

MIDDLESBROUGH COUNCIL

HEALTH SCRUTINY PANEL

15 January 2013

Educational Provision for Children with Complex Needs

PURPOSE OF THE REPORT

1. To provide Health Scrutiny Panel with a brief synopsis of the key points of the SEN White Paper and the likely implications following its implementation.

KEY POINTS OF THE CURRENT SEND LEGISLATION

2. Support and aspiration: A new approach to special educational needs and disability was published on 9 March 2011. It is the most wide-ranging review of the area for over 30 years since the Warnock report set the direction for the current SEN framework.
3. It proposes a significant revision to the current system which at the same time builds on a number of recent developments.
4. One school and early years SEN intervention stage which replaces action/action plus stages. The government is keen to avoid the over identification of SEN highlighted in the 2011 Ofsted SEN review. It will publish new guidance on the identification of pupils who need SEN intervention.
5. A new Education, Health and Social Care Plan replaces statements and spans ages from 0-25. It will contain commitments to resources from health and social care as well as education and will set out learning and life outcomes as well as needs. The plan will also cover the 139a and LLDD post-16 assessments. (The predication is that there will be roughly the same number of C+YP with an EHC plan in 2014 as there are now with statements - previously it was thought that the government saw a radical reduction.)
6. Local pathfinders have operated from September, 2012 to develop a new SEN statutory assessment system with less bureaucracy and to explore whether the voluntary sector could coordinate assessment and bring greater independence to the process.

7. Giving parents more control through:
 - More information on the “local offer”
 - More information about funding
 - The option of personal budgets by 2014 for families with a statement/new single plan
 - A real choice of a range of schools, state funded, special or mainstream, Free schools and academies
8. A new CPD programme for teachers: the national roll out of Achievement for All and the greater dissemination of Every Child a Reader and Every Child Counts Programmes
9. Allowing special schools to become academies and enable parents and communities to establish new special Free Schools
10. Introducing a new indicator that gives information to all on the performance of the lowest attaining pupils
11. Publication of more detailed plans for ensuring a successful transition to adulthood by the end of the year.
12. Ensuring services work together with:
 - A strategic role for local authorities and a brief to act as champions for children
 - More freedom for professionals to work together to develop better services
 - Funding mechanisms that support collaborative approaches
 - Greater collaboration between Local Authorities
13. Review funding arrangements to explore:
 - a national funding framework for specialist provision that allows more transparency and consistency between areas
 - better alignment between pre and post 16 provision
14. The critical aspect of many of these proposals is how they are developed both nationally and locally in LAs, schools and settings.
15. Expansion of the LLE and NLE programmes to new Specialist Leaders in Education (SLE) (5000 SLEs by 2014)
16. Achievement for All roll out with a new Quality Mark
17. Evaluate the trial of delegated funding to schools for alternative provision for SEN pupils
18. Exclusion guidance will suggest schools trigger multi-agency support for pupils who do not respond to normally effective behaviour management strategies

19. LAs to act as champions of families and vulnerable children via:

- Strategic planning
- Securing provision
- Enabling choice

20. Exploration of more innovative ways of working with EPs

Likely Impact of SEN legislation

21. The full impact of these proposals is yet to be determined. However, the LA response has been to initiate an audit of its current provision with a view to drafting and consulting on a Strategy for Vulnerable Learners that will guide the local implementation of the policy.

Context and Possible Implications for Middlesbrough

22. The Coalition government is implementing a series of reforms which will have significant implications for the funding and provision for vulnerable learners in Middlesbrough.

23. Given that Middlesbrough has more vulnerable learners than neighbouring authorities and that there are projections that suggest that the numbers of children with complex needs is set to rise significantly in the future, this legislation will have profound implications for service provision in our area with greater need for effective early intervention and prevention.

Categories of Vulnerability

24. Children/ Young People enter Middlesbrough's settings/schools with a range of risks of not fulfilling their potential in terms of outcomes eg boy/ summer birthday/ ethnic origin/ home circumstances.

25. Many children and young people require Wave 1 / Wave 2 levels of intervention. Quality First Teaching and Care, Support and Guidance enable the majority of pupils to make appropriate, positive progress. Effective interventions as well as Quality First Teaching and Care, Guidance and Support enable the majority to make appropriate progress. However, a number of pupils need more intensive or more specialist input in order to address their needs at Wave 3 / 4 levels of intervention.

26. Categories of children / young people identified as requiring Wave 3 or 4 interventions in Middlesbrough include:

- **Culture and language** – those pupils whose ethnic and cultural background provide them with barriers to accessing the curriculum and making progress; those who use English as an additional language; and in increasing numbers, those who have a refugee / asylum seeking background

- **Attendance and mobility** – pupils who have low attendance or persistent absence; high mobility pupils who register at a wide range of local schools within a short period of time
 - **Not in school / at risk of exclusion** – pupils who may be excluded on a part-time or permanent basis; school phobic / mental health affected pupils; long term illness; pregnant school girls; children missing from education; pupils whose parents choose home education; and those pupils accessing alternative provision / curriculum
 - **SEND** – the range of pupils with SEND in Middlesbrough includes sensory and physical; speech and language; cognition and learning; and emotional, social and behavioural difficulties
 - **Transitions** – moments of change and dislocation impact significantly on vulnerable pupils. The key times are transition between key stages and between settings; and also between school and FE, HE or work
 - **Health & wellbeing** – barriers to progress for Middlesbrough's vulnerable population include drug and alcohol abuse; sexual exploitation; and those pupils who are bullied or bully others
 - **Home circumstances** – parenting is often the key to effective early intervention particularly when families are under stress; economic difficulties are an increasing cause of concern; pupils may be young carers; looked after children represent a significant cohort of vulnerable children; occasionally children who work have barriers to progress and domestic violence is a significant features of the lives of many children and young people
27. When a child's/ young person's needs are met and expert support put in place at Wave 3/ 4 they become less vulnerable and begin to achieve appropriately given their starting points. Therefore, accurate assessment / diagnosis as early as possible allows the most appropriate intervention to be prescribed and tracked for impact to ensure progress is made by the pupil.

Specialist provision for Pupils with Special Educational Needs

28. In order to cope with the level and complexity of need in Middlesbrough, a range of bases / units in mainstream schools complements the special school provision in the town as outlined below:

Mainstream Schools/Academies	Resourced Specialist SEN Provision	Notional Places #
Sunnyside	Deaf/Hearing Impaired	20 *
Sunnyside	Visual Impairment	12 *
Sunnyside	"Moderate Learning Difficulties"	20
The King's Academy	Deaf/Hearing Impaired	40 *
The King's Academy	Visual Impairment	10 *
The King's Academy	"Moderate Learning Difficulties"	40
Oakfields	"Moderate Learning Difficulties"	30
Unity City Academy)	"Moderate Learning Difficulties"	30
Ormesby Academy	Physical Difficulties	25 *
Ormesby Academy	Speech and Language	8
Easterside	KS1 assessment class	10
Hemlington Hall	KS1 assessment class	10
Beech Grove	Autism spectrum conditions	8
Marton Manor	Autism spectrum conditions	8
Pennyman	Physical and Medical Needs	53 *
Overfields (in Redcar and Cleveland, maintained with Middlesbrough's support)	Speech and Language Needs NB pupils remain on the roll of their "local" mainstream schools, which is a different arrangement to that which applies to all the other resourced provision.	20 *
Special Schools	SEN Specialism	Notional Places #
Prince Bishop	Age 11-16 Social, Emotional and Behavioural Difficulties	96
Beverley	Age 3 – 19 Autism spectrum conditions (including an off-site nursery class based at Viewley Hill Primary School)	135 *
Priory Woods	Age 4 – 19 Severe and Profound/Multiple Learning Difficulties	142 *
Holmwood	Age 5-11 Social, Emotional and Behavioural Difficulties	75
Cleveland Unit	The Cleveland Unit provides multi disciplinary assessment, intervention and support for children aged from birth to 5 years old who have significant (low incidence) special educational needs and/or disabilities term time only.	111 (Middlesbrough 74 / R&C 37)

The Referral Processes

29. Currently, there is a range of referral processes which oversee access to the variety of provision available for Middlesbrough's children and young people. Using the proposals for Education, Health & Care plans as a guide, the Cleveland Unit has pioneered a simplified, multi agency referral system which will be used as a model to review and simplify the overall system.

The Local SEN Review

30. In response to the proposed legislation and funding changes, Middlesbrough LA instigated a review of all its SEND provision. The initial details are descriptive and form the basis of the tables (above). In January, 2013, a further stage of the review will be completed providing recommendations for strategic decision-making.

RECOMMENDATIONS

31. These recommendations are draft proposals that will form the basis for further consultation with special school leaders in Middlesbrough's Inclusion Collaborative and Headteachers of schools with specialist bases / units
 - Audit of all vulnerable learners (0-19), to identify their locality and level of service provision to establish a baseline
 - Rationalise existing referral panels to establish a central referral pathway and hub for early years intervention services
 - Develop the role of the Cleveland Unit to retain a central hub for the most complex children and their families, to establish a central referral pathway, to track and monitor vulnerable learners, to establish 'spokes' for community based provision in the localities where the need has been identified as the greatest, to support workforce development
 - Develop greater accountability of service provision in line with the principles of best value
 - Develop tracking and monitoring systems for vulnerable learners (ie virtual school, Capita One), narrowing the gap
 - In line with the proposals of the SEN Green Paper develop a multi agency referral panel and move towards a single plan for vulnerable learners
 - Undertake a pilot to develop a single panel for early years referrals for vulnerable learners (CU, Portage, Inclusion Support)
 - Review the CAF process to simplify systems for parents/carers and professionals to ensure simply and easy access to appropriate interventions/services for vulnerable learners and their families
 - Develop a workforce development strategy for supporting children, young people and families for early help – as part of the strategy explore new ways of supporting agencies and practitioners with best practice initiatives

BACKGROUND PAPERS

- An Independent Report on the Early Years Foundation Stage to Her Majesty's Government Dame Clare Tickell March 2011
- Children and Young People's Plan (date)
- Disability Discrimination Act (2006)
- Early Intervention: The Next Steps, An Independent Report to Her Majesty's Government Graham Allen MP January 2011
- Lamb Inquiry – Special Educational Needs and Parental Confidence 2009
- SEN Green Paper: Support and Aspiration: a New Approach to Special Educational Needs and Disability June 2011
- Teacher Expertise for SEN – Filling the Gap July 2010
- The Early Years: Foundations for life, health and learning
- The Foundation Years: Preventing Poor Children Becoming Poor Adults The Report of the Independent Review on Poverty and Life Chances (Frank Field MP) 2010
- The Report on Middlesbrough's Childrens' Service Inspection 2011
- Strategy for Vulnerable Learners in Middlebrough, 2013
- Levels of Complex Needs in Middlesbrough (Cleveland Unit / PCT)
- Early Intervention: Smart Investment, Massive Savings, Graham Allen, MP

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