

# Individual Executive Member Decision

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## The West Berkshire SEND Strategy 2018-2023

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<b>Committee considering report:</b>	Individual Executive Member Decision
<b>Date ID to be signed:</b>	04 October 2018
<b>Portfolio Member:</b>	Councillor Lynne Doherty
<b>Date Portfolio Member agreed report:</b>	19 September 2018
<b>Forward Plan Ref:</b>	ID3620

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### 1. Purpose of the Report

- 1.1 This report presents the West Berkshire strategy for improving outcomes for children and young people with Special Educational Needs and Disabilities aged 0-25 years.
- 1.2 This strategy has been jointly produced with parents, carers, West Berkshire Clinical Commissioning Group, public health, NHS specialist services, early year's settings, schools and further education providers and sets out a shared strategic vision for SEND provision in West Berkshire for the next five years:  
  
"for all children and young people with special education needs and disabilities to have the right support and opportunities at the right time so that they become resilient, happy adults."  
  
1.3 The strategy outlines collective partnership commitments and anticipated outcomes that will emerge as a result of the work delivered around the following five strategic objectives:
  1. Improving inclusion and education outcomes for children with SEND in early years settings and mainstream schools
  2. Developing a continuum of local provision to meet the needs of children with SEND (including Autistic Spectrum Disorder (ASD) and Social Emotional Mental Health (SEMH))
  3. Enabling young people to enjoy good physical and mental health and wellbeing
  4. Improving Post 16, education, learning, employment and training
  5. Improving positive transitions for young people with SEND to enable them to prepare for adulthood
- 1.4 The draft SEND Strategy was consulted on widely through a public consultation exercise for six weeks from 11 June 2018 to 20 July 2018. This involved an online survey, alongside a series of public engagement events to seek views from a wide range of key stakeholders and to enable people to share their thoughts and ideas to help shape this final version of the document.

1.5 Analysis of the consultation feedback is presented in Appendix 1. Appendix 2, presents the final strategy, updated in response to the consultation findings.

## 2. Recommendation

2.1 The Executive Portfolio holder for Children and Young People is recommended to:

- Approve the new West Berkshire SEND Strategy (2018-2023)

## 3. Implications

### 3.1 Financial:

The new SEND Strategy will set the framework for future budgeting decisions for the annual SEND High Needs Budget which is approximately £20,000,000.

Due to increased demand, this budget is under increasing pressure and the strategy proposes new approaches to meet identified challenges, including setting up new provision to reduce expenditure on external placements.

All revenue funding to deliver the SEND Strategy will come from the High Needs Block budget

#### Policy:

The new SEND Strategy for West Berkshire establishes a new clear strategic multi partnership approach and direction for the SEND System in West Berkshire in response to financial and demand challenges facing the local authority and new legislative requirements.

### 3.2 Personnel:

There are no immediate personnel implications. Where new local provision for SEND is to be set up, staff would generally be employees of schools rather than the Council. All funding for new posts would come from the High Needs Block budget.

### 3.3 Legal:

In September 2014, the introduction of the Children and Families Act brought about major reforms to the way local authorities and other organisations support children and young people with special educational needs and disabilities.

The Special Educational Needs and Disability Code of Practice 0-25 years is the related statutory guidance for organisations which work with and support children and young people. This places a duty on the local authority to consult children with SEND and their parents or carers when reviewing local SEN and social care provision.

Public consultation has taken place on the new West Berkshire SEND Strategy (2018-23). Appendix 2, presents the findings from this consultation exercise.

The consultation exercise meets the common law duties in respect of procedural fairness, as well as duties set out in the statutory guidance that children, young

people their parents and carers must be consulted in determining the council's strategy for SEND.

In considering recommendations in this report, the local authority must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (The Public Sector Equality Duty). A proportionate level of equality is required to discharge this duty.

### 3.4 **Risk Management:**

Implementation of the Strategy could be jeopardised if there is insufficient funding in the High Needs Block. The strategy is designed to reduce expenditure in the long term, but it may be necessary to set deficit HNB budgets in the short to medium term while savings are realised, subject to the agreement of the Schools Forum.

This is a multi partnership strategy. Financial challenges within other organisations could risk the success of multi agency approaches to meet identified challenges.

### 3.5 **Property:**

There are no immediate property implications but the new provision to be set up for children with SEND will require space in our mainstream schools, so if space is not already available, there will be capital costs, although these have yet to be identified in detail.

## 4. **Consultation Responses**

4.1 Appendix 2, presents the findings from the consultation exercise.

4.2 In summary, the overall response was a positive welcome that West Berkshire and its partners are committed to work together to champion the long term wellbeing of children and young people with SEND.

4.3 *The vision, principles and intended outcomes strategic objectives and actions*

Before submitting comments, respondents were asked to indicate their broad support or disagreement with the core elements of the draft SEND Strategy, the proposed vision, principles, intended outcomes and each of the five strategic objectives for development. Overall, there was strong support for the proposed vision, with 80% of respondents either strongly agreeing or agreeing with the vision statement. 72% of respondents either strongly agreed or agreed with the underlying principles. 75% of respondents agreed with the intended outcomes.

4.4 Comments submitted that corroborate the welcome given to the strategy include:

*I like the 'quality first' approach that is being proposed. Your wants and wishes are clear and there is clarity over the need to ensure this is not just one agency's responsibility but that championing our young people will only work with a multi agency directive.*

*I feel you have them right, including person centred, early help, and greater*

*independence, choice and control given to them and their families*

*If it even comes to fruition it could be good*

#### 4.5 Themes prompting several comments and / or discussion at consultative meetings

- Workforce training and development and the need to raise wider awareness and understanding of SEND
- Inclusion – The need to understand and respond appropriately to the different sets of behaviours presented by children with SEND in order to support their inclusion rather than exclusion
- The need for clearer and accessible information to support children’s transition to adult services
- The need to review support currently provided for parents and carers with children who have SEND and for young carers
- The need for greater clarity on pathways of care and support for children and young people with Autism Spectrum Disorder and Attention Deficit Hyperactivity Disorder (ADHD)
- Supporting children and young people with learning disabilities who also have emotional health and wellbeing needs
- Opportunities post 16 and post 19 – There is strong support for an increasing focus on young people with SEND post 16 and post 19, both to maintain improvements in learning and wellbeing achieved at school and to orientate school and care better to equip young people with the skills to become as independent as possible.
- Early intervention and early years – Several respondents to the on-line survey and those taking part in the public consultation events highlighted the importance of maintaining and improving support for young children so that needs can be identified early. The importance of early intervention for groups such as those with ASD, learning difficulties and impairments was cited and the evidence that this results in better lifelong outcomes for the child. Ensuring more effective reaching of all families with young children with additional needs to be emphasised, with an emphasis on support rather than extensive assessments.

## 5. Other options considered

- 5.1 The Children and Families Act (2014), requires local authorities to keep the provision for children and young people with SEND under review through a local strategic review and planning for future SEND provision. This statutory obligation, alongside future challenges posed by increasing demand for High Needs Funding and further financial restrictions resulting from the new financial funding formula for schools mean that it is imperative to target resources effectively and achieve even better value for money in our investments through strategic planning.

## 6. Introduction/Background

- 6.1 The Children and Families Act 2014, introduced the most significant reforms to the Special Education Needs system in almost thirty years.
- 6.2 The reforms place new statutory duties on local authorities to plan for SEND provision in their area, these include:
- Putting children and parents at the heart of the system,
  - Extending provision from birth to 25 years and
  - Introducing and extending rights and protection to young people by introducing new education, health and care plans.
  - Applying a “whole area” approach that includes the local authority, clinical commissioning groups (CCGs), public health, NHS England for specialist services, early year’s settings, schools and further education providers.
  - A requirement for local authorities to keep special education provision under review
- 6.3 The number of children with education, health and care plans has increased by 14% since 2013 as a result of the age range increasing to include young people up to the age of 25.
- 6.4 There has also been an increase in the population of children with EHC Plans who attend special as opposed to mainstream schools, with associated financial pressures.
- 6.5 Additionally, the Government has introduced a new national funding formula for schools which will require even more effort to target our resources effectively and achieve even better value for money in the investment we make to improve pupil outcomes.
- 6.6 It is against this context that West Berkshire has undertaken a review of its provision for children and young people with SEN and disabilities with the aim to agree with children, young people and parents and partners across health, education and social care a joint overarching vision for SEND in West Berkshire for the next five years.

## 7. Supporting Information

### 7.1 The review process

The review of SEND was overseen by the West Berkshire SEND Strategic Partnership Board, a multi agency partnership, with parents and carers at its core and comprising stakeholders comprising education, West Berkshire Clinical Commissioning Group, Children and Adult Mental Health Services, Public Health, social care, voluntary and community sector partners and the West Berkshire Lead Member and Executive Portfolio Holder for Children, Education and Young People.

The review considered the following three questions:

- Is our pattern of provision for children and young people with SEN suitable to meet changing needs?
- Do parents and young people find it attractive?
- Will it be affordable within future financial allocations?

7.2 The review worked with children and young people with SEN and disabilities, parents, partners across education, health and social care and the voluntary sector, to gather and analyse evidence and intelligence across:

- Early Years provision
- Mainstream and special schools
- Post 16 institutions
- Health, public health and social care
- Independent living
- The journey and experience for children, young people and parents

7.3 Data analysis and intelligence gathering focused on the following:

- The range of SEN in the area, recent trends and likely changes in the future
- Evidence on how effectively the current pattern of special educational provision meets needs in the area
- Evidence for how effectively the current pattern of special education provision prepares children and young people for adult life
- The range of special education needs that would generally be met by mainstream providers
- The range of SEN and disabilities which would generally be met by specialist providers
- The range of SEN and disabilities which would be generally met by highly specialised providers

A core element was to gather evidence about what works well across the current system, areas for improvement and SEND provision mapping for the future across the whole life cycle from birth through to young adulthood:

7.4 Key findings

The analysis was translated into a new chapter for the West Berkshire Joint Strategic Needs Assessment and entitled “Special Education Needs and Disabilities” (<http://info.westberks.gov.uk/article/35239>)

The analysis identified five overarching strategic themes. These themes formed the five strategic objectives for the SEND Strategy:

1. Improving inclusion and education outcomes for children with SEND in early years settings and mainstream schools
2. Developing a continuum of local provision to meet the needs of children with SEND (including Autistic Spectrum Disorder (ASD) and Social Emotional Mental Health (SEMH))
3. Enabling young people to enjoy good physical and mental health and wellbeing
4. Improving Post 16, education, learning, employment and training
5. Improving positive transitions for young people with SEND to enable them to prepare for adulthood

7.5 Five strategic multi agency working groups were established under each strategic theme. These groups met during a period of three months from February 2018 to May 2018, to develop recommendations on the key priorities and action plans under each of the five strategic themes. Parents were the core of each working group.

7.6 Vision and guiding principles

At the heart of establishing this shared direction and commitment is the joint vision, agreed through a series of visioning sessions involving our partners and parents:

***Our vision for all children and young people with special education needs and disabilities is that they have the right support and opportunities at the right time so that they become resilient, happy adults.***

This vision is underpinned by a set of guiding principles:

- All our plans, services and policies are coproduced with families
- Children and young people with SEND feel safe and protected from harm. They are seen, heard and helped, effectively safeguarded, properly supported and their lives improved by everyone working together.
- A person centred approach to service delivery
- A focus on inclusive practices, removing barriers to learning and high quality teaching
- Systematic, proactive and appropriate early identification and early help and provision made available locally within supportive communities
- Children, young people and their parents are enabled to plan and make choices about their support as much as possible in decision making
- Greater independence, choice and control for young people and their families over support
- Successful preparation for adulthood, including supporting independence, independent living and training and employment

- Partnership – Education, health and social care services working well together, supported by voluntary and independent organisations and sharing accurate information in the best interests of the child and family
- Integrated, evidence based, high quality services, interventions and approaches – local as far as possible
- Funding and support is allocated fairly and openly

## 7.7 Outcomes

The Joint Strategic Needs Assessment (JSNA) updated in 2018, highlights four main areas where children with SEND face barriers to achieving the outcomes their peers can expect. These are also the outcomes for the SEND Strategy:

- Good education attainment
- Employment opportunities
- Good health
- Good mental health

## 8. Proposal(s)

- 8.1 Appendix 1, presents the West Berkshire SEND Strategy 2018-2023, setting out the strategic objectives, priorities and actions to improve outcomes for children and young people with SEND, IN West Berkshire.

## 9. Conclusion(s)

- 9.1 This report presents the strategic, financial and legal context for the West Berkshire SEND review and its outcome - the West Berkshire SEND Strategy (2018-2023).
- 9.2 The Executive Portfolio Holder for Children, Young People and Families is requested to approve this Strategy for implementation.



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## 10. Appendices

Appendix A: Data Protection Impact Assessment  
Appendix B: Equalities Impact Assessment  
Appendix C: West Berkshire SEND Strategy (2018-2023)  
Appendix D: Report of findings from the public consultation exercise

## 11. Background Papers

Special Educational Needs and Disability (SEND)

<https://www.gov.uk/topic/schools-colleges-childrens-services/special-educational-needs-disabilities>

Special Educational Needs and Disabilities Code of Practice 0-25 years; Department for Education and Department for Health, 2015

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/398815/SEND\\_Code\\_of\\_Practice\\_January\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf)

West Berkshire Joint Strategic Needs Assessment Special Educational Needs and Disabilities

<http://info.westberks.gov.uk/article/35239>

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### Subject to Call-In:

Yes:  No:

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### Wards affected:

All

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### Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim(s):

- BEC – Better educated communities**
- P&S – Protect and support those who need it**
- HQL – Maintain a high quality of life within our communities**

The proposals contained in this report will help to achieve the following Council Strategy priorities:

- BEC1 – Improve educational attainment**
- BEC2 – Close the educational attainment gap**
- P&S1 – Good at safeguarding children and vulnerable adults**
- HQL1 – Support communities to do more to help themselves**

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## Appendix A

### Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via [dp@westberks.gov.uk](mailto:dp@westberks.gov.uk)

Directorate:	Communities
Service:	Education
Team:	SEN and Disabled Children’s Team
Lead Officer:	Nina Bhakiri
Title of Project/System:	<p>“From birth to adulthood”</p> <p>Our strategy for improving outcomes achieved by children and young people aged 0-25 with special educational needs and / or disabilities 2018 - 2023</p>
Date of Assessment:	21 September 2018

**Do you need to do a Data Protection Impact Assessment (DPIA)?**

	Yes	No
<p><b>Will you be processing SENSITIVE or “special category” personal data?</b></p> <p>Note – sensitive personal data is described as “<i>data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation</i>”</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Will you be processing data on a large scale?</b></p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Will your project or system have a “social media” dimension?</b></p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>Will any decisions be automated?</b></p> <p>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>Will your project/system involve CCTV or monitoring of an area accessible to the public?</b></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>Will you be using the data you collect to match or cross-reference against another existing set of data?</b></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>Will you be using any novel, or technologically advanced systems or processes?</b></p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<input type="checkbox"/>	<input type="checkbox"/>

**If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.**