

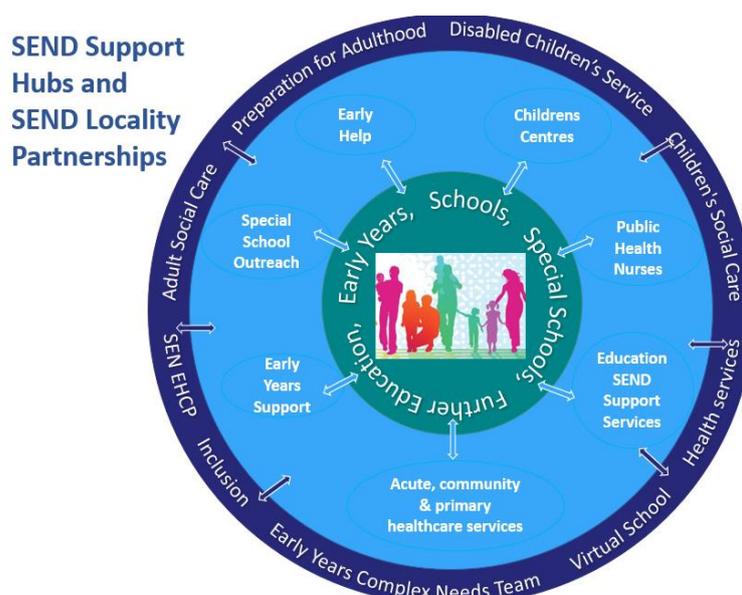
## SEND Update Report of the Head of Education & Learning

This report provides an update for scrutiny on current SEND projects and SEND High Needs Block funding.

### The SEND Transformation Programme

The preferred SEND service design delivery model for this transformation programme has been widely consulted on and was agreed at the SEND Improvement Board on 24 June 2021. These design plans were shared with Scrutiny in detail at the Master Class on 29 July and a brief summary is provided below for information.

The transformation delivery design aims to provide services to young people, schools and families at 2 levels.



**First SEND Support** (the bright blue circle) would provide wraparound services from, for example, outreach work from special schools, Children's Centres, Public Health, Education Support Services, Healthcare Services, Early Years, and family support or Early Help practitioners who can advise, support and quickly provide help in settings for children and young people. It would include a help line and a simple point of contact to get early wrap around support.

**Further SEND Support** from **SEND Locality Partnerships** would include statutory services for when further help or support is needed. Services that would sit in this area include Early Years complex needs teams, Inclusion, the SEND EHCP team, Adult Social Care, the Preparation for Adulthood team, Disabled Children's Services, Children's Social Care, Health Services and the Virtual school. Partners in these teams would work in four localities with teams working together in partnership. A centralised management system would remain in place to ensure quality of practice and consistency across the county.

Work is now underway to collate detailed information from the services identified as sitting in the SEND First Support circle in the SEND model above. This information is being used to build a picture of the resources available to us, where the key interactions are, where there are gaps and where there will be possible duplications.

The conversations are also helping us to develop an understanding of the processes needed, including the referral process, the triage process, where cross referral processes will be needed and the centralised performance management/quality assurance process.

One of the new roles identified in the design is that of a navigator to help ensure schools and families can quickly access support from the right services. We are starting to develop a good understanding of the role of the navigator, with the next step being the development of a draft Job Description so we can get an understanding of the level of this role and staffing resource implications.

We have also started exploring the IT system requirements that will need to be in place to support both layers of support ensuring families and schools don't need to repeat information or complete multiple referral forms.

As part of our Communications and Engagement Plan, we have engagement activities planned with school SENDCOs for mid-September and are in the process of planning further engagement opportunities with parent carers, children and young people and staff. Regular updates are provided in our SEND newsletters and we aim to be ready to share the next stage of our design in October. Once approved, we are looking to implement the changes in July 2022 to coincide with the in housing of the Education support services currently delivered by Babcock LDP

### **Babcock In-housing project**

Members will be aware that on 14 July, Cabinet gave final approval for the commissioned and traded services currently delivered by Babcock LDP to be brought back into the Council to be delivered primarily through Education & Learning Services. This move in house is to support a more integrated offer, especially for SEND services as described above, and is not a reflection of the delivery of the current contract, which has been good.

We are currently developing the opportunities from bringing the teams from both DCC and LDP together to ensure we can work together effectively to achieve better outcomes for children.

As part of this process, we have engaged with staff asking them to provide their ideas and feedback about how we can work better together through a survey, followed by a number of focus groups allowing us to dig deeper. This feedback is currently being analysed and the insights are being pulled into a report.

We have also started looking at how we can manage the transition of staff. Various options are being explored for the exchange of IT equipment etc. and the hosting of a welcome event and induction.

A work package is now also being defined to look at areas such as:

- How the traded services will be branded.
- How they will work once they transfer across, and in particular, how they work within the new SEND model.
- Potential new opportunities.

## The SEND Local Offer Website.

Every Local Authority is required to have a [Local Offer Website](#) which brings together, in one place, information about education, health and care services along with that of voluntary agencies, leisure activities and support groups.

In co-production with parents and our statutory partners Devon's Local Offer has undergone a complete redesign and has now been launched as a public "beta" (test) site. Launching in this way allows us to get feedback from the public to continue to make improvements to how it works and the content it contains.

A feedback button is included on the website so that those visiting the pages can easily share their thoughts. The media team have used this information to help us continue to make improvements. The majority of the feedback has been encouraging for this stage of the process, with 63% of those responding saying the site is either excellent or good and a further 16% saying it was average. This compares well with feedback on the previous website.

An example of some of the positive comments are included below.

- Easy to navigate the site. No issues.
- Loads of information, as the Mum of a special needs child will be checking this out later.
- Use of Devon Local Offer all the time to help parents find info. So far it seems better, there is information that is clearer than before, such as information about support for families.

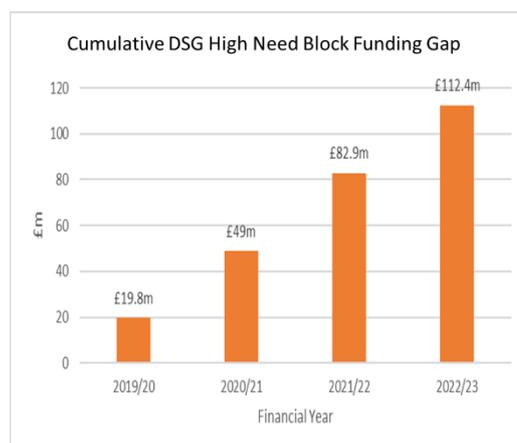
The Website also provides information about our [new SEND strategy 2021-2024](#). Like the website this strategy was co-produced and widely consulted on. It has been well received by all stakeholders and practitioners who, following the roadshows, are now embedding this strategy into their practice.

## Funding for Special Education Needs through the Dedicated Schools Grant (DSG) High Needs Block.

Scrutiny members will be aware that the funding Devon County Council spends on supporting children with Special Education Needs far exceeds the funding we are allocated from central government. Last financial year we spent nearly £30 million, a third more than we were allocated.

This is not a sustainable position and the cumulative impact of the funding gap if no action taken is shown above.

We have now been informed by the DfE that for the financial year 2022/23 Devon has provisionally been allocated an additional £9 million. However, this still falls far short of the funding required.



At the Master class in July, we shared some of the steps we were taking to try and achieve a more balanced position. The steps in no way reduce our responsibility to ensure children with SEN receive the support they need, as set out in the SEND code of practice, and primarily focus on:

- Providing earlier support to children and schools to try and prevent an escalation of need and better meet children’s SEND needs in a mainstream school.
- Reducing the use of costly independent special school placements by 1) investing £19 million of Council funds to provide a significant increase in the number of state funded special school places available and 2) applying for an additional DfE funded free special school.

I am pleased to be able to report that we were successful in our application for the additional free school and work has started to move forward on this with an expected opening date of 2023 / 2024. Work on the delivery of the places of the DCC funding provision is also progressing well and a brief overview of the timeliness of this work and the other actions we are taking is provided below. Detail on these actions will continue to be provided at the Children’s Standing Overview sessions.

Workstream / Management Action		Delivery RAG
<b>4.1 New Specialist Provision</b>		
	Okehampton Special School Opening Sept 2022	G
	Marland Day Primary additional Opening Sept 2021	G
	Lampard additional Opening Sept 2022	G
	South/West Devon Special School Opening Sept 2023	G
	Marland Day school Sept 2022	G
	Tiverton - Haven Centre - Sept 2024	G
	Aspiration for a day school provision - More complex needs- Free school bid dependent	N/A
<b>4.2 Support Centre Expansion in mainstream schools</b>		
	Support Centre Expansion	G
<b>4.3 SEN 100 Project</b>		
	Outreach support in special schools - supporting 250 schools across the year (Year 1: supporting 50 children; Year 2-5 supporting 100 children)	A
	Outreach support to reduce need for EHCPs (Year 1-2 : Supporting 80 children; Year 3 supporting 120 children)	A
	SEN Support Service - (Year 1: Supporting 72 children to stay in Mainstream)	R
	Teacher Training Sessions	G
	Helpline	G
<b>4.4 Independent Sector</b>		
	Independent Schools: 5% reduction to core costs in Independent settings (based on discussions with top 12 providers)	A
<b>4.5 Provision of early support in settings to prevent more Complex Support requirements (Send transformation work)</b>		
	Prevention of more Complex Support requirements	G
<b>4.6 Reduce escalation of need at Transition Between Phases</b>		
	Transition from Nursery to Primary	G
	Transition from Primary to Secondary	G
	Transition from Secondary to FE	G

**Key Green – progressing to target timescales, Amber = short delay, Red = significant delay (3 months)**

## Timeliness of EHCPs

One of the four areas in Devon's Written Statement of Action, following Ofsted, was to improve the time taken for children and families to receive the support they needed. While there has been a significant improvement of the assessment performance from 4% at the point of Ofsted, current delays in Educational Psychology advice are now impacting on this performance. There is a current two month delay in the completion of EP advice which adds to the expected timeframe for assessments. This has meant performance of the authority which had reached 60%, and above national average, is now at 47%.

The below action is being taken to address this and will be monitored weekly:

- Communication to all families affected which explains and apologises for the delay and also then directly linking families to the named Educational Psychologist so they can support parents and explain what is going to happen.
- Communication to all schools in September explaining and signposting to Babcock SEN support services and the graduated response support tools for guidance while awaiting the completion of the assessment.
- Redirection of and targeted EP activity to ensure:
  - a level of EP allocation and advice returns monthly that meets the level of assessments proceeding (approx. 121). This is to be augmented with use of associates to add capacity.
  - further use of associate time to address a proportion of the backlog that has occurred each month to catch up. Catch up time will be affected by levels of demand from September 2021.
  - prioritisation of assessments in the transition years (starting school, moving to secondary and moving into post-16 in September 2022) so deadlines for school placements can be made on 15<sup>th</sup> February and 31<sup>st</sup> March 2023.

The impact of these actions is likely to start showing improvement, but this may be from December 2021.

## Issues raised through complaint processes

There are 7,779 EHCPs in Devon, all are reviewed every year, and a further 1,337 (approx.) new EHCPs are issued annually. This is a considerable case load of young people with SEN. In working with these families there have been a number of formal complaints over the last three years (see table below). These have increased over the last year and analysis is being used to inform practice.

Academic Year	Complaints raised to DCC re SEND
2020/2020	65
2019/2020	31
2018/2019	37

All complaints are valuable feedback to the service about issues that face parents and not only inform that individual case but also wider working practice. There have been some changes to practice because of these, for example:

- Recent improvements have been made in the use of the EHC Hub to improve transparency, which was part of the service response to parents not knowing where cases are in the timeline.

- Increases in specialist provision have been in response to a growing need but also parent feedback about seeking special schools.
- Improvements in communicating the reasons for SEND decisions and not just the decision was implemented two years ago.

In consideration of the content within complaints, made in respect of the SEN service, the most commonly recurring themes are about EHCP provision in the plan, the school placement amendments and case work. These have also been the cause of the increase in complaints during the last year. It is not always possible to reach agreement with the family and school in the time allowed for the legal process. To avoid frustrating the right to appeal, it is sometimes a pragmatic decision to issue an EHCP that still requires further discussion but allow the parent a right to appeal if they wish to do so. It should also be noted that all of the above have a further right of redress through the Tribunals Service and it is felt that sometimes parents use the complaints service as a means of reaching resolution with the council more directly and quickly, also with less anxiety than using the Tribunal. This is to be welcomed. However, some parents do use both concurrently.

It is unfortunate that these matters reach complaint stage but it can sometimes be the case that agreement is not reached due to resource, especially in terms of special school places.

Complaints can escalate outside of the council to the Local Government Ombudsman (LGO).

Academic Year	Complaints raised to LGO about SEND
2020/2020	14 *
2019/2020	2
2018/2019	3

\* This year saw the removal of a two stage DCC complaints process before LGO escalation. Complaints can now escalate to the LGO after a first response.

The LGO investigations are about processes and local authority policies, and whether legal timescales and requirements have been met. Decisions about EHCP content and school placement sit within the Tribunal process and cannot be considered by the LGO. Investigations by the LGO also consider the entitlement to full-time education for every child of school age and not just supporting their SEN. In the 14 LGO investigations undertaken in the 2020/21 year, 4 have found no fault with the council, 5 have found fault and 5 are still in progress.

### **Post-16 Education and NEETs**

There is an ongoing investigation by the LGO regarding access to post-16 education which is likely to find the council at fault; this will concern arranging education opportunities for young people who are reluctant learners. Engaging young people post-16 when they are reluctant to, and it is not compulsory education, will be an issue that will need further discussion and a strategic approach across the council.

Currently there are 478 young people with EHCPs who are NEET, not engaged in education, employment or training). This is high compared to other authorities, while Devon has reduced to 6.6% from 9.2% over the last year (% of EHCPs that are NEET), the national average is 2.1%.

Current practice involves CSW working with young people to determine if they wish to re-engage with education however this is not timely enough or having the impact we would wish to see. There also needs to be further work about preparing for the next stage in their lives and adulthood, signposting to adult services for some support regarding adult care or directing to seek employment opportunities. This will mean ceasing EHCPs for young people in greater numbers however it should be acknowledged that they can always make a request for support through an EHCP again if they found education they wished to engage in moving forward.

### **Communication to families and schools about SEND**

Issues that arise from complaints and also from feedback through the Parent Carer Forums or from different School forums have also raised the timeliness and quality of communication. Recent work on restorative practice is in progress to support the development of the SEN team in supporting families.

There is targeted work with the SEN team regarding improvements in communication and engagement of the SEND service. This will seek to embed restorative practice and its principles into everyday practice, e.g. the Customer Relations team are already engaging in training which may helpfully shift focus of complaints responses, but also to provide support for the SEN team in the context of the current pressures and workload and identify practical solutions moving forward as part of a systems approach.

In progress is the DCC online training for all the SEN 0-25 service to ensure a consistency of understanding of restorative practice and starting to consider the circle process. In September there are planned restorative practice circles as part of the next stage of embedding this way of working. Circles provide a space for restorative principles and values to be seen in action. They provide an opportunity to come together as equals with a value placed on collective wisdom and consensus decision making.

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