

Report of:	Deputy Mayor and Executive Member for Children's Services Director of Children's Services
Submitted to:	Executive
Date:	6 September 2022
Title:	Final Report of the Children and Young People's Learning Scrutiny Panel - Special Educational Needs and Disabilities (SEND) - Service Response
Report for:	Decision
Status:	Public
Strategic priority:	Children and young people
Key decision:	No
Why:	Decision does not reach the threshold to be a key decision
Urgent:	No
Why:	N/A

Executive summary

This report gives an overview of the investigation by the Children and Young People's Learning to examine Special Educational Needs and or Disabilities (SEND). The purpose of the review was to examine provision for Special Educational Needs and Disabilities (SEND) in the local area and explore the different approaches taken to improve outcomes for those with SEND.

It is recommended that the Executive notes the content of the scrutiny panel's final report on Special Educational Needs and or Disabilities (Appendix 1) and approves the action plan (Appendix 2) developed in response to the scrutiny panel's recommendations.

Purpose

1. To seek the Executive's approval of the final report of the Children and Young People's Learning Scrutiny Panel Special Educational Needs and or Disabilities (Appendix 1) and the resulting action plan (Appendix 2).

Background and relevant information

2. The Children and Families Act and the Special Educational Needs and Disabilities Code of Practice (2014, updated 2015) pushed forward the Government's commitment to improve services for vulnerable children and young people and support strong families.
3. The Children and Families Act transformed the system for disabled children and young people and those with Special Educational Needs (SEN), so that services consistently support the best outcomes for them. The reforms created a system from birth to 25 through the development of coordinated assessment and single Education, Health and Care Plans; improving cooperation between all services responsible for providing education, health or social care; and giving parents and young people greater choice and control over their support.
4. The principles of the SEND Code of Practice work to ensure that SEND provision has regard to the views, wishes and feelings of the child or young person and their parents. The code also highlights the importance of the child or young person participating as fully as possible in decisions, and the need to support the child or young person and their parents to help them achieve the best possible educational and other outcomes.
5. In March 2017, Ofsted and the Care Quality Commission (CQC) conducted a joint inspection of the local area of Middlesbrough to judge the effectiveness of the area in implementing the disability and special educational needs reforms as set out in the Children and Families Act 2014. The inspection raised significant concerns about the effectiveness of the local area. The local area was required to produce and submit a Written Statement of Action (WSOA)
6. A joint local area SEND revisit took place between 8 and 10 July 2019. Ofsted and the CQC revisited Middlesbrough to decide whether the local area had made sufficient progress in addressing the areas of significant weakness detailed in the WSoA issued on 19 May 2017. Inspectors were of the opinion that the local area had made significant and sustained progress to improve each of the serious weaknesses identified at the initial inspection and recommended that the formal monitoring visits from Department for Education (DfE) and NHS England should cease.
7. In continuing the oversight of these improvement Scrutiny reviewed the topic this year with terms of reference as follows.
 - a) To examine key data in respect of children and young people with special educational needs and disabilities in Middlesbrough.
 - b) To identify:
 - the range of special educational needs and disabilities that children and young people may experience; and
 - the impact of special educational needs and disabilities on the ability of children and young people to learn and achieve alongside their peers.

- c) To examine how the Local Authority works with early years providers, schools and colleges to identify and support all the children and young people in Middlesbrough who have or may have special educational needs and disabilities.
 - d) To investigate how Education, Social Care and Health work collectively to deliver SEND provision at a local level.
 - e) To examine how the views, wishes and feelings of the child/young person and their parents are gained and how the child/young person is encouraged to participate as fully as possible in decisions.
 - f) To identify best practice strategies in supporting children and young people with special educational needs and disabilities.
8. In line with the terms of reference the Scrutiny Panel gathered a range of evidence in relation to the Special Educational Needs and or Disabilities.
9. The following representatives from a range of Council Services and partner organisations attended scrutiny to discuss their involvement meeting the needs of children and young people with SEND.
- a) Inclusion and Specialist Support Services
 - b) Achievement Service
 - c) Access to Education
 - d) Children's Social Care
 - e) Health
 - f) Early Years
 - g) Schools
 - h) Post 16
 - i) Parents 4 Change

CONCLUSIONS

10. Based on the evidence provided throughout the investigation, the Panel's conclusions are as follows:-

Key data

- a) In 2021, the number of pupils attending school and/or settings in Middlesbrough who had an EHCP, was slightly lower than the north east rate but in line with the national rate. A total of 3,459 pupils in Middlesbrough schools were in receipt of SEN Support (13.8% of the overall school population), which was higher than both the north east rate (12.9%) and national rate (12.2%). The gap between non-

SEND and SEND pupils, achieving a good level of development at the end of early years, continues to close. This was a 5% improvement compared to the national average. Other areas of significant improvement and where local scores outperform national scores are KS2 Reading and Mathematics - where there is a 10% improvement; KS4 English and Mathematics Level 4 and 5 where there is also a 10% difference of closing the gap compared to national rates.

Impact of SEND

- b) As identified in the SEND Code of Practice, four broad areas give an overview of the range of special educational needs and disabilities that children and young people may experience, these include Cognition and Learning; Communication and Interaction; Physical, Medical and Sensory and Social, Emotional and Mental Health (SEMH). SEND can affect a child or young person's ability to learn, their behaviour or ability to socialise, reading and writing, ability to understand things, concentration levels and physical ability. Some learning difficulties and disabilities occur across the range of cognitive ability and, left unaddressed may lead to frustration, which may manifest itself as disaffection, emotional or behavioural difficulties.

Working with early years providers, schools and colleges

- c) The settings consulted throughout the review (i.e. Rosedene Nursery Easterside. Ayresome Primary School, Caldicotes Primary Academy, Discovery Primary Academy, Green Lane Primary Academy and Middlesbrough College) clearly demonstrate that by effectively working in partnership with the Local Authority, partners and families; holistic and joined-up packages of support can be delivered to meet the care and health needs of children and young people with SEND. The settings clearly demonstrate inclusivity and the Local Authority provides a clear offer of support to enable settings to build their capacity and deliver support effectively. It is highly important that all of Middlesbrough's settings are aware of the explicit targeted inclusion support offered by the Local Authority via the Early Years and Primary Support Service (EYPSS) and the Inclusion, Assessment and Review Service and Model to identify needs, put in place support and review support plans.
- d) Although evidence suggests that needs are identified early, accurately and consistently and that effective transition planning processes are in place, restrictions associated with the General Data Protection Regulation (GDPR) can sometimes lead to some pupils missing out on provision or experiencing unnecessary delays - this needs to be addressed. In addition, to further support positive destinations in adult life for young people with SEND, the Local Authority should link up with Middlesbrough College to provide placements for the college's supported internships programme.
- e) As a local area, a SEND review has 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 have been reported to the settings and actions are being undertaken to further develop/enhance support/training for members of staff. To support continuous improvement, it is important that a regular cycle of self-evaluation, across all partners, takes place.

Delivering SEND provision at a local level

- f) There is a great sense of joint responsibility and the partnership between Education, Social Care and Health has strengthened significantly over recent years. The local area has made good progress in addressing areas of significant weakness detailed in the written statement of action (WSOA) issued on 19 May 2017 and has made great strides in improving core processes and building a consistent understanding for identifying, assessing and meeting the needs of children and young people who have SEND. The local area's SEND Strategic Group, which reports to the Children's Trust, provides an effective governance structure to ensure strategic decisions can be taken swiftly and effectively. Through the work of the SEND Strategic Group, the local area continues to move forward with key developments to ensure that the needs of children and young people with SEND 0-25 in Middlesbrough are being met. The local area delivers better, joined-up support by planning pathways of support for specific types of needs. There is a stronger partnership-wide commitment to jointly commissioning services in a way which is responsive to children and young people's needs. For example, the local area developed an evidence-informed and collaborative approach to improve support for children and young people with autism by building capacity to educate children with autism within secondary settings and developing a new improved neurodevelopmental diagnostic pathway.
- g) It is evident that provision, opportunities and outcomes for children and young people with SEND continue to improve across the local area. Improved data sharing has been introduced, which has led to a robust data sharing agreement between the provider trusts and the Local Authority. The agreement allows the long-term sharing of data and information, in respect of needs, at a child-level. Gathering and triangulating data, intelligence and feedback and using this to inform discussions with partners and stakeholders as well as individual young people and families, about the shape of local support and services, is highly important. It would be beneficial for a SEND annual report to be produced that demonstrates how data, intelligence and feedback has been used to support strategic planning arrangements and ensure that there is sufficient local provision and support.

Involvement of the child/young person and their parents

- h) The local area recognises the importance of working in a co-productive way and demonstrates commitment to sharing challenges and solving problems. Local groups of parents and carers, such as Parents4Change, have been empowered to play a strategic role within the local SEND system and have contributed strongly to improving services and support for children and young people with SEND. Middlesbrough's families are fully involved in sharing their views, supporting developments and reshaping services. For example, there has been significant improvement in Education, Health and Care (EHC) assessment and planning. In addition, Summary Assessment Meetings (SAMs), which have been specifically introduced by the local area to enhance coproduction, are highly valued by families because they feel that their views and experiences are heard, understood and acted upon by local area leaders. Feedback on the EHCP assessment process has showed consistent 90% satisfaction rates from families and Middlesbrough has a very low tribunal rate, one of the lowest in the country. These

rates demonstrate effective partnership working with families to achieve coproduced EHCPs and placement outcomes.

- i) Currently, a primary concern for parents/carers is transport, due to a shortage of drivers. Although school transport is being provided by the Local Authority to enable children to access education, arranging transport to access respite care is proving difficult. It is highly important that this issue is resolved as a matter of urgency.

Managing future demand

- j) Overall, it is clear that the challenges of the pandemic for local areas and for individuals have undoubtedly been great. Yet the negative experiences that many children and young people with SEND and their families have had during this time are not new - rather, they have been highlighted and intensified.¹ The importance of the availability of good universal services to all children and young people with SEND across education, health and social care cannot be underestimated. Given the increasing demands, the local area continues to work together to ensure that the needs of Middlesbrough's children and young people are met and continues to develop its services in partnership with families to meet needs and improve outcomes. There is a need for the local area to continue driving further improvement in the SEND system and supporting children and young people at this critical moment.
- k) The local area has gone above and beyond to support children and young people with SEND and their families during this challenging time. The case studies shared throughout the review clearly demonstrate this. However, as the damaging effects of the pandemic on children and young people with SEND become clear, so too does the need to ensure that all partners are playing their role in supporting them. It is important that the Local Authority continues to invest time in fostering relationships and partnerships, given their importance to the local SEND system and the risk that those relationships could change very quickly. Given the increasing demand for provision to support those children and young people with SEND, it is vital that work continues to expand specialist provision and enable mainstream settings to provide support. It would also be beneficial to report on data/intelligence that demonstrates the specific strategic approaches or practices that have been effective in supporting children and young people with SEND, enabling them to achieve the best possible educational outcomes and preparing them effectively for adulthood.

RECOMMENDATIONS

11. Based on the evidence gathered during the investigation, and the conclusions above, the Children and Young People's Learning Scrutiny Panel makes the following recommendations.

- a) That awareness raising activities are undertaken to ensure that all of Middlesbrough's schools and settings are aware of the Local Authority's explicit offer of targeted inclusion support. There is a need for schools and settings to receive clear and concise information on what targeted support can be accessed, what is part of the "core" offer open to all schools and settings (without requiring a statutory assessment

and plan), and the additional offer that settings and schools can tap into by using their own resources.

- b)** That work is undertaken with Legal Services and the Data Protection Officer to develop an effective transition planning process for all stages of education, which addresses the restrictions associated with GDPR. For example, Durham County Council has developed an electronic process for primary school headteachers to share the names of students who may require additional transition support into secondary education. Wording, informing parents that information will be shared to support transition, has been included in the admissions brochure, on Durham County Council's website and in secondary application forms and offer letters.
- c)** That the Local Authority links up with Middlesbrough College to provide placements for the college's supported internships programme. Supported internships have been introduced at Middlesbrough College to give a greater focus on preparing young people with special educational needs and disabilities with the skills needed for adulthood and employment.
- d)** That, to support continuous improvement, a regular cycle of SEND reviews takes place across all educational settings and outcomes are reported to the Children and Young People's Learning Scrutiny Panel.
- e)** That SEND annual reports are published to demonstrate how data, intelligence and feedback has been used to support strategic planning arrangements and ensure that there is sufficient local provision and support.
- f)** That work is undertaken with the Integrated Transport Service to explore and identify solutions to ensure children and young people with SEND are provided with travel assistance to enable them to access respite care.
- g)** That, to further promote effective partnership working, a local area partnership agreement is developed, which outlines how partners will work together and sets out responsibilities and agreed working arrangements. Investing time in fostering relationships and partnerships, given their importance to the local SEND system, is highly important - as there is a risk that those relationships can change very quickly.
- h)** That the collaborative work undertaken by Education, Social Care and Health is commended and continues to drive further improvement in the SEND system. Given the increasing demand for provision to support those children and young people with SEND, it is vital that work continues to expand specialist provision and enable mainstream settings to provide support.
- i)** That data/intelligence is collected, analysed and reported on to demonstrate the specific strategic approaches and practices that have been effective in supporting children and young people with SEND, enabling them to achieve the best possible educational outcomes and preparing them effectively for adulthood.
- j)** That regular updates are reported to the Children and Young People's Learning Scrutiny Panel, on a six monthly basis, in respect of the progress made with implementing the above recommendations and the work undertaken to develop and sustain an effective local SEND system.

What decision(s) are being recommended?

- a. That the content of the Children and Young People's Learning Scrutiny Panel's final report on Special Educational Needs and or Disabilities (Appendix 1), be noted.
- b. That the action plan (Appendix 2), developed in response to the scrutiny panel's recommendations, be approved.

Rationale for the recommended decision(s)

12. By approving the attached action plan (Appendix 2) the Executive is supporting the ongoing developments to ensure that the needs of children and young people with SEND are met across Education, Health and Social Care as identified by the Children and Young People's Learning Scrutiny Panel.

Other potential decision(s) and why these have not been recommended

13. The Executive could decide not to approve the action plan (Appendix 2) but this would miss a valuable opportunity to contribute to the ongoing developments to support children and young people with SEND.

Impact(s) of the recommended decision(s)

Legal

14. There is no legal impact to be considered

Strategic priorities and risks

This report relates to the strategic priority CYP 03: Evidence that Middlesbrough Council listens to children's voices

Human Rights, Equality and Data Protection

15. Impact assessment is not required, no changes to existing policies

Financial

16. No financial impact currently in report.

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
Please see accompanying action plan.	The Director of Education and Partnerships has the overall responsibility for this plan.	Please see accompanying action plan

Appendices

1	Final Report of the Children and Young People's Learning Scrutiny Panel: Special Educational Needs and or Disabilities
2	Children and Young People's Learning Scrutiny Panel: Special Educational Needs and or Disabilities Action plan

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