

## Report to Performance Overview & Scrutiny Committee: Update on support and provision for children and young people who have special education needs and/or disabilities (SEND)

November 2022

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### 1. Reason for report

- 1.1. To provide an update for the Performance Overview and Scrutiny Committee (POSC) on support and provision for children and young people who have special education needs and/or disabilities (SEND) and inclusion in the local area.
- 1.2. This report provides performance headlines related to SEND and inclusion, showing how the local area compares to national, regional and statistical neighbours for performance related to statutory processes.

### 2. Key highlights and challenges

- 2.1. Statutory performance related to the timeliness of EHCPs remains significantly higher than the national average. The challenge now is to sustain this in the context of increasing demand. Capacity of the SEND Team is being monitored and will need to be addressed to maintain performance.
- 2.2. There has been a reduction in high cost independent and non-maintained special schools (INMSS), which means that more children and young people are educated within their local community.
- 2.3. There are a higher-than-average number of children and young people in the local area who have an EHCP (Oldham: 4.7% and national: 4.0%), whilst the percentage at SEN support level is lower than average (Oldham: 11.5% and national: 12.6%). This indicates that there are issues around early identification and intervention and the graduated response being implemented consistently.
- 2.4. At 55%, there is a higher number of statutory school aged children and young people who have an EHCP educated in specialist settings in Oldham (mean for all metropolitan boroughs is 9.9% and the national average is 34%). The reasons for this needs to be more fully understood. Recommendations can then be made to address this, under the sufficiency aspect of the next phase of SEND strategy 2023-2027, which will also align with the council's strategy (appendix I).

## 4. National context

- 4.1. In March 2022, the Department for Education (DfE) published the SEND and alternative provision (AP) green paper. This follows on from the national review of the SEND system, Right Support, Right Place, Right Time<sup>1</sup>, which identified three key challenges facing the SEND and alternative provision system:
- 4.1.1. Navigating the SEND system, and alternative provision is not a positive experience for too many children, young people and their families.
  - 4.1.2. Outcomes for children and young people with SEND or in alternative provision are consistently worse than their peers across every measure.
  - 4.1.3. Despite the continuing and unprecedented investment, the system is not financially sustainable.
- 4.2. The green paper sets out proposals for a system that offers children and young people the opportunity to thrive, with access to the right support, in the right place, and at the right time, so they can fulfil their potential and lead happy, healthy and productive adult lives. In short, the government are proposing to do this by:
- 4.2.1. Creating a single, national SEND and alternative provision system.
  - 4.2.2. Providing excellent provision from early years to adulthood.
  - 4.2.3. Introducing a reformed and integrated role for alternative provision, for children who can't attend mainstream school, whether for behavioural, health or other needs.
  - 4.2.4. Reforming system roles, funding and accountability.
- 4.3. The DfE are also seeking views on proposed changes to the way Ofsted and the Care Quality Commission (CQC) jointly inspect local area partnerships to assess how they work together to improve the experiences and outcomes of children and young people who have special educational needs and/or disabilities (SEND) and/or who access alternative provision.
- 4.4. Despite changes to Government, the DfE are still proposing to publish consultation responses to the green paper (due spring 2023), the local area inspection framework, and processes related to annual reviews, and this may have an impact on how specialist support and provision is shaped in the local area<sup>2</sup>.

## 5. Local context

### 5.1. Rising demand for EHCPs:

- 5.1.1. EHCP's have increased but at a slightly lower rate in comparison to increases nationally, regionally and for our statistical neighbours.
- 5.1.2. Oldham LA still have a higher rate of children and young people with EHCPs than nationally, regionally and statistical neighbours.

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<sup>1</sup> <https://www.gov.uk/government/publications/send-and-ap-green-paper-responding-to-the-consultation/summary-of-the-send-review-right-support-right-place-right-time>

<sup>2</sup> Whilst local areas are made up of a range of partners and stakeholders, including schools/settings, the voluntary sector and other providers, the statutory partners consist of the council and the integrated care system (previously clinical commissioning group).

- 5.1.4. At the time of the SEN2 return (January 2022) the local area maintained 2661 EHCPs. This is a 9.6% increase in comparison to the 2427 EHCPs maintained at the time of the 2021 SEN2 return. However, this has now increased exponentially to 2886 EHCPs, an increase of 18.9% and forecasted to be much higher than national and regional averages in SEN2 2022.
- 5.1.5. Nationally, there was a 9.9% increase, 10.4% regionally and 13.6% increase for our statistical neighbours.

## 5.2. Primary needs

- 5.2.1. Latest national data, published in June 2022 by the DfE, shows that the most common type of need for children and young people who have an EHCP is autism and for those who are identified as requiring SEN support is speech, language and communication needs<sup>3</sup> (SLCN). This is also reflected in Oldham (see appendix II).
- 5.2.2. Despite the identified number of children and young people in Oldham schools who have an EHCP with a primary need of SLCN, this may not account for the true level of need, however. This is because many children and young people will have been identified as having needs related to social, emotional and mental health (SEMH), when they move from primary to secondary school. This indicates that their SLCN has been under identified or mis-categorised.

## 5.3. Comparison to national, regional and statistical neighbours

- 5.4. In comparison to all other statistical neighbours and the national average, Oldham continues to have a higher percentage of children and young people who have an EHCP and a lower percentage of those who require SEN support.

	Oldham	*Stat' neighbours	National
<b>N° of school age pupils</b>	47169	530311	9000031
<b>No of pupils with SEND</b>	7662	89820	1485409
<b>% Who have an EHCP</b>	4.7%	3.9%	4.0%
<b>% At SEN support level</b>	11.5%	12.9%	12.6%
<b>% Total who have SEND</b>	16.2%	16.8%	16.6%

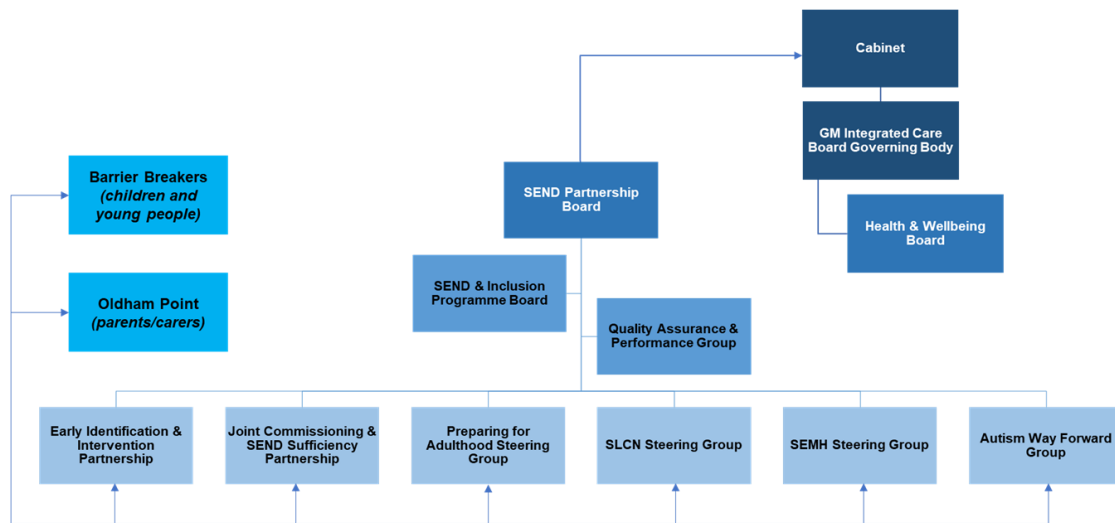
*Table 1: EHCPs and SEN support comparisons based on latest published census data.*

## 6. Governance and accountability

- 6.1. New groups include the Preparation for Adulthood Steering Group, Quality Assurance and Performance Group and SEND & Inclusion Programme Board. In addition, some existing workstreams, rather than coming to a natural end through the project nature of delivery to date, have evolved into more permanent strategic groups, e.g. SLCN Steering Group and Early Identification, Intervention Partnership.

<sup>3</sup> <https://explore-education-statistics.service.gov.uk/find-statistics/special-educational-needs-in-england>

6.2. The governance structure below shows how the governance system is proposed to ensure strong oversight based on key areas that we know require a high-level focus:



### 6.3. Progress since the last local area SEND revisit

6.3.1. Following the Ofsted/CQC local area SEND inspection in 2017, which resulted in a written statement of action (WSOA) and the subsequent revisit in 2019, which resulted in an accelerated progress plan (APP), significant improvements have been made to the quality and timeliness of EHC needs assessments and EHCPs, as well as system improvements, including:

6.3.1.1. Quality of EHCP's continues to improve: October 2022 audit indicates 95.5% good.

6.3.1.2. Timeliness is consistently and significantly above the national average: 95% for 2022.

6.3.1.3. Annual Review Recovery Plan: 95% of all EHCPs needing to be rewritten are complete.

6.3.1.4. Workforce development: all staff have completed IPSEA legal training and are progressing to the NASEN Case Worker Award.

6.3.1.5. All schools participated in Whole School SEND training and SEND in a Nutshell. Work continues to ensure SEND and inclusion is high on the primary and secondary heads agenda.

6.3.1.6. Inclusion Frameworks have been developed and implemented.

6.3.1.7. The Graduated Response Toolkit is in place and accessible online.

6.3.1.8. The Autism in Schools and Early Identification of Need Projects have been implemented and work is being done to continue with the good practice that these have enabled.

6.3.2. Since the implementation of the WSOA and subsequent APP, practice in SEND has improved significantly and systems and processes remain more robust. There is also good partnership working across education health and care, 0-25.

- 6.3.3. The SEND Team and wider partnership have worked tirelessly, and this has resulted in Oldham having one of the highest timeliness percentages nationally; currently working at 90%+ of EHCPs being issued within the statutory deadline of 20 weeks (nationally, 59.9% in 2021 and a decline to 53% to date in 2022).
- 6.3.4. In parallel to this, quality of EHCPs is improving, showing that 90% of these are being rated as good or outstanding in terms of quality through our internal audit system, with none in the 'inadequate' category.
- 6.3.5. The improvements described, have occurred due to committed leadership, staff performance and a focus on the key issues and challenges. This has ensured compliance with the SEND Code of Practice and related SEND regulations/legislation.
- 6.3.6. Despite strong performance, requests for EHC needs assessments have increased by 58% in the above period against a national average of 69%. This means that, despite the progress described, services remain under increasing pressure with an average 12% yearly increase in requests for EHC needs assessments since the reforms of 2014.
- 6.3.7. Even more concerning, nationally, is that the current position shows a 23% increase in EHC needs assessment requests over the period of the pandemic, whilst this rises to a 100% increase in Oldham over the same period. This means that the current high performance of the SEND statutory processes is at risk and is not sustainable with the current resources allocated.

#### 6.4. Strengths

- 6.4.1. Despite growing demand, quality and timeliness of EHCP processes remains exceptionally high.
- 6.4.2. Oldham has seen a reduction in out of borough (OoB) INMSS by 40% over the past few years. This means that more children and young people are being included in their local community, along with their peers. The social benefit of this will be felt into adulthood.
- 6.4.3. Permanent exclusion (PEX) has reduced for all groups, including for children and young people who have SEND at all levels (EHCP and SENS) by 40% in 21/22 compared to the last full comparable year.
- 6.4.4. Good relationships with SENCOs through, networks, drop-ins and development days are maintained and supported by SEND and Inclusion Service leads.
- 6.4.5. Recruitment and induction of SEND Officers has been successful over summer 2022 and all are to undertake the NASEN case worker award.
- 6.4.6. The successful independent travel training offer has been expanded to introduce social travel training which will enhance independence.
- 6.4.7. SEND & Inclusion remains high on the agenda at all levels across local area partners and stakeholders.
- 6.4.8. There is an excellent and productive relationship with Oldham POINT and Oldham Parent Carer Forum (PCF), who are equal partners in strategic developments.

- 6.4.9. The quality and effectiveness of specialist provision remains high, with most of Oldham's special schools being rated good or outstanding (appendix III).

## 6.5. Challenges and areas for development

- 6.5.1. Higher than NA for EHCPs (Oldham: 4.7% and national: 4.0%) but lower for SEN Support (Oldham: 11.5% and national: 12.6%) means that there needs to be a focus on early identification. This needs to include a more robust offer in the early years and at all ages, as early as possible when difficulties have been recognised. The SEND & Inclusion Service is currently reviewing the offer that will best support schools/settings in this area.
- 6.5.2. Access to speech and language therapy (S&LT) remains inconsistent as waiting times for support are still lengthy (over eighteen months). Universal SLCN support also requires developing, including in secondary schools, where SLCN is often un-identified.
- 6.5.3. A project is underway to implementing an online system for managing EHCPs. This consists of the IDOX EHCP Hub, which will offer more transparency for parents/carers and more accessibility for partners to provide reports and information.
- 6.5.4. Suspensions, including for those with SEND, have increased since the last comparable year by 10%. This is an area of focus, along with attendance.
- 6.5.5. Under new requirements, there is more robust monitoring of attendance and additional duties around this for schools and LAs<sup>4</sup>. Support and challenge for this area is already built into the system and includes attendance leads meeting and supporting strategic planning for those with SEND who are persistently absent (PA) or have severe absence. New processes and guidance are in place for all schools and settings regarding attendance and the Attendance Team are offering all statutory services as described in the new guidance including Targeted Support Meetings.
- 6.5.6. To focus further on access to education, currently Oldham is in year one of a RSA Reducing Exclusions Programme, focusing on suspensions. This is being delivered by school leaders and practitioners, in collaboration with LA officers.

## 6.6. SEND sufficiency

- 6.7. The continuing work on SEND sufficiency has clearly identified a gap in educational provision for children and young people with communication and interaction needs (autism and SLCN) and/or severe learning difficulties (SLD) and SEMH, whose needs are not currently being met in mainstream schools, resourced provision or local special schools. Although greatly reduced in number, this can still result in children and young people being placed in independent non-maintained special school (INMSS) provision, which is typically out of borough, or in Oldham's case in in-borough independent settings.

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1073619/Summary\\_table\\_of\\_responsibilities\\_for\\_school\\_attendance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1073619/Summary_table_of_responsibilities_for_school_attendance.pdf)

- 6.8. Oldham does have an autism specific special school; however this is for children and young people who are able to follow a GCSE pathway and curriculum. There is currently no specialist provision for children and young people with autism and who present moderate to severe learning difficulties.
- 6.9. To address sufficiency needs, progress has already been made on sufficiency projects including Medlock Valley (6 places) and Newman R C (6 places) plus Kingsland School scheduled for January 2023 (12 places). This will provide a further 24 places for the 22/23 academic year and a further 12 the following year.
- 6.10. In addition, an expression of interest went out in the Spring Term 2022 to all schools and settings, asking if they wish to provide mainstream plus provision, e.g. resourced bases or satellite provision. From this initial expression of interest, some schools have requested to be considered for mainstream plus provision.
- 6.11. It is planned that a further 6 mainstream plus provisions will open prior to 2025, giving an additional 108 places in total (36 in 2023, 2024 and 2025).

#### 6.12. Resources and capacity

- 6.12.1. The high needs block (HNB) is on track for addressing the current deficit and to support with this, we are included in the DfE, Delivering Better Value programme.
  - 6.12.2. The SEND Transport budget remains under pressure. A review of the policy around this will be carried out early in 2023, to identify areas that can be done differently, and which may provide efficiencies.
  - 6.12.3. The increasing demand for EHC needs assessment (EHCNA) and EHCPs are forecast to continue. However, work will be prioritised at the early identification and intervention level to target improvements in this area. This will also enable the best support and provision to be put in place for children and young people at an earlier stage. The support offer for schools/settings at the early identification and intervention stage is currently under review with a view to strengthening this and enabling more targeted work by the Educational Psychology and Specialist Teacher Teams.
  - 6.12.4. The post Covid surge in EHCNA and subsequent EHCPs means that Oldham is now responsible for 2,908 EHCPs, which equates to 364 per Officer.
- 6.13. Oldham continues to receive support and challenge from our DfE and NHS England SEND Advisors who will assure themselves that we are sustaining the progress we have made. The DfE and NHS England may, should the need arise, request updates on strands of activity in the APP or reinstate more regular and formal reviews.

#### 7. SEND & Inclusion Strategy 2023-2027

- 7.1. Across the local area, there is a commitment to deliver high quality support and provision for all children and young people, including those who have special educational needs and disabilities (SEND) and those who are vulnerable.
- 7.2. Our SEND & Inclusion Strategy is currently being developed with children, young people and parents/carers. The strategy will clearly set out the local area's commitment to delivering high support and provision across all our schools and educational settings, enabling the best outcomes for every child and young person over six key priorities and five key areas of infrastructure that need to be in place to secure progress:

Priorities	Infrastructure
<ol style="list-style-type: none"> <li>1. Early identification and SEN support</li> <li>2. Health and wellbeing</li> <li>3. Community inclusion</li> <li>4. Joint commissioning for sufficiency of specialist support and provision</li> <li>5. Securing better outcomes</li> <li>6. Communication and interaction (Autism (ASC) &amp; SLCN)</li> </ol>	<ol style="list-style-type: none"> <li>1. Engagement, participation and coproduction: working in partnership with children, young people, parent/carers and partners, stakeholders.</li> <li>2. Local offer: ensuring that what we say about the local area is of high quality, easy to navigate and performs well</li> <li>3. Sustainability: assuring value for money to achieve financial balance and enable the best use of resources to meet need in the local area.</li> <li>4. Workforce development: creating an inclusive local area through a highly skilled workforce</li> </ol>

7.3. The strategy will be underpinned by a SEND & Inclusion Improvement Programme, which is currently being developed.

## 8. Recommendations

8.1. Note the indicators in which the local area is an outlier in comparison to available benchmarks and to consider the impact of this on future needs, provision and performance.

8.2. Consider the increasing percentage of children and young people who have an EHCP, attend special schools and are educated in independent and non-maintained special schools (INMSS). The recommendation is to more closely track the resources allocated to these aspects of the system.

8.3. Note that the indicators in this report are closely monitored through monthly performance reporting throughout the year. Action is taken, as and when required, whenever the direction of travel raises cause for concern, and this will be included in the SEND & Inclusion Improvement Programme.

8.4. Note, and comment on, the proposals for developing the SEND & Inclusion Strategy, 2023- 2027, which will be in line with the corporate council plan.

8.5. Support and promote local area partnership working to further develop the joint ownership model through other strategic meetings across education, health and care, 0-25.

## 9. Appendix

Appendix I: Priorities and infrastructure

Appendix II: Primary need at EHCP and SEN support levels.

Appendix III: Specialist provision Ofsted ratings.

## 10. Glossary

AP	Alternative Provision
APP	Accelerated Progress Plan
C&FA	Children & Families Act, 2014
CAMHS	Child & Adolescent Mental Health Service
CCG	Clinical commissioning group
CQC	Care Quality Commission
DfE	Department for Education

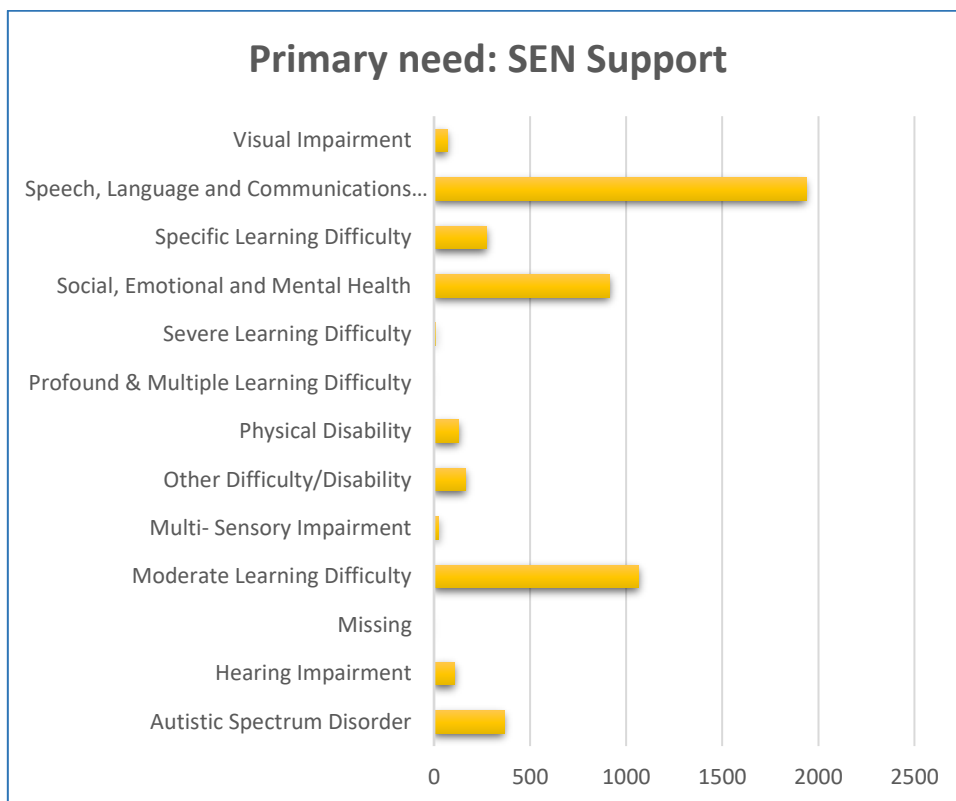
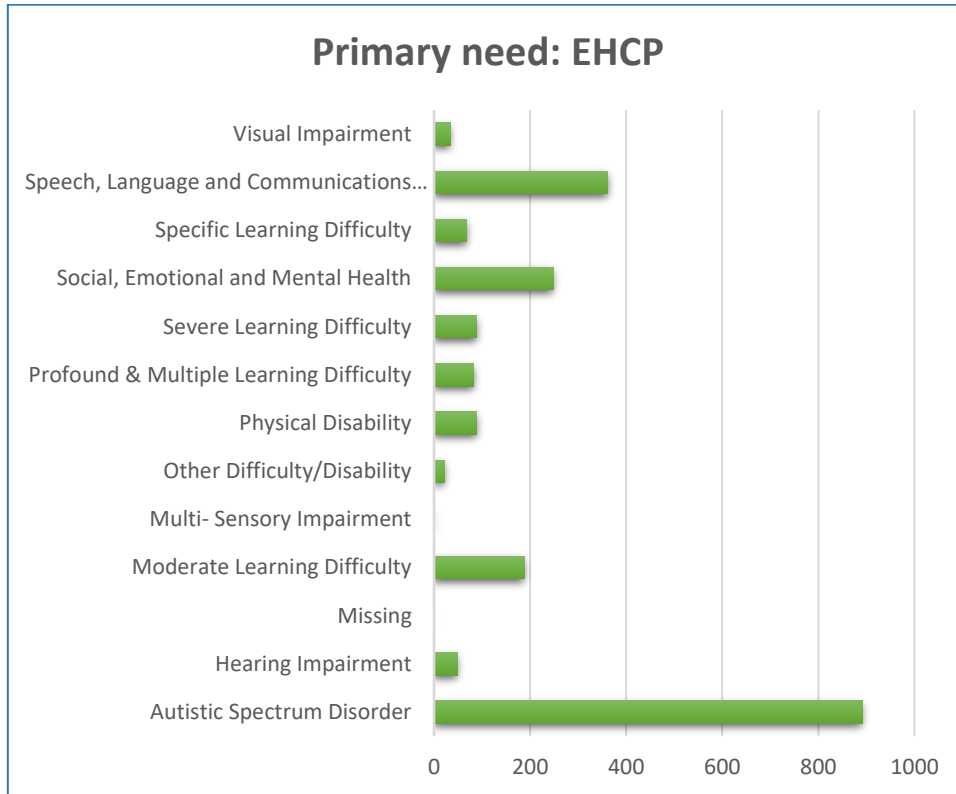


EHCNA	Education, health and care needs assessment
EHCP	Education, Health and Care Plan
EPS	Educational Psychology Service
INMSS	Independent and Non-Maintained Special Schools
LA	Local Authority
OMBC	Oldham Metropolitan Borough Council
OoB	Out of Borough
PA	Persistently Absent
PfA	Preparation for Adulthood
POSC	Performance Overview & Scrutiny Committee
S&LT	Speech and Language Therapy/Therapist
SENCo	Special Educational Needs Coordinator
SEND	Special Education Needs and/or Disabilities
SEND CoP	SEND Code of Practice, 2015
WSoA	Written Statement of Action
YTD	Year-to-Date

**Appendix I: SEND & Inclusion Strategy proposed priorities and infrastructure:** Priority areas have been shaped, so far, as follows, linking key local priorities, as identified by partners and stakeholders:

		<b>Council priorities</b>	<b>Young people's priorities</b>	<b>Parents/carers priorities</b>
<b>Priority 1:</b>	Early identification and SEN support	A great start and skills for life		Early years SEN support including the graduated response
<b>Priority 2:</b>	Health and wellbeing	Healthy, safe and well supported residents	Good health	Mental health and wellbeing Health services
<b>Priority 3:</b>	Community inclusion	A clean and green future	Friends, relationships and community	Accessing your community Short breaks and social activities
<b>Priority 4:</b>	Joint commissioning for sufficiency of specialist support and provision	Quality homes for everyone	Independent living	Independent Living EHCPs and annual reviews Social care
<b>Priority 5:</b>	Preparing for adulthood	Better jobs and dynamic businesses	Employment	Employment and training Transitions including post-16 Home to school transport
<b>Priority 6a:</b>	Communication and interaction: autism	Cross cutting themes	Cross cutting themes	Cross cutting themes
<b>Priority 6b:</b>	Communication and interaction: speech, language and communication needs (SLCN)	Cross cutting themes	Cross cutting themes	Cross cutting themes
<b>Infrastructure 1</b>	Engagement, participation and coproduction: working in partnership with children, young people, parent/carers and partners, stakeholders			
<b>Infrastructure 2</b>	Quality assurance: keeping support and provision under review, including services, settings and individual provision made via EHCPs			
<b>Infrastructure 3</b>	Local offer: ensuring that what we say about the local area is of high quality, easy to navigate and performs well			
<b>Infrastructure 4</b>	Sustainability: assuring value for money to achieve financial balance and enable the best use of resources to meet need in the local area			
<b>Infrastructure 5</b>	Workforce development: creating an inclusive local area through a highly skilled workforce			

**Appendix II: Primary need at EHCP and SEN support levels**



**Appendix III: Quality of specialist provision**

	Ofsted rating	Inspected
<b>Specialist provision</b>		
Halcyon Way Special School	Not available	Not available
Hollinwood Academy	Outstanding	04 July 2018
Kingfisher Special School	Outstanding	11 June 2019
New Bridge School	Outstanding	04 December 2019
Spring Brook Academy	Requires Improvement	19 June 2019
The Springboard Project	Not available	Not available
<b>Non specialist key providers</b>		
Oldham College	Good	07 December 2018