whose needs cannot be currently met.
- 3.12. These proposals are included within the High Needs Capital Funding bid as part of Safety Valve, which totals £10.2m, of which £1.5m is matched from the resources within the Medium-Term Capital Programme.

Alternative Provision Commissioning

- 3.13. Use of Alternative Provision has increased significantly in recent years, due to:
- an increase in the number and cost of learners who are Educated Other than at School (EOTAS);
 - an increase in the number of permanent exclusions from 93 in 2019 to 190 in 2022-23;
 - an increase in requests for provision under the Section 19 duty *to provide suitable and full-time education for children of compulsory school age who,*

because of exclusion, illness or other reasons may not for any period receive suitable education unless such arrangements are made for them. Requests have increased from 161 in 2019 to 471 in 2023 and those accepted from 81 to 297 in the same timeframes.

- 3.14. Devon's commissioned alternative provision, through WAVE Academy Trust, is not able to meet the increasing demand and so other providers are being sought, resulting in financial pressure on the High Needs Block.
- 3.15. The first phase of work in this area is to look at reducing costs through improved contractual arrangements aligned to and working closely with the Financial Management and Placement Value strand.
- 3.16. The second phase and longer-term work will look to develop a framework of alternative provision providers, with clear quality assurance and performance standards. There are ongoing conversations with schools and Trusts regarding their role in supporting and delivering alternative provision and we are working closely with Devon Schools Leadership Services (DSLS) to look at how we might joint commission this type of support.

Progress since the last Committee meeting

- 3.17. Since the last Scrutiny Committee meeting, the following progress has been made;
 - Submitted Safety Valve plans to the Department for Education to secure financial support towards the High Needs Block deficit.
 - Submitted a High Needs capital funding bid to increase further education provision for young people with SEND and to establish a specialist satellite provision in Tavistock.
 - A deep dive review and process mapping exercise, of statutory EHC assessment and review processes, has been completed in response to feedback from parents and carers.
 - Educational Psychologists (EPs) are working with up to 100 schools, since January, to identify children with SEND and to help schools support pupils as early as possible, following a period of focus solely on statutory assessments.
 - The number of children waiting for EP advice as part of an Education, Health and Care Needs Assessment (EHCNA) has reduced significantly in the Autumn term and continues to improve.
 - New funding has been secured to support pupils with neurodiverse conditions, such as autism, or Attention Deficit Hyperactivity Disorder, starting in 40 primary schools across Devon, Plymouth and Torbay from April.
 - Appreciative inquiry sessions have been delivered with stakeholders to inform the Ordinarily Available Inclusive Provision toolkit.
 - Phase 1 review of the information on the SEND Local Offer website.
- 3.18. Actions to be delivered before the next Committee meeting (assuming Sept 2024)
 - Increase in the number of specialist resource base places from September 2024.

- Ordinarily Available Inclusive Provision toolkit launched which sets out expectations of how children and young people can be included within their school and classrooms so that needs are met within existing provision across schools and settings in Devon.
- A new co-produced SEND Strategy setting out the local area's shared priorities, plans to address these and clear monitoring arrangements with parent carers and young people.
- A new design of how the Authority will organise its education and SEND support services to improve performance and relationships with schools and families.
- Improved processes to manage statutory assessment and review work related to education health and care plans.

4. Strategic Plan

- 3.19. One of the key focuses of Devon County Council's Strategic Plan 2021-2025 is to create a 'Child Friendly Devon', where Devon is the best place to grow up. Specifically, one element of the Strategic Plan is to "ensure children and young people with special educational needs and disabilities achieve the best possible outcomes" (Devon County Council, 2021).
- 3.20. The SEND Transformation Programme contributes to the realisation of this element of the strategic plan by ensuring that local area partnership arrangements lead to an improved lived experiences and improved outcomes for children and young people with SEND, and their families.

5. Financial Considerations

- 3.21. There are no specific financial considerations related to this update.

6. Legal Considerations

- 3.22. There are no specific legal considerations related to this update. The Council must adhere to the relevant legislation such as the Children and Families Act 2014 and the Special Education Needs and Disability Regulations 2014. Improvements to the timeliness and quality of assessments and annual reviews will contribute to the Council fulfilling its statutory duties.

7. Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

- 3.23. There are no specific environmental impact considerations related to this update.

8. Equality Considerations

- 3.24. Children and young people with Special Educational Needs and Disabilities (SEND) have the protected characteristic of disability under the Equality Act 2010 and duties to make reasonable adjustments and meet the Public Sector Equality Duty (eliminate

disability discrimination, harassment and victimisation, advance equality of opportunity for disabled people, and foster good relations between people who share the protected characteristic of disability and people who do not) apply to this area of work and run alongside our duties around education health and care plans. In addition, children with SEND will have intersecting characteristics such as gender, LGBTQ+, and ethnicity that may need to be taken into account.

9. Risk Management Considerations

- 3.25. A risk register is maintained for the SEND Transformation Programme which is regularly updated and monitored and feeds into the Corporate Risk Register.

10. Summary/Conclusion

- 1.3. This report provides an update on the SEND Transformation Programme and details more specific progress of the sufficiency strand.

Stuart Collins

Director of Children & Young People's Future

Electoral Divisions: All

Cabinet Member for Special Educational Needs & Disabilities: Councillor Lois Samuel

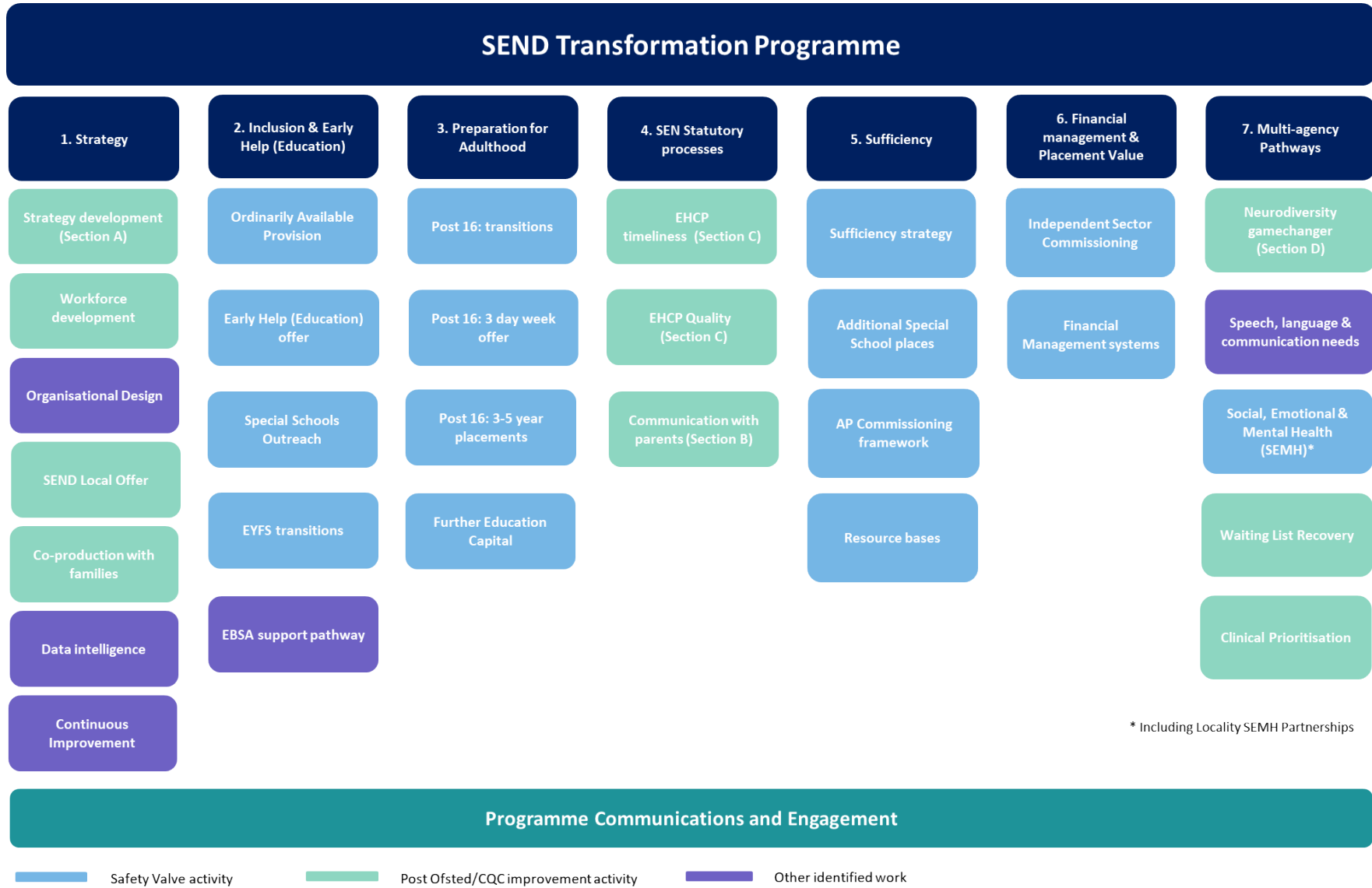
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ANNEX A – SEND TRANSFORMATION PROGRAMME OVERVIEW



* Including Locality SEMH Partnerships

ANNEX B – GLOSSARY OF ACRONYMS IN TABLE 3.2

ASD – Autistic Spectrum Disorder

SEMH – Social Emotional and Mental Health

SLCN – Speech Language and Communication Needs

MLD – Moderate Learning Difficulties

PMLD – Profound & Multiple Learning Difficulties

SLD – Severe Learning Difficulties

HI – Hearing Impairment

VI - Visual Impairment

MSI – Multiple Sensory Needs

SpLD – Specific Learning Difficulties

PD - Physical Disability