

**Report of the Director of Children and Families**

**Report to Executive Board**

**Date: 15 November 2017**

**Subject: Proposal for a Strategic Review of provision for children and young people with Special Education Needs and Disabilities (SEND)**



Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

The government has informed all Local Authorities they must undertake a Strategic Review of the Special Education Needs and Disability (SEND) provision available in their area, with the outcome being published publicly by March 14<sup>th</sup> 2018 via the Local Offer. This review is to involve consultation with children, young people, families, education providers and partners. Leeds Local Authority has been allocated by the government a capital grant of approximately £3,237,000 for the period of 2018-2021 (annual spend per year over three years of £1,079,000) to support the implementation of the outcomes of the review. The scope for this investment is to create new school places or increase existing ones in good or outstanding settings, including: schools and academies; special units; special schools and academies; early years settings; further education colleges; or other provision for children and young people (CYP) aged from 0 to 25 with Education Health and Care plans. Whilst there are rules around eligibility for accessing the grant, the decision maker in regard to the options the grant supports is the Local Authority. The final proposals will be presented to the Executive Board for consideration and approval at the February 2018 Executive Board.

## **Recommendations**

Executive Board is asked to:

- Note the Strategic Review process, including the revised consultation from 6<sup>th</sup> November 2017 to 4<sup>th</sup> December 2017.
- Agree that the Good Learning Places Board hold the accountability for governance and permissions in relation to the implementation of outcomes from the review.
- Note that the final proposals will be presented in the document – Local Authority Strategic Plan of SEND provision 2018-2021, which will be presented to the Executive Board for consideration and approval in February 2018.
- Note the overall responsible officer for the implementation of the Strategic Review and the publishing of the plan is the Head of Complex Needs.

## 1 **Purpose of this report**

- 1.1 This report aims to provide the Executive Board with an outline of the approach for completing a Strategic Review of 0-25 SEND provision in Leeds. It sets out the local authority's duties, the scope of the review, and the methodology and main themes used for consultation.

## 2 **Background information**

- 2.1 The Children and Families Act 2014 places the duty on Local Authorities to ensure there are sufficient school places for all children, including those with special educational needs and disabilities up to the age of 25. In addition, The Childcare Act 2004 enforces that Local Authorities must provide sufficient childcare places, up to the age of 18 for children with SEND, where reasonably practicable, to enable parents and carers to access work or training opportunities.
- 2.2 The government has informed all local Authorities that they must undertake a Strategic Review of their SEND provision, consult with families and publish their plan on their Local Offer page by 14 March 2018. The Leeds Local Offer provides information about local services for families, children and young people who experience SEND and can be accessed via the dedicated search engine on [www.leedslocaloffer.org](http://www.leedslocaloffer.org) or via the Leeds City Council website.
- 2.3 The DfE states the published plan should provide an overview of the picture in Leeds including information about:
- Where children and young people are currently placed and the types of specialist provision in place.
  - A summary of key information about demand, anticipated future trends and the demand for specialist education places.
  - A summary of the review process and identification of gaps in provision and potential solutions.
- 2.4 The government has allocated the local authority a capital grant to support the development of additional places. The published plan will set out how the government's capital allocation will be spent over the next 3 years, 2018 to 2021. Leeds have been allocated approximately £3,237,000 (annual spend per year over 3 years of £1,079,000). The scope for this investment is to create new school places or increase existing ones in good or outstanding settings, including: schools and academies, special units, special schools and academies, early years settings, further education colleges, or other provision for children and young people aged from 0 to 25 with Education Health and Care plans. The final proposals for spend are to be submitted to the DfE by 14 March 2018.

2.5 The scope of the review is to consider the education provision on offer in the city for young people with SEND who have an Education Health and Care Plan aged 0-25, along with the childcare offer for children and young people who have SEND up to the age of 18.

2.6 The review will acknowledge other reviews, strategies and plans currently underway that consider services and funding available to children, young people and families who experience SEND. This includes:

- **Review of the High Needs Block (HNB).** Potential capital solutions that arise from the SEND Strategic Review may require amendments to the resource support which could directly impact on the HNB. Any future development of specialist places needs to be considered in a way that is sustainable on the HNB.
- **Review of the SEND Strategy.** This is the LA's SEND policy which sets out how the LA will improve outcomes for children and young people with SEND. This is a high level overview of how the LA is developing the wide range of SEND provision in Leeds, for example improving the quality of EHC plans and preparing children and young people for adulthood. This will be completed by working collaboratively with parents, carers, children and young people with SEND and other partners and stakeholders to ensure that all partners have opportunities to influence service development.
- **Review of the Local Offer.** The Local Offer enables parents or carers of young people with SEND to comment on our services for SEND. This is under constant review and reports are published at least annually.
- **Annual Early Years Childcare Sufficiency Assessment.** We are currently refreshing our data and intelligence to inform our childcare sufficiency assessment and this will include childcare provision for children with disabilities up to the age of 18. This will next be published in November 2017, and available via the Leeds Local Offer.
- **Children and Young People's Plan (2015-2019)** includes 14 priorities to fulfil our vision to be the best city in the UK. We ensure these priorities are central to our planning strategies, especially; the aspirations to improve outcomes for children and young people with SEND; support children to have the best start in life and be ready for learning; increase participation; and to ensure children and young people have a voice and can influence change.
- **Future in Mind: Leeds strategy.** This plan will ensure that SEMH provision will continue to grow in the city where the need is identified.

- **Leeds Children's Services Transport Policy** has recently been reviewed and updated in July 2017. Personal travel allowances will in future be offered as an alternative to providing transport for young people with SEND in Post-16 education. Any future development of new specialist provisions is underpinned by a need to enable children to attend their local school in the least restrictive way possible.

### 3 **Main issues**

- 3.1 The Strategic Review of SEND provision in Leeds will build on our existing knowledge of our local area, including information about our current provision, as well as projected future demand. The consultation will gather the views of children, young people and families in the city, along with seeking views via our strong relationships with our schools and settings. Also, where possible, we will work collaboratively with our neighbouring authorities, particularly looking at our low-incidence SEND pupils where they may require specialist out of area provision.
- 3.2 The Strategic Review is a joint project between Complex Needs Service and the Sufficiency and Participation Team (Learning Systems) and falls under the governance of the Good Learning Places Board. There is a three phased approach; Identify, Assess and Improve.
- 3.2.1 **Phase 1:** Current SEND provision mapped against future demand, highlighting gaps and pressures on the existing system. This was completed by mid-September 2017 and formed elements of the draft SEND Strategic Review document.
- 3.2.2 **Phase 2:** This document is currently being reviewed through consulting with our Children and Young People with SEND, their parents and carers and with our education providers, so we can co-produce this review with their input. Consultation is taking place between the revised dates of 6<sup>th</sup> November until 4<sup>th</sup> December 2017. A report will be submitted to the Executive Board in February 2018 detailing the outcome of the consultation and seeking the approval of the publication of the review identifying the priorities for the allocated capital spend.
- 3.2.3 **Phase 3:** Any plans for new SEND provision will be set out in the Strategic Plan for SEN Provision following the review and after Executive Board approval in February 2018. This will be after the LA has consulted with parents, carers and young people. All future new priorities and SEND provisions will be in accordance with the Strategic Plan for SEN provision with the governance and oversight of the Good Learning Places Board.
- 3.3 We will publish the review on our Local Offer page and include details of how we plan to invest the allocated funding, by 14 March 2018.
- 3.4 By March each year, we will review and publish on the Local Offer page how the capital money has been spent.

## 4 **Corporate Considerations**

### 4.1 **Consultation and Engagement**

- 4.1.1 The process for consultation is being managed in accordance with the relevant legislation and with local good practice.
- 4.1.2 The consultation with children, young people, families and partners is taking place between 6<sup>th</sup> November and 4<sup>th</sup> December 2017 and includes the use of the WordPress on-line forum and the Council's on-line survey system. A number of drop-in sessions are being held across the city supported by officers from Children and Families Services. Information is being distributed widely, including via local schools, Early Years providers, on the Leeds City Council website, the Family Information Service website, SENDIASS, Twitter and Facebook.
- 4.1.3 Elected members will be consulted, by email, giving them the opportunity to respond with their comments and request further information if required.

### 4.2 **Equality and Diversity / Cohesion and Integration**

- 4.2.1 When making any future changes or new SEND provision Local Authorities must meet the requirements of the SEN Improvement Test. This includes demonstrating to parents, children and young people and stakeholders how any proposed changes will improve the range and quality of SEN provision, including access to wider support services and specialist teaching, that these changes are in line with the Local Authority's wider strategic planning and in consultation with families and stakeholders. The consultation on the Strategic Plan for SEN provision demonstrates that the LA is planning new provision in line with families and stakeholders wishes. Furthermore, any additional new provision will follow its own consultation process and SEN improvement test.
- 4.2.2 The consultation exercise seeks the views of all members of our communities and is available in accessible formats. The Complex Needs Service communications, engagement and co-production strategy 2017 has been used to ensure that all communications are accessible for all stakeholders.
- 4.2.3 An EDCI will be completed for any options that are taken forward after consultation.

### 4.3 **Council policies and Best Council Plan**

- 4.3.1 The SEND Strategic Review will support the ambition of becoming the best city for CYP to grow up in and to give them the best chance to do well at every level of learning, gaining the skills they need to achieve their full potential.

4.3.2 The review is being conducted to enable the LA to meet its statutory duty to ensure there are sufficient school places for all the children in Leeds with SEND up to the age of 25.

4.3.3 The review contributes to the city's aspiration to be a child friendly city. By creating good quality local school places we can support the priority aim of improving educational achievement and closing achievement gaps. In turn, by providing young people with the skills they need for life, this review will provide underlying support for the council's ambition to produce a strong economy by compassionate means. A good quality school place also contributes towards delivery of targets within the Children and Young People's Plan such as our obsession to improve attainment, attendance and achievement

#### 4.4 **Resources and value for money**

4.4.1 To assist with the review and possible improvement options, the government has allocated both a revenue grant, to help undertake the review, and a capital allocation to spend on actual expansions and enhancing existing provisions.

4.4.2 In Leeds, council officers are using internal resources, knowledge and experience of demand and supply, and utilising existing strong relationships with providers and stakeholders to complete the review.

4.4.3 When exploring improvement options we have started with exploring how mainstream schools and settings can be shaped and enhanced to make best use of the capital grant of £3,237,000 from the DfE, which is spread out over three years. It is recognised that future planning must be sustainable for the High Needs Block (HNB) and that supporting Resource Provision in mainstream school is the starting point for this sustainability, building capacity in the mainstream sector. This helps reduce the need for out of area placements with more pupils having their needs met locally. It should be noted that any larger capital solutions arising from the SEND Strategic Review, for example a proposal to expand current special school provision, or create new provision, may need to be considered as part of a future costed business case that would incorporate some of the capital allocation as well as other funding options.

#### 4.5 **Legal Implications, Access to Information and Call In**

4.5.1 Conducting this review supports the council in meeting its duties under; the Children and Families Act 2014, to ensure there are sufficient school places for all children, including those with special educational needs and disabilities up to the age of 25; the Childcare Act 2004 to provide sufficient childcare places, up to the age of 18 for children with SEND, where reasonably practicable, to enable parents and carers to access work or training opportunities.

4.5.2 The DfE states that local authorities are required to take the following steps to access their funding:

- Consult with parents and carers of children and young people with SEND.
- Work with education providers to agree how the capital can best be targeted.
- Fill in the short plan template, confirming that the requirement to consult with parents, carers and young people has been met, including information about the other groups who have been consulted.
- Publish a plan on their local offer page

4.5.3 This report is subject to call in.

## 4.6 Risk Management

4.6.1 There is a corporate risk associated with failing to provide sufficient school places and childcare for children and young people with SEND.

4.6.2 There is a risk to the High Needs Block if the LA has to continue to increase special school places as well as to make provision for out of area placements. Therefore, having a strategic plan for SEN provision that starts by building capacity in mainstream schools helps to manage this risk.

4.6.3 To enable the local authority to access the capital funding allocated by the DfE it must carry out a consultation with children and young people and their parents/carers and publish a strategic review of provision. If these tasks are not completed, there is a risk funding will not be awarded by the DfE.

## 5 Conclusions

5.1 Our Best Council Plan ambition is to be the best city and the best council in the country, and ensuring we have sufficient school places and childcare offer for children with SEND is one of our top priorities. The SEND Strategic Review is based on meeting this aim through a detailed consultation with the public, partners, stakeholders and children and young people across the city.

## 6 Recommendations

6.1 Executive Board is asked to:

- Note the Strategic Review process, including the consultation from 6<sup>th</sup> November 2017 to 4<sup>th</sup> December 2017.

- Agree that the Good Learning Places Board hold the accountability for governance and permissions in relation to the implementation of outcomes from the review.
- Note that the final proposals will be presented in the document – Local Authority Strategic Plan of SEND provision 2018-2021, which will be presented to the Executive Board for consideration and approval in February 2018.
- Note the overall responsible officer for the implementation of the Strategic Review and the publishing of the plan is the Head of Complex Needs.

## 7 **Background documents**<sup>1</sup>

7.1 None

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.