

<b>Meeting Title</b>	Children and Young People's Scrutiny Committee
<b>Report Title</b>	Special Educational Needs and Disabilities Update
<b>Meeting Date</b>	28 September 2023

<b>Corporate Director(s)/Director(s):</b>	Catherine Underwood, Corporate Director for People Nick Lee, Director of Education
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## Summary of issues:

This report provides information and an update to the Scrutiny Committee of the services and support available to meet the needs of children and young people in Nottingham City and an update on legislative and inspection developments.

The report highlights the strengths and areas for development from the last SEND Local Area inspection in Nottingham City and highlights learning and risks from national inspections undertaken during 2023 under the new inspection framework.

## Recommendation(s):

1. Children and Young People Scrutiny Committee note the content of the report and advise of areas for future discussion and challenge.

## 1. Background

A child or young person is said to have a special educational need and/or disability (SEND) if they:

- have a significantly greater difficulty in learning than the majority of others of the same age.
- have a disability which prevents or hinders them from making use of educational facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.

The four areas of need are:

- Communication and Interaction
- Cognition and Learning
- Social, emotional and mental health

- **Sensory and Physical**

For children with SEND, this can mean that they find it harder to learn than their peers, they may have difficulties in accessing community activities and require additional support to be more independent, have difficulty finding employment and have poorer health outcomes.

Families of young people with SEND tell us that they find the SEND system overly complex and difficult to navigate. They often feel that they have to 'fight' to get the services that they feel their child needs. The additional pressures of supporting a child with SEND can impact on a parent's career and income and impact of other family members including siblings.

## **2. The Nottingham picture**

There are around 47,000 children and young people in Nottingham schools, 7,418 (15.7% of school population) of whom have a SEND, this is a similar proportion to last year, but a small drop in terms of absolute numbers. (Data, Census January 2021)

In January 2023, there were 1411 Education Health and Care (EHC) plans maintained in Nottingham City. Locally, as nationally, the number of EHC plans issued and maintained continues to rise steeply. Since the introduction of the Children and Families Act in 2014 the numbers in Nottingham City have risen by over 200%.

Nottingham's strategic direction is to work with all stakeholders to adopt an inclusive approach to meeting the needs of children and young people with SEND. There are a range of services available to schools and settings including Educational Psychology, specialist teaching teams and mental health support teams.

Additionally, significant funding is made available to all mainstream schools and early years' settings to enable them to support young people with SEND without the need for an EHC plan. Over 1000 young people are in receipt of high level needs funding in settings in Nottingham.

Nottingham has 5 special schools all of which are good or outstanding. Additionally there are 6 enhanced provisions in mainstream schools which provide for deaf learners or for young people with autism with more in development.

## **3. Legislation and inspection framework**

**The Children & Families Act 2014** introduced a series of reforms relating to supporting children with special educational needs and/or disabilities which local authorities and their partners were required to respond to. The Act introduced a number of significant changes which included:

- Introduction of education, health and care plans
- Extending the age range for young people with SEND from 3-16 to 0-25
- Placing a duty on local areas to publish a local offer
- Right to a personal budget for young people with education, health and care plans
- Co-production and involvement of children, young people and their families in decision making

- Placing a duty on local areas to make available independent advice, dispute resolution and mediation services
- A clear focus on improving outcomes in the areas of academic attainment, health, social participation and employment
- A requirement for local areas to jointly commission services for children and young people with SEND

**The SEND Code of Practice** was published May 2015. It set out the legal requirements and duties of local authorities, health bodies, schools and colleges to provide and improve outcomes for children and young people from birth to 25 years with SEND and their families.

In addition to the Children and Families Act 2014, there are other legislative frameworks that place duties on the local area to meet the needs of children and young people with SEND. These include:

- The Care Act 2014
- The Equality Act 2010
- The Education Act 1996

#### **4. SEND Local Area Inspection**

The original Inspection Framework and Handbook was launched in 2016 and set out the inspection regime to be conducted by Office for Standards in Education Children's Services and Skills (Ofsted) and Care Quality Commission (CQC) to externally evaluate how well a local area carries out its statutory duties in relation to children and young people with special education needs and/or disabilities in order to support their development.

The local area is the geographical area of the local authority. However, the responsibility of the local area for children and young people who have SEND extends to those who are residents of the local area but attend educational establishments or receive services outside the local authority's boundaries.

The Inspection Framework evaluates the local area's provision through the inspection of the following domains:

- How effectively does the local area identify children and young people with SEND?
- How effectively does the local area assess and meet the needs of children and young people with SEND?
- How effectively does the local area improve outcomes for children and young people with SEND

The inspection looks at the contributions from all partner agencies in particular education, health, social care and gathers the views of children and young people with SEND and their parents and carers. The local area includes the local authority, clinical commissioning groups (CCGs), public health, NHS England for specialist services, early years' settings, schools and further education (FE) providers.

The local area has a responsibility to write a **self-evaluation** to assess the effectiveness of its implementation of the SEND Reforms. Nottingham City local area SEND Reforms Board started this process in 2016 and annually review the self-evaluation in partnership

with education, health, social care and parent and carers. The self-evaluation informs an action plan. It is particularly crucial that areas have a realistic evaluation of their local progress and an active plan to drive change.

The inspection leads to a published report letter that gives an assessment and narrative judgement about how well the local area has implemented the SEND Reforms and is performing in its delivery of services for children and young People with SEND and their families. The report identifies strengths and areas for development.

The SEND Local Area inspection in Nottingham took place between Monday 8<sup>th</sup> November and Friday 12<sup>th</sup> November 2021. The inspectors' schedule included:

- meeting with children and young people
- meeting with parents and carers including Rainbow Parent & Carer Forum
- a focus group with a range of early years providers
- visits to seven nominated education settings and Nottingham College
- visits to a range of health providers
- a number of focus groups with officers from early years, education, health, social care, Futures, and community providers

During the visits to education settings inspectors evaluated the effectiveness of education provision and talked to children and families about their day to day experiences and aspirations.

Inspectors used the evidence gathered through their meetings with stakeholders to test out how accurately the local area have assessed they are meeting their responsibilities and understand their strengths and areas that require further development.

## **5. SEND Local Area Inspection Outcome**

The initial SEND local area inspection did not create a graded outcome. However if there are significant areas for improvement then a Written Statement of Action is made. This is a formal requirement for improvement with Ofsted and CQC oversight.

The formal outcome letter is published on the Ofsted website and the Local Authority and CCG are also required to publish it on their websites. Nottingham's inspection outcome letter was received on Tuesday 4<sup>th</sup> January 2022 and published by Nottingham City Council on Monday 10<sup>th</sup> January 2022.

The letter set out the strengths and areas for development on each of the three inspection themes: identification, assessing and meeting needs, and improving outcomes for children and young people with SEND.

The key findings were:

- "Area leaders were quick to respond to the SEND reforms. They undertook significant and timely actions when the reforms were introduced. Education, health and social care leaders and professionals share a common ambition for Nottingham to be a truly inclusive place to live."

- “Leaders understand the current strengths and areas to improve in Nottingham’s SEND arrangements. They know the shortcomings in SEND provision. There is an appropriate strategy in place to improve outcomes for children and young people with SEND.”
- “Recent, significant changes in the area’s leadership have resulted in some disruption to the strategic oversight of the SEND strategy. Leaders are managing substantial organisational changes across services. They are beginning to overcome these challenges.”
- “An external review has made recommendations to improve commissioning arrangements. Leaders have responded to these recommendations by establishing structures to strengthen joint commissioning arrangements. Appropriate plans are in place to develop a joint commissioning strategy in the near future. The current absence of an overall joint commissioning strategy limits the area’s ability to use commissioning as a tool for improvement.”
- “Leaders have developed a coherent plan to support children and young people with SEND to prepare for adulthood. The plan identifies what should happen at each stage of a child or young person’s school life. The pandemic delayed implementation of this new consistent approach. The partnership with ‘Futures’ strongly supports young people with SEND to transfer from schools into further education, employment or training.”
- “Area leaders have not communicated their strategy for identifying, assessing and meeting the needs of children and young people with SEND clearly enough. A large proportion of parents do not understand or appreciate the strategy. Many do not know where to find information and guidance to improve outcomes for their children.”
- “The online local offer for children and young people with SEND is not well publicised. It does not capture all the services and activities. There is no effective oversight of the local offer website to ensure that it is well maintained and accessible to all parents and carers.”
- “The neurodevelopmental pathway is not communicated well enough to parents. As a result, some parents have unrealistic expectations of what support their children will receive once diagnosis has been confirmed.”

The inspection did not identify any significant weaknesses in Nottingham City that would require them to issue a Written Statement of Action.

It was pleasing that the inspection team recognised Nottingham as an inclusive city and that found evidence of strong inclusive practice in the seven educational settings that they visited. The settings talked positively of the strong partnership working in Nottingham and identified being well supported by local area SEND services.

Children and young people in these settings told the inspectors that they feel safe and well supported in schools and are proud of living in Nottingham. They also told inspectors about their aspirations for the future. At the final feedback session the inspection team described our young people “as a credit to Nottingham City”.

It is clear from the report that Nottingham City local area does not communicate its SEND strategy and services well enough with parents and carers. Parents and carers told inspectors they find it hard to understand the SEND system and that the pathways to access services are too complicated. They also told the inspectors that they do not know where to go to find information and the awareness of local offer is very limited. This is a key priority for the local area to address through its self-evaluation framework and action plan.

Whilst the inspectors acknowledged that outcomes for children and young people with SEND in Nottingham are improving they identified that further work to analyse performance data and outcomes was required to target services and interventions effectively and to measure their impact.

The inspection team highlighted that the current absence of an overall joint commissioning strategy limited the area's ability to use commissioning as a tool for improvement.

Whilst the Local Authority and Clinical Commissioning Group (CCG) have a long standing partnership in working together to meet needs of children and young people with SEND and their families, new partnership structures are being developed with the emerging Integrated Care System (ICS) which will see Nottingham City Council (NCC) working alongside colleagues in the County and CCG to take a system view to commissioning arrangements, identifying opportunities to improve services together by placing the needs of families and children at the heart of commissioning.

## **6. Legislative and Inspection updates**

In 2019, the Government began a review of the current SEND system which culminated in the issuing of the SEND and Alternative Provision (AP) Improvement plan in 2023.

The SEND and AP Improvement plan has identified a number of key objectives which it is anticipated will be rolled out over a number of years. The government priorities include:

### **A single national special educational needs and disabilities and alternative provision system**

- Establish a national SEND and AP system with nationally consistent standards for every stage of a child's journey
- Establish local SEND partnerships across education, health and social care to develop a local inclusion plan setting out how national standards will be met
- Standardised and digitised Education, Health and Care plan
- Streamline the redress process making mediation mandatory
- Review and update the SEND Code of Practice to reflect new national standards and systems

### **Excellent provision from early years to adulthood**

- A new mandatory national professional qualification for school SENCO's
- Improve provision in mainstream schools
- Additional respite placements alongside a network of family hubs
- Invest in and improve quality of alternative provision

## **A reformed and integrated role for alternative provision**

- Alternative provision to be integrated into SEND systems with a focus on early intervention
- Funding stability for alternative provision through LA's creating and distributing a specific budget for these settings
- All alternative provision schools to be part of a multi-academy trust
- Development of a bespoke performance framework for alternative provision focussed on progress and reintegration

## **Clarity of system roles, accountabilities and funding reform**

- Deliver clarity in roles and responsibilities – each partner having a clear role to play
- DfE new Regions Group to hold LA's and MAT's to account for delivery through new funding agreements
- Statutory guidance to ICB's to set out how their SEND duties should be discharged
- Inclusion dashboards for 0-25 provision with the aim of demonstrating how the system is performing at a local and national level
- Banding and pricing tariffs for funding set out at a national level

## **6.1 The New SEND Local Area SEND Inspection Framework**

A new inspection framework came into effect in January 2023 and the first inspections of local areas under the new framework have been undertaken.

Under the new framework, Inspectors will evaluate the impact of the local area partnership's SEND arrangements on the experiences and outcomes of children and young people with SEND, including the extent to which:

- children and young people's needs are identified accurately and assessed in a timely and effective way
- children, young people and their families participate in decision-making about their individual plans and support
- children and young people receive the right help at the right time
- children and young people are well prepared for their next steps, and achieve strong outcomes
- children and young people are valued, visible and included in their communities

Inspectors will evaluate how the local area partners work together to plan, evaluate and develop the SEND system, including the extent to which:

- leaders are ambitious for children and young people with SEND
- leaders actively engage and work with children, young people and families
- leaders have an accurate, shared understanding of the needs of children and young people in their local area
- leaders commission services and provision to meet the needs and aspirations of children and young people, including commissioning arrangements for children and young people in alternative provision
- leaders evaluate services and make improvements
- leaders create an environment in which effective practice and multi-agency working can flourish

A key difference in the new framework is that local areas will now receive one of 3 graded judgements:

1. 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. Local areas receiving this judgement will normally be re-inspected within 5 years.
2. The local area 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. Local areas receiving this judgement will normally be re-inspected within 3 years.
3. 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. Local areas receiving this judgement must submit a priority action plan and will receive a monitoring inspection within 18 months of the publication of the full inspection report with a full re-inspection within 3 years.

Of the inspections completed to date under the new framework, the majority fall into judgement 2. Key areas of weakness common in all of the inspections have been identified as:

- Timeliness of issuing of EHC plans and annual reviews of EHC plans
- Children waiting too long for access to health services in particular speech and language, CAMHs and neurodevelopment pathways
- The use of data across partnerships to understand young people's needs and implement a robust joint commissioning approach to services
- The effectiveness of the Local Offer

## **7. Nottingham City Strategic priorities and next steps**

**1) Implement strengthened governance arrangements for SEND (proposed structure co-produced with parent and carer forum)**

**2) Widen co-production and engagement opportunities with parents and young people**

**3) Develop and implement revised SEND strategy in collaboration with parents, young people and wider stakeholders.**

**4) Joint work with Nottinghamshire County Council and the ICB on improving timeliness of access to health pathways/services**

**5) Digitisation of EHC process and EHC quality assurance processes**

**6) Embed joint Nottingham/Nottinghamshire/ICB EHC plan QA process**

**7) Review of Local Offer platform and update of current content  
Co-production with parents and young people in development of revised SEND strategy**