

Report for: Children and Young People Scrutiny Panel

Item number:

Title: Special Education Needs and Disabilities Review - December 2020 Update Report on the recommendations

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Ward(s) affected: ALL

1. Describe the issue under consideration

This report provides a scheduled update on the headline activity undertaken to address the recommendations that came out of the Special educational Needs and Disabilities Review 2019. The update follows the previous update to the Children and Young People Scrutiny Panel in March 2020.

2. Recommendations

- i) To agree the December 2020 updated responses to the Overview and Scrutiny report recommendations (attached as Appendix 1).
- ii) To refresh themselves/revisit the 2019 Overview and Scrutiny Update Report on SEND (link below).

3. Background information

- 3.1 The Children and Young People's Scrutiny Panel (CYPSP) produced a report on Special Educational Needs and Disability (SEND). The review was set up in response to concerns among parents and carers regarding support for children and young people with SEND.
- 3.2 It is a large and complex area and so the focus was primarily on Social, Emotional and Mental Health needs and autism in order to ensure a manageable scope.
- 3.3 The recommendations made in the CYPSP report can be used to help guide the service in its journey of development and improvement and it provides a clear direction of travel to help achieve this improvement.
- 3.4 The recommendations are positive, and many are either already being incorporated into service improvement or can be incorporated going forward. The report, which is comprehensive and detailed is a helpful framework to inform the improvement of the service going forward.

- 3.5 In March 2020 CYPSP received a report updating on progress against the recommendations made in the CYPSP Scrutiny Review Report of 2019.
- 3.6 The review recommends a number of measures to reduce pressures in SEND. The reduction in waiting times for EHCP will help schools to direct the right level of resources to accommodate pupils with SEN Plans. Early intervention will reduce cost over time.
- 3.7 Haringey's key priorities for the revised SEND Strategy are to identify children sooner and intervene earlier; to enable more children to be educated and supported in borough (which is more cost-effective than children being educated at out of borough SEN provision) in either maintained and academy provision where appropriate.

4. Contribution to strategic outcomes

- Outcome 5: Happy childhood: all children across the borough will be happy and healthy as they grow up, feeling safe and secure in their family, networks and communities.
- Outcome 6: Every young person, whatever their background, has a pathway to success for the future.

5. Finance

- 5.1 There are significant pressures across the country on the High Needs Block Element of the DSG funding due to continued growth in demand for and complexity of Education Health and Care Plans (EHCPs) and children requiring specialist SEN provision.
- 5.2 In 2019-20 the Secretary of State announced that the funding for schools and high needs, will rise by £2.6 billion for 2020-21, £4.8 billion for 2021- 22, and £7.1 billion for 2022-23. There is therefore more funding available through the formula. However, due to the nature and complexity of budgets, the increased level of funding is currently not sufficient for local authorities to meet their demand.
- 5.3 In Haringey as in local authorities across the country a robust strategy and including annual reviews of EHCPs are required to ensure that plans are ceased and monitored regularly.
- 5.4 The predicted High Needs Block forecast financial position for the financial year 2020-21 at period 8 is an in year deficit of £5.278m. Which creates a cumulative £15.34m deficit which is based upon the deficit brought forward of £2.229m from 2018-19 and the deficit of £7.838m brought forward from 2019-20.

6. Legal

6.1 The Scrutiny Panel recommendations relate to a broad range of the Council's statutory obligations in relation to SEND. Those most relevant are:

- To secure sufficient schools are available in their area (section 14, Education Act 1996).
- To make arrangements for alternative educational provision where children of compulsory school age may not otherwise receive suitable education, by reason of illness, exclusion or otherwise (section 19, 1996 Act).
- To work with schools, for example by seeking information about what provision may be needed (regulation 6, 2014 regulations).
- To seek information from an educational psychologist about what provision may be needed (regulation 6, 2014 regulations). As set out in the Code of Practice, this should normally be commissioned by the Council.
- Where the Council requests the co-operation of a body such as the NHS in securing an EHC needs assessment, that body must comply with such (regulation 8, 2014 regulations).
- To send out a finalised EHC plan as soon as practicable and in any event within 20 weeks of receiving a request for an assessment or becoming responsible for the child. (regulation 13, 2014 regulations).
- Where the Council determine that it is not necessary for special educational provision to be made in accordance with an EHC plan, to give notice as soon as practicable (regulation 10, 2014 regulations).
- The duty to review EHC plans It must also invite the parents, educational provider and relevant health care professionals to a review meeting (regulations 18-20, 2014 regulations).
- The duty to make the necessary travel arrangements for eligible children with special educational needs (section 508B, 1996 Act).

7. Equalities

7.1 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share those protected characteristics and people who do not foster good relations between people who share those characteristics and people who do not.

7.2 The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status apply to the first part of the duty.

8. Local Government (Access to Information) Act 1985

The background documentation relating to this paper can be accessed via the following link

<https://www.haringey.gov.uk/local-democracy/how-decisions-are-made/overview-and-scrutiny/scrutiny-reviews/scrutiny-reviews-2018-19>