
CHILDREN AND YOUNG PEOPLE'S LEARNING SCRUTINY PANEL

A meeting of the Children and Young People's Learning Scrutiny Panel was held on Monday 6 September 2021.

PRESENT: Councillors D McCabe (Chair), L Mason (Vice-Chair), A Hellaoui, D Jones, M Saunders, P Storey and G Wilson

ALSO IN ATTENDANCE: Councillor S Hill (Executive Member for Education)

OFFICERS: R Brown, S Butcher, S Calvert, C Cannon, E Cowley, T Dunn, C Lunn and G Moore

APOLOGIES FOR ABSENCE: Councillors T Mawston and M Nugent

21/14 **DECLARATIONS OF INTEREST**

There were no declarations of interest received at this point in the meeting.

21/15 **MINUTES - CHILDREN AND YOUNG PEOPLE'S LEARNING SCRUTINY PANEL - 26 JULY 2021**

The minutes of the meeting of the Children and Young People's Learning Scrutiny Panel held on 26 July 2021 were submitted and approved as a correct record.

21/16 **SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND) - AN INTRODUCTION**

The Strategic Lead for the Inclusion and Specialist Support Service; the Head of Inclusion, Assessment and Review and the Principal Educational Psychologist were in attendance to provide the scrutiny panel with a general introduction/overview of the topic of Special Educational Needs and Disabilities (SEND), including:

- an overview of the legal framework in which statutory agencies needed to work to support children and young people with SEND;
- an outline of how special educational needs and disabilities (SEND) could affect a child or young person's ability to learn; and
- an update on the local developments within Middlesbrough.

The Strategic Lead for the Inclusion and Specialist Support Service advised that the submitted report contained a detailed overview of the SEND Code of Practice and the broad duties of the Local Authority, Health, schools and colleges. The report also contained information on the key developments in Middlesbrough, which aimed to ensure that the needs of children and young people with SEND 0-25 were being met.

It was advised that the evidence presented would focus on the four main areas of need that were listed within the SEND Code of Practice, aiming to provide the scrutiny panel with a shared understanding of the impact of SEND on a child or young person's ability to learn.

Members heard that The Children and Families Act and the Special Educational Needs and Disabilities Code of Practice (2014 updated 2015) transformed the system for disabled children and young people and those with Special Educational Needs (SEN), ensuring that services consistently supported them to achieve positive outcomes.

The reforms created a system from birth to 25 through the development of coordinated assessment of a single Education, Health and Care Plan (EHCP), which aimed to improve cooperation between all services responsible for providing education, health and or social care and giving parents and young people greater choice and control over their support.

It was advised that a SEND review was currently underway, which planned to investigate the impact of the SEND Code of Practice. It was hoped that outcomes of the review would be reported at the end of the year.

It was commented that the Local Area SEND Inspection Framework was currently being updated/revised and it was anticipated that the new framework would include children and young people accessing Alternative Provision. Further updates on, and revisions of, the framework would be shared later in the year.

In terms of data, Members were advised that in 2021, 3.7% of pupils attending school and/or settings in Middlesbrough had an EHCP, that equated to 1300 children and young people, which was slightly lower than the North East rate of 3.8% but in line with the National of 3.7%.

It was important to note that there had been a significant increase in requests for EHCP assessment nationally. It was believed that the increase was due to the impact of COVID-19. That surge had resulted in an increased workload for the SEND Assessment Team and the Educational Psychology Service.

It was noted that nationally, there was a shortage of educational psychologists. However, Middlesbrough had a strong team of educational psychologists who were recognised regionally and nationally for the work they undertook.

Members were advised that in 2021 a total of 3,459 pupils in Middlesbrough schools were in receipt of SEN Support, which accounted for 13.8% of the overall school population and was higher than both the North East (12.9%) and National (12.2%).

It was planned that the new Inclusion, Assessment and Review Service would be further developed to improve and enhance SEN Support. The Local Authority's workforce development package also aimed to ensure that all settings had access to appropriate training and support.

In respect of the SEND Code of Practice, there were four main areas of need within the code:

- Cognition and Learning
- Communication and Interaction
- Physical, Medical and Sensory
- Social, Emotional and Mental Health (SEMH)

In respect of each of the four main areas, the impact of those needs on the child/young person would be identified and a case study example would be provided to identify how Education, Health and Social Care worked together to support and meet the needs of children and young people with SEND.

The Principal Educational Psychologist advised that in terms of cognition and learning, essentially thinking and reasoning, there was a huge spectrum of needs. The following key points were made:

- A small number of children may have profound and multiple learning difficulties, affecting all aspects of their development and functioning.
- Some would have severe learning difficulties, while others would have mild to moderate learning difficulties.
- Those attending special schools, with severe learning difficulties, would be likely to have very significant needs in terms of thinking and reasoning, have difficulties with mobility and require support in respect of personal care.
- Those with moderate to mild needs were more likely to be educated in mainstream schools with a significant amount of additional support.
- Beyond severe, moderate and mild learning difficulties there was a further group that had specific learning difficulties with literacy (dyslexia, which was the most common developmental difficulty, affecting 10% of people and ranging from mild to severe), numeracy (dyscalculia) or motor planning (dyspraxia).

In terms of the impact on functioning development and learning, it was advised that the child or young person may:

- become acutely aware of his/her areas of difficulty and may then become fearful of learning tasks and lose confidence in their own abilities;
- require support to access work and may develop work avoidance strategies;
- mask difficulties, sometimes through inappropriate/challenging behaviour and questions; and
- reach adulthood without having acquired the basic levels of literacy and numeracy (and in some cases social skills and confidence and/or personal independence) that they need in order to be able to manage in adult life.

It was commented that, if dyslexic, a child may be able to answer questions and express good ideas orally, but be unable to record the information. Members heard that the child may also dislike reading, partly because the content of books may not be age appropriate.

The Head of Inclusion, Assessment and Review provided a case study example in respect of cognition and learning needs. Members were advised that a child had started primary school as a reception admission and it was then identified that the child had cognition and learning needs. Once those needs had been identified, the school pulled together a team of professionals to provide support to the child, there was educational psychology involvement and speech and language therapy was provided. The school applied to Local Authority for high needs funding and utilised that funding to develop a small nurture group provision, which involved a Teaching Assistant providing memory, literacy, numeracy and handwriting support alongside intervention programmes for reading and spelling.

As the child was nearing the transition to secondary education, the school put forward a referral for a EHCP assessment. At the time of the referral the child had moderate learning difficulties and in Y6, at time of referral, was working at Y2 level across the national curriculum. The assessment focused on planning for the child's secondary transition. Following assessment and consultation with the family, it was determined that the child should transfer to a secondary resource base, which was additionally staffed and funded to provide a higher level of support to those with SEND. It was added that the child's EHCP would be reviewed on an annual basis to track progress and ensure that the child continued to achieve.

In terms of communication and interaction needs, the Principal Education Psychologist advised that children and young people had difficulties with speech production; with expressing their needs, wishes and opinions and with understanding language that they heard. There was a wide spectrum of need, some would be preverbal, while others would have needs that were much less obvious. Some children and young people had social communication and social interaction needs. Such needs were very typical of those diagnosed with autistic spectrum conditions.

With communication and interaction needs, it was commented that a child or young person may:

- have encountered difficulties with speech sound production that made their speech difficult to understand, causing them frustration;
- have given up trying to make themselves understood;
- struggle to make and maintain friendships, which could have an adverse impact on their social development and confidence at school; and
- have speech immaturities that impact upon the acquisition of literacy skills.

It was commented that in instances where children had receptive language difficulties but could read fluently, it could be assumed that they had a higher level of understanding of text than was actually the case. The scrutiny panel was advised that the child or young person may not understand longer and more complex words used in the classroom, causing stress and frustration and resulting in a struggle with listening and attention. Members heard that may lead others to perceive that they were misbehaving. It was also added that the child may struggle to acquire key vocabulary needed for learning (e.g. language relating to range of simple concepts such as time, size, shape, position).

The Head of Inclusion, Assessment and Review provided a case study example in respect of communication and interaction needs. Members were advised that a child, whose needs were evident very early on in their life, had received a diagnosis for Autism Spectrum Disorder (ASD) before they had started primary school. The child was open to the Local Authority's Specialist Early Years Service, which involved the early identification of needs by a multi-

disciplinary team. The child was behind with meeting early years milestones and was referred for an EHCP assessment. The child subsequently secured an EHCP, prior to starting in Reception.

Due to the severity and complexity of the child's needs, it had been determined very early on that the child would require a place in an Autism special school. In respect of the Autism special school, there was a higher staff to pupil ratio and specialist staff. The school also offered a nurturing environment and specialist programmes for social and communication skills development. At Annual Review, as the child was approaching Year 5, it had been determined that the child was making good academic progress (2 years behind chronological peers), which confirmed that the school was meeting the child's needs. It was commented that the child required additional support during social and unstructured times and to support emotional regulation.

As the child was making good progress, in terms of secondary planning, a mainstream secondary ASD resource base was being explored. The resource base planned to allow the child to access the broader secondary curriculum but also provided a nurturing and supporting environment to meet the child's needs.

In terms of physical, medical and sensory needs, the Principal Educational Psychologist advised that children with medical conditions, physical disabilities and sensory impairments formed a particularly diverse group with highly individual needs. In general terms, it was commented that a condition or disability could make it difficult or impossible for a child or young person to make use of the educational facilities normally provided.

Members heard that a child with mobility difficulties would more than likely require adjustments to the curriculum and significant adaptations to the physical environment. It was also commented that mobility difficulties could also result in a child requiring support for personal care and/or daily routines and learning activities.

It was explained that, in terms of the impact on the individual, mobility difficulties could lead to issues with self-image and self-esteem, particularly if the child or young person had a chronic or degenerative condition, or had suffered a life-changing accident.

Members heard that children with physical, medical and sensory needs could experience periods of absence from education, due to being unwell or taking time off school to attend medical appointments and receive treatment.

The Head of Inclusion, Assessment and Review provided a case study example in respect of a child with physical, medical and sensory needs. It was advised that a child's sensory impairment had been identified at 0-6 months, the child had undergone audiology screening and input from health services to diagnose the condition. The family and child were supported by professionals, which included the Local Authority Sensory Service.

The child had attended a mainstream school, had secured an EHCP and had received regular support and input from a teacher of the deaf. A high needs funding package of support was in place that provided one-to-one support from a teaching assistant, pastoral support and mentoring. It was also added that assistive technology had been provided to reduce the requirement for adult supervision and support. Ultimately, the child had made very good academic progress and had achieved GCSE's grade 4-9. The child then secured an apprenticeship and was supported by the DWP in the workplace, which subsequently led to the young person achieving sustained independence and employment.

In terms of Social, Emotional and Mental Health Needs (SEMH), the Principal Educational Psychologist advised that SEMH was a major focus for the local area. Members were advised that very often the behaviour could be rooted in early trauma, difficulties in forming a secure attachment with an adult when young, loss/bereavement of a loved one or an undiagnosed neurodevelopmental disorder, such as an autistic spectrum condition. In addition, it was explained that the child or young person could have unidentified learning needs or speech and language needs. Members heard that anxiety and depression were increasingly prevalent in children and young people with SEMH, with COVID-19 undoubtedly having an impact.

In terms of SEMH, Members heard there was an increased risk of the child or young person being excluded from school and losing valuable learning time, which would be likely to have

an impact on their progress and possibly their life chances. It was commented that the child or young person could require targeted teaching in a dedicated space, away from other pupils, in order to access learning. It was explained that, being taught away from other pupils, was likely to have an impact on the range of activities the child or young person could access and would reduce interaction with peers. It was commented that their social skills and confidence could be adversely impacted. Members were advised that some children could appear loud, confident and challenging, however, inside they could be very distressed, anxious and hurting. Children tended to either act out their frustrations or internalise them. For those who internalised their feelings, it was commented that those children may engage in self-harming, become involved in risk taking behaviour placing them and others in danger or develop anxiety based school avoidance (EBSA).

Members were advised that SEMH needs were very complex and very much interwoven with the other needs referenced.

The Head of Inclusion, Assessment and Review provided a case study example in respect of a child with SEMH. A child had been identified as being at risk of exclusion at primary school and was added to SEN register. The school worked with agencies to support the child and the family to access education and learning. Subsequently, a holistic package of support was developed for the child. The child was then referred to the Local Authority's Inclusion Support Team, as the school had identified the child was at risk of exclusion from education due to presenting behaviour.

Members were advised that high needs funding had been accessed to provide the child with a behaviour support mentor and a short-term (6 week) assessment placement was also secured at Holmwood School. The purpose of the placement was to undertake a multi-agency assessment to identify further additional needs and develop strategies that school could use to fully support the child. Once the assessment had been completed, the child successfully returned to school. Additional funding had also been secured to provide a school-based support package, which included support from a teaching assistant to guide and mentor the child.

In respect of the child moving to secondary education, it was advised that transition planning had been undertaken by sharing information from the assessment. Transition planning had enabled the new school to understand the needs of the child, in addition to the triggers and change that could result in the child's behaviour becoming more challenging. Through transition planning, it had been established that the child's needs would be best met in a special school. As a result of that, an EHCP had been secured and the child successfully transitioned to a special SEMH school for secondary education.

A Member raised a query regarding waiting lists for EHCP assessments. In response, the Strategic Lead for the Inclusion and Specialist Support Service advised that there was no waiting list. It was clarified that the statutory process allocated 20 weeks for completion of the EHCP assessment and in Middlesbrough, during 2020/21, 99% of assessments had been completed within that timeframe. Middlesbrough was performing well and was currently ranked 9th nationally, which was a significant achievement. A strong team had been established to ensure that assessments were processed effectively, efficiently and within the 20 weeks timeframe.

A Member raised a query in respect of the impact for teaching staff. The Strategic Lead for the Inclusion and Specialist Support Service advised that all teachers received targeted training to enable them to teach, support and meet the needs of children and young people with SEND. It was commented that all schools had a Special Educational Needs Coordinator (SENDCo). Members heard that, as a local area, a SEND review had been undertaken of all Middlesbrough's settings, i.e. for early years, primary, secondary and post-16. The purpose of the review was to identify strengths and areas of development. Outcomes of the review had been reported to the settings and actions were being undertaken to further develop/enhance support/training for members of staff. It was also commented that there was a Workforce Development Programme in place, which aimed to ensure the training needs of staff in each setting were being met. In addition, the new Inclusion, Assessment and Review Model had been implemented, which provided the greatest support at the earliest of stages.

A Member raised a query regarding the mechanisms established to engage successfully with parents. The Strategic Lead for the Inclusion and Specialist Support Service advised that work

had been undertaken with families to seek feedback on the provision and support available in the local area. Drop-in sessions were held for parents that involved colleagues across Education, Health and Social Care, enabling them to discuss the needs of their child with the relevant professionals. The Head of Inclusion, Assessment and Review commented that part of the process involved securing the most appropriate educational placement for the child, which could involve difficult conversations with parents. The importance of building and developing positive relationships with parents, which were based on mutual challenge and trust was referenced. It was commented that the Local Authority worked hard to:

- ensure parents were aware of statutory duties; and
- resolve any conflicts or disagreements with families.

Members heard that the Local Authority would continue to work in partnership with families to meet the needs of Middlesbrough's children and young people. It was also highlighted that parents were able to refer their child for an EHCP assessment.

A Member raised a query about identifying those with SEND, who developed needs as they progressed through school. The Strategic Lead for the Inclusion and Specialist Support Service advised that the Local Authority had recently developed a new service and model that focused on early intervention and support at the earliest of stages. Feedback from schools had been used to inform the model's development. It was commented that a review of the model had been undertaken and work was planned to further develop/enhance the model to provide outreach and inclusion support to settings. The Principal Education Psychologist advised that the schools that used Middlesbrough's Educational Psychology Service were able to access consultation sessions. Middlesbrough Psychology Service operated a consultation based service, whereby, when schools had an initial concern about a child, discussions were held to explore explanatory factors. Following the initial discussion, if SEND needs were identified, the process would be formalised and a consultation session would be held with parents, the school and other relevant agencies to discuss next steps and agree a way forward.

A Member queried the key duties in respect of children and young people with SEND across the 0-25 age range. The Strategic Lead for the Inclusion and Specialist Support Service advised that once a young person was being educated at university level, the EHCP would cease. Support was provided to ensure that children and young people were able to progress in their education. It was clarified that not all EHCPs would continue to the age of 25, plans were reviewed on an annual basis and if a child or young person was progressing well and achieving their identified outcomes, the plan would cease. In terms of the post-16 element of the EHCP, the Head of Inclusion, Assessment and Review commented that young people may secure a place at university, an apprenticeship or employment. However, for those young people with more severe/complex needs, work was undertaken with other departments (e.g. adult social care) and stakeholders (e.g. Jobcentre Plus) to plan an appropriate pathway and develop a package of support.

A Member queried how the Local Authority ensured that statutory duties in the SEND Code of Practice were being met. The Strategic Lead for the Inclusion and Specialist Support Service commented that the Local Authority worked closely with all settings to ensure compliance and a SEND review had been undertaken to ensure settings were accessible and staff were fully trained. Reference was also made to service level agreements being in place; quality checks being conducted; feedback being requested from children, young people and parents and training being delivered. The Head of Inclusion, Assessment and Review advised that schools were also involved in a number of Local Authority working groups/workstreams aiming to develop provision in respect of areas of strategic importance. It was commented that there was a strong governance structure in place to support that work, which involved regular monitoring and reporting to the Children's Trust.

A Member expressed concern in respect of the negative connotations associated with the word 'disability'. The Strategic Lead for the Inclusion and Specialist Support Service acknowledged those concerns, however, it was advised that the Local Authority was governed by a legal framework and there was a need to be consistent and in line with national language.

A Member commented that it would be beneficial to receive data on type of needs and pupil characteristics and how those compare regionally and nationally.

AGREED

That the information presented at the meeting be considered in the context of the scrutiny panel's investigation.

21/17 **EDUCATION AND COVID-19 RECOVERY**

The Executive Director of Children's Services advised that:

- a rise in the number of COVID-19 cases was anticipated as schools returned from the summer break;
- if required, online/remote learning was available;
- a Government announcement was expected, imminently, on the rollout of vaccinations for 12 to 15 year olds;
- all children would be asked to participate in testing, however, schools would no longer be responsible for contact tracing;
- if a child or young person tested positive, close contacts would not be required to self-isolate, which was envisaged to result in less disruption in schools;
- the summer activities commissioned by Public Health had received positive feedback from children and young people; and
- those families who were in receipt of free school meals, continued to receive meals throughout the summer break.

NOTED

21/18 **OVERVIEW AND SCRUTINY BOARD - AN UPDATE**

The Chair advised that at the meeting of the Overview and Scrutiny Board, held on 28 July, the Board had considered:

- the Executive Forward Work Programme;
- an update from the Chief Executive in respect of the Council's response to COVID-19 and other organisational matters;
- an update in respect of the financial pressures facing Children's Services;
- the Scrutiny Work Programme Report for 2021-2022; and
- updates from the Scrutiny Chairs.

NOTED

21/19 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

A Member raised a query in respect of how many children were affected by the changes to Pupil Premium allocations. The Member advised that, from April 2021, pupil premium allocations for mainstream and special schools were calculated based on the number of eligible pupils recorded by schools in their census in October. The Director of Education, Prevention and Partnerships advised that the information requested would be provided once obtained from the Local Authority's Revenue and Benefits Team.

NOTED