

Overview & Scrutiny

Children & Young People Scrutiny Commission

Report Title:	Strategic overview of SEND services with particular reference to: Service performance and Recovery Plan
Meeting for:	Children & Young People Scrutiny Commission
Date:	11th May 2021
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1. Summary

1.1. Main duties and responsibilities of the Local Authority in relation to SEND

1.1.1 Local Authorities have a statutory responsibility to adhere to the duties as set out in the Children and Families Act 2014. This is further underpinned by the responsibilities outlined in the SEND Code of Practice and the Care Act 2014.

1.1.2. These duties include but are not limited to the following;

- Coordination of the statutory Education Health and Care Planning process in accordance with the key performance indicators.
- Ensurance of appropriate statutory support services to work with children and young people with SEND
- Ensurance of the appropriate education provision to meet the needs of the pupils in Hackney
- The publication of a Local Offer for SEND
- Working in collaboration with children and young people and their families to co-produce services and strategy
- Working in collaboration with partner organisations including Health and the voluntary sector to jointly commission needs led provision and services.

1.2. Key information for the attention of members of the Commission

1.2.1. To provide an overview of SEND Services provided by Hackney Education with particular focus on the current performance against national standards and progress against the Hackney Education Priority related to SEND.

1.2.2 To provide an update on Hackney SEND finances.

1.3. Questions for the Commission to consider or address e.g. areas for further consultation, service development or community involvement

1.3.1 The Commission is asked to advise on approaches for purposeful engagement and consultation in line with the four principles of engagement (meaningful, timely, inclusive, direct) outlined in the Corporate Plan. This is something that needs to take

place across a number of activities highlighted in the report and will require broad engagement across the partnership.

2. SEND Services

2.1 Hackney Education is committed to achieve the following;

“We, with schools, will provide excellent provision for young people with SEND through:

- Excellent statutory and traded work supporting vulnerable children;
- Our work influencing schools and school systems; and
- Through our partnerships with parents / carers and with other services.

2.2 The SEND Services consist of the following service areas:

2.2.1. **Education, Health and Care (EHC) Planning Team** - The EHCP Team is responsible for the assessment, review and placement of pupils with special educational needs and disabilities.

2.2.2. **Educational Psychology Service (EPS)** - The EPS is responsible for psychology to promote the well-being and educational success of children and young people aged 0 – 25 by empowering them, their parents and carers, working with other professionals, and through direct and indirect assessment and interventions. The EPS also contributes to the statutory EHC Assessment and review process.

2.2.3. **Inclusion and Specialist Support Team** - The team consists of specialist professionals who assist schools and settings in meeting the special educational needs of pupils. The following areas are provided from the service:

- Autism and complex needs
- Specialist teaching
- Portage and Early Years
- Hearing Impairment and Sensory (Deaf and Visual Impairment)
- Assistive technology

2.2.4. **Travel Assistance Service** - The purpose of the service is to provide a range of travel assistance options to support home to educational placement transport for children and young people with SEND.

2.2.5. **SEND Leadership** - Hackney Education has appointed two new leaders within the service; Fran Cox Head of High Needs and School Places and Joe Wilson Head of SEND. A permanent leadership team is now in place to ensure the SEND Programme is driven forward.

2.3. In support of Hackney Education’s strategic priority, SLT have mandated a programme of work to support and strengthen the SEND services and the wider provision offer within the Borough.

2.4. The programme aims to ensure engagement of children, young people and families. It is a key priority for the SEND Services to support and improve links with HIP and the wider community to ensure that improvements made in provision and services are co-designed and co-owned.

3. SEND Programme (Key performance indicators and self assessment overview)

3.1 The SEND Local Area Self Assessment has been reviewed with new focus brought, and attention on the need to ensure this is kept as a live document through the SEND Partnership Board. The document has now been reviewed, shared and updated by input from over 70 colleagues. 82% of the document is now complete with the remaining 14 sections underway with a view to complete by the next SEND Partnership Board in May. The Local Area Self Assessment, alongside a thorough Leadership review of the SEND services and provision, has highlighted a number of areas of focus which need targeted resources in order to make the necessary improvements.

The key areas of focus are listed below with an overview of current performance and the action plan to ensure improved outcomes.

3.2 Assessment and Planning

3.2.1 Demand

The following table shows the percentage of pupils with an EHC Plan of the school population.

Hackney - Regional View												
% of Pupils with Statement of (SEN) or (EHC) Plans												

Regional Authorities		2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Change from previous year
	LA No											
	201 City of London	0.20	0.20	0.10	0.30	0.30	0.30	4.40	0.40	0.20	0.40	0.20
	316 Newham	0.80	0.80	0.80	0.80	0.90	0.80	0.80	0.70	0.80	1.40	0.60
	207 Kensington and Chelsea	1.80	1.70	1.70	2.00	1.90	1.70	2.10	2.00	2.20	2.50	0.30
	213 Westminster	2.40	2.60	2.70	2.70	2.70	2.60	2.60	2.70	2.90	3.00	0.10
	202 Camden	3.00	2.80	2.70	2.80	2.70	2.80	3.10	3.50	3.60	3.20	-0.40
	210 Southwark	2.90	2.90	2.70	2.80	2.70	2.70	2.80	2.90	3.10	3.30	0.20
	309 Haringey	3.20	3.20	3.20	3.10	3.20	3.10	3.10	3.00	3.10	3.50	0.40
	209 Lewisham	2.80	2.70	2.70	2.70	2.80	2.80	3.00	3.10	3.50	3.80	0.30
	204 Hackney	3.10	3.20	3.20	3.20	3.30	3.40	3.30	3.50	3.50	4.20	0.70
	205 Hammersmith and Fulham	3.20	3.10	3.30	3.30	3.40	3.50	3.50	3.90	4.20	4.70	0.50
	206 Islington	3.30	3.30	3.40	3.40	3.60	3.50	3.70	3.90	4.30	4.70	0.40
	208 Lambeth	3.80	3.60	3.60	3.50	3.50	3.50	3.80	4.10	4.40	4.70	0.30
	212 Wandsworth	3.60	3.80	3.80	3.90	4.00	3.90	3.90	4.10	4.50	4.70	0.20
	211 Tower Hamlets	3.40	3.50	3.60	3.60	3.80	4.00	4.20	4.40	4.60	5.10	0.50

The proportion of EHC Plans compared to the population in Hackney has increased by 0.70% in a year.

The table below shows the increase in EHC Plans in comparison to statistical neighbours, and England averages.

		2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Change from previous year
204	Hackney	3.10	3.20	3.20	3.20	3.30	3.40	3.30	3.50	3.50	4.20	0.70
987	Inner London Statistical Neighbours	2.80	2.80	2.80	2.80	2.90	-	-	-	-	-	-
	England	2.97	2.93	2.94	2.96	3.04	3.00	3.11	3.31	3.56	3.93	0.37
970	England	2.80	2.80	2.80	2.80	2.80	2.80	2.80	2.90	3.10	3.30	0.20

2020 data shows that Hackney's rate of EHC Plans is higher than both statistical neighbours and England averages.

Local data is explored further in the table below:

Age Breakdown	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Under 5	83	76	83	95	95	121	139	71	126	137	90	160	187
05-10	507	514	516	535	551	570	617	611	676	706	758	885	1031
11-15	524	564	576	582	615	617	635	667	680	677	732	765	920
16-19	70	62	61	72	88	91	138	252	251	268	292	353	432
20-25								34	42	45	54	86	75
TOTAL	1,184	1,216	1,236	1,284	1,349	1,399	1,529	1,635	1,775	1,833	1,926	2,249	2,645
Year on year increase		2.70%	1.64%	3.88%	5.06%	3.71%	9.29%	6.93%	8.56%	3.27%	5.07%	16.77%	17.61%
No. of EHCP increase		32	20	48	65	50	130	106	140	58	93	323	396

The above shows an increase in EHC Plans in 2020 of circa 16% and an increase in 2021 of circa 17% .

3.2.2. Performance re timely completion of EHC plans - The key performance indicator for local areas relating to EHC Plans is performance on delivering final EHC Plans in 20 weeks. Historically, Hackney has struggled with ensuring that EHC Plans are provided within statutory deadlines. The table below shows Hackney performance in comparison to inner London LA's:

Proportion of all new EHC plans issued within 20 weeks

Regional Authorities					2014	2015	2016	2017	2018	2019		Change from previous year
LA No												
316	Newham	-	-	-	-	81.00	32.40	8.80	1.90	24.90	-	23.00
204	Hackney	-	-	-	0.00	70.00	30.30	34.20	42.40	40.30	-	-2.10

211	Tower Hamlets	-	-	-	100.00	99.50	58.40	21.40	38.10	40.40	-	2.30
212	Wandsworth	-	-	-	-	28.10	24.80	53.40	57.40	43.60	-	-13.80
210	Southwark	-	-	-	100.00	71.10	84.00	55.60	51.10	52.00	-	0.90
208	Lambeth	-	-	-	100.00	86.30	30.60	68.60	50.00	58.30	-	8.30
209	Lewisham	-	-	-	89.50	58.10	36.30	47.20	76.50	67.10	-	-9.40
309	Haringey	-	-	-	-	8.00	9.00	22.70	25.80	70.10	-	44.30
205	Hammersmith and Fulham	-	-	-	-	54.20	22.40	52.50	60.50	74.10	-	13.60
206	Islington	-	-	-	-	48.40	40.00	41.50	69.70	75.80	-	6.10
202	Camden	-	-	-	-	68.40	50.00	56.10	62.40	93.10	-	30.70
207	Kensington and Chelsea	-	-	-	-	15.40	7.10	48.10	67.70	93.80	-	26.10
213	Westminster	-	-	-	-	6.90	14.60	52.50	74.80	99.20	-	24.40
201	City of London	-	-	-	100.00	100.00	100.00	100.00	100.00	100.00	-	0.00

Data for 2020 is not yet published by the DfE. However, in 2020 Hackney delivered **41.70%** of EHC Plans in 20 weeks.

- 3.2.3 Current Performance - Scrutiny and performance management on the 20 weeks has been increased significantly since the latter part of 2020. The current 2021 average (January to now) shows **69% of EHC Plans were delivered on time**. This is above the England average of 58%.

It is important to note that increased performance is in the context of staffing levels remaining largely the same and an **increase of 17% EHC Plans in one year**. A restructure of the EHCP Team is currently in progress so that the Team is able to keep up with unprecedented demand.

The statutory process is being improved with the introduction of a new multi agency panel, process maps and a new emphasis on engaging with parents, children and schools. EHCP team quality assurance is improving but needs to be embedded and partnership QA is to be developed over the coming months.

3.3 Parent and CYP involvement

- 3.3.1 It is a key and fundamental element of the Children and Families Act 2014 that Parents, Children and Young People with SEND and their families play a large role not only in the determination of individual provision, but also in the strategic direction of the determination and commissioning of services and provision for the local community.
- 3.3.2 The SEND Service is currently working with young people and settings to strengthen the voice of Young People in the delivery of services. We are currently developing a student council for SEND with the aim of producing an annual Young People's SEND Conference.
- 3.3.3. HIP (Hackney's Parent Carer Forum) continues to play an active role in the SEND Partnership Board. Contact are working with HiP and Hackney Education to map out the future direction of the forum to ensure they are best placed to play an active role in all of the activities planned.

3.4 Schools engagement and the graduated response

- 3.4.1 "The Ordinary Available Offer", Hackney Education's approach to a graduated response is currently out for consultation with parents and stakeholders. Joint Hackney Education and partnership working has started and lessons from joint working during the pandemic are accelerating a joined up multi agency response.
- 3.4.2 It is a key priority for the SEND Leadership team alongside School Improvement colleagues on behalf of Hackney Education to improve communication with schools in relation to children and young people with SEND.
- 3.4.3 It is recognised that a re-launch of the Hackney Education offer to schools for SEND is needed to improve schools' understanding of the offer and encourage participation in future co-design of services. This will be planned over the coming months with a view to running a series of roadshows with schools as soon as it is safe to do so; ideally at the start of the new academic year.
- 3.4.4 A key element of the graduated response approach in Hackney needs to be the robust alignment of universal services to enable prevention and de-escalation of need wherever possible. Hackney Education will ensure strategic alignment of services across its offer to ensure schools and families have a clear understanding of what is available.

3.5 Sufficiency of places

- 3.5.1 An updated SEND sufficiency analysis is currently in draft with the projections having been reprofiled based on the latest SEN 2 return. Three scenarios are being considered, modeled on an annual increase of 111, 271 or 396 EHCPs. These annual increases are expected to continue year on year over a 5 year period.
- 3.5.2 Scenario 2 (271 increase p.a.) suggests the need for 250 new places for ASD pupils, possibly including a new special school, and multi agency SEMH unit. This information is informing the development of a wider Education Estate Strategy which will seek to outline a way forward for the whole education estate; both mainstream and specialist provision.
- 3.5.3 The interim the following specialist placements are being developed:
- Queensbridge ASD ARP - 10 place provision opened September 2020
 - Gainsborough SEMH ARP - this 10 place ARP will open in the Summer Term.
 - The Garden Special School - 50 Post 16 places for pupils with severe learning difficulties and Autism. Pupils will begin attending from September 2021
 - Ickburgh School - A planned increase of 14 places WEF September 2021.

3.6 Financial performance

- 3.6 1 The below table highlights the strategic financial forecast for SEND as at February 2021.

Section	Annual Budget	Forecast Variance
SEND services (Educational psychology, EHCP team, Inclusion, Early years Inclusion, Portage, SENDIAGs, Speech & Language Therapy Service, Visual Impairment, SEN Equipment, SEN Admin & SEN Management)	£4,623,092	£507,725
SEND provision / top-up funding	£35,736,665	£7,989,426
SEND Transport	£3,855,007	£164,190
Behaviour & PRU	£3,263,550	£0
Total	£48,497,730	£8,721,307

- 3.6.2 The main area of budget pressure is the SEND Provision/Top-up funding (payment to schools and education providers for pupils with an EHCP). EHCP numbers have been increasing year on year resulting in an overspend in the SEND division which is forecast to continue unless addressed. The highest spend and overspend within the SEND provision / Top-up funding category is payments to independent and non-maintained special schools.
- 3.6.3 The financial recovery plan is dependent on tactical reductions in budget reorganisation in staffing structure and a strategic shift in capital investment, linked to revenue funding to reduce out of borough spend. Recent capital investment and the possibility of additional capital are beginning to make this strategic shift as outlined above in 3.5.3. National reviews and a new national funding scheme will be part of any local financial recovery.
- 3.6.4 A project to address SEND commissioning and to review the position re contracts with non-maintained and independent schools started on the 29th March 2021. 460 Hackney children and young people currently attend a provision that is independent from the governance and support of Hackney Education and outside our community. This equates to a spend of circa £16m pa.
- 3.6.5. It is hoped that the project will address measures that, when implemented, will not only create immediate potential for savings but will also develop a strategy for future procurement that will allow for more rigorous oversight of the placement of children and young people in high cost settings. Increasing the placement options in borough will again allow for the potential to move placements back home to Hackney (if appropriate for the young person) and reduce the need to make out of borough placements in the future.
- 3.6.6. SLT have approved a process to review and consider the current SEND Transport arrangements. The process will commence this summer and involve full consultation with all parties involved.

3.7 Preparing for adulthood (PfA)

- 3.7.1 The development of the four PfA pathways - preparing for the world of work, living independently, being part of a local community and enjoying good health are underdeveloped in Hackney. A PfA guide has been developed with the parent and carer partnership and work is commencing to ensure full multi agency ownership in both the strategy and the implementation.
- 3.7.2 Preparing for adulthood will be a key focus for the SEND Leadership team over the next 6 weeks to work with partners, schools, parents and carers and young people to

determine a clear and concise action plan to improve engagement and planning for our young people.

4. Recovery Plan

4.1 The work as outlined above is all being managed within the SEND project board framework which reports into the SEND Partnership Board. There is excellent strategic sign up to the SEND Partnership Board from services outside of Hackney Education, and it is hoped that within this multi agency context; resilient and robust change can be achieved.

4.2 This year has been extremely challenging for all CYP in all school settings. Hackney Education have made consistent and targeted efforts to ensure that this period has been as settled as possible for all of our settings and those who access them.

4.3 As you would expect, children and young people with SEND will have been impacted in many ways; some of which may only be apparent with time. The SEND Leadership team have however undertaken an analysis to attempt to understand the impact at this point in time and most importantly what needs to be put in place to mitigate and support recovery.

4.4 Ofsted carried out a series of visits across the country to local areas to consider SEND Provision during lockdown and on return to face to face teaching in the latter part of the year (2020). The findings from these visits confirmed the following:

- Many children and young people had not received provision throughout the period.
- Children with SEND struggled to access online and remote teaching
- An increase in anxiety and decreased wellbeing¹

4.5 The review notes the following impacts:

1. Impacted wellbeing (physical and mental)

- Family breakdown, as a result of increased caring responsibilities. Protecting vulnerable young people from entering the care system.
- Regression in friendships; learning and communication; physical health and mental wellbeing directly impacted by a lack of opportunities for socialisation for young people who are increasingly isolated.
- The worry some families have about contracting and passing on COVID-19 to their vulnerable young person, given the complexities of their needs.

2. Access to prescribed therapies

- Children and young people have not received usual prescribed therapies included in EHC Plans. It is therefore important that a return to face to face therapy provision happens as soon as possible across the Summer Term.

3. Current and 'live' assessment of needs

- Regression in key milestones for learners and young people with very specific and highly specialised needs.

¹ Ofsted, COVID-19 series: briefing on local areas' SEND provision, October 2020

- Not being seen regularly, children and young people's needs will very likely have changed significantly necessitating an urgent review of their needs

4. Access to Quality First Teaching

- Lack of access to their key workers in education settings will have prevented significant progress and in some cases caused regression

5. Multiagency Reviews

- Whilst online platforms have enabled professionals to remain joined up through lockdown, children and young people have missed the opportunity to physically interact with all the agencies who review and support their needs and progress.

- 4.6 Although Government guidance around provisions being made for vulnerable children and young people explains that the Coronavirus Act 2020 allows the Secretary of State to issue a notice temporarily lifting Children and Families Act 2014 (CFA) duties, at the present time the full provisions of the CFA still apply.
- 4.7 For schools, this means that there is still an expectation that statutory annual reviews take place. We recognise that it will continue to be hugely challenging for schools and for the families. Government advice for the need for social distancing means that alternatives to face to face review meetings are called for and some schools have successfully used video calling.
- 4.8 Hackney Education will now develop a framework with parents and settings in line with the above findings to ensure that these known areas of impact are a key focus area where support services can target their time.