

Meeting: Overview and Scrutiny Board **Date:** 15 March 2023

Wards affected: All

Report Title: Special Educational Needs and Disabilities (SEND) Local Area Strategy

When does the decision need to be implemented? As soon as possible

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1. Purpose of Report

- 1.1 Following the SEND (Special Educational Needs and Disabilities) inspection of the Local Area in November 2021, the inspection report issued in January 2022, requested that the Local Area develop a written statement of action showing how they intend to address the significant weaknesses outlined in the report. The Written Statement of Action, approved last May 2022, defines eight areas of improvement. A SEND Strategy for the whole Local Area is one of these eight areas.
- 1.2 The purpose of this report is to set out the priorities in our Local Area SEND Strategy so that board is fully aware of the priorities which have been coproduced by key stakeholders in our Local Area.
- 1.3 the five coproduced priorities in this strategy are:
 - Priority 1: SEND is everyone's business – embedding our values through education, health and social care, changing culture and reforming our workforce
 - Priority 2: Identify and act on children's needs at the earliest opportunity, through valuing lived experience and expertise
 - Priority 3: Understand the needs of our children, young people and families and make sure joint commissioning supports service delivery and we make best use of all resources
 - Priority 4: Make sure that all early years providers and mainstream educational settings support an inclusive approach to education
 - Priority 5: Improve transition planning for young people moving into adulthood

2. Reason for Proposal and its benefits

- 2.1 The proposals in this report help us to ensure that the residents of Torbay can thrive with a new 'pledge' to change our culture and how we work with children, young people and their families.
- 2.2 The provision of services to support children and young people with SEND is a statutory duty for the local area (local authorities and ICB). Provision of such services is a cornerstone of enabling the local community to thrive, and to supporting children and young people in having high aspirations. For children looked after with SEND, such services play an integral role in the Council delivering its duties as corporate parent.
- 2.3 As a Local Area we need to ensure that our SEND Strategy is fit for purpose and will enable us to work together as a whole Local Area to ensure Children and Young People with Special Educational Needs can thrive. As a statutory service, we are regularly inspected by Ofsted and the Care Quality Commission (CQC).
- 2.4 The SEND Strategy has been coproduced by members from the entire Local Area, including collaborating with Children and Young People and with a group of parents from our parent/carer forum, SEND Family Voice Torbay. This collaboration ensures that the ownership of the new strategy is embedded across all our organisations so that we can best work together for the benefit of our children and young people in Torbay.

3. Recommendation(s) / Proposed Decision

1. We request that the priorities in this SEND Strategy are shared and understood by all board members so that they can support with its implementation.

Appendices

The SEND Strategy

Background Documents

SEND Code of practice 0-25 years (published 2014)
Inspection Report on the Torbay SEND Local Area Inspection
Torbay Written Statement of Action
Green Paper on SEND March 2022

Appendices

Appendix 1: SEND Strategy

Supporting Information

1. Introduction

- 1.1 This SEND Strategy is one of the eight areas of improvement resulting from the Written Statement of Action after the Torbay Local Area inspection in November 2021.
- 1.2 This SEND strategy is a collaborative piece of work which gives a direction of travel for SEND across the Local Area. It is a departure from the usual creation of strategies, having been completely coproduced with our children, young people and families.
- 1.3 In particular this strategy places the views of children, young people and their families completely central to our strategy, as the Code of Practice states:

Section 19 of the Children and Families Act 2014 makes clear that local authorities, in carrying out their functions under the Act in relation to disabled children and young people and those with special educational needs (SEN), must have regard to:

- the views, wishes and feelings of the child or young person, and the child's parents*
- the importance of the child or young person, and the child's parents, participating as fully as possible in decisions, and being provided with the information and support necessary to enable participation in those decisions*
- the need to support the child or young person, and the child's parents, in order to facilitate the development of the child or young person and to help them achieve the best possible educational and other outcomes, preparing them effectively for adulthood (Paragraph 1.1 of the Code of Practice 2014)*

- 1.2 And in particular:

Local authorities should do this in a way which ensures that children, young people and parents feel they have participated fully in the process and have a sense of co-ownership. This is often referred to as 'co-production'. (Paragraph 4.9 of the Code of Practice 2014)

- 1.3 The inspection of the local area also found joint working to be a key weakness. This strategy has been completely coproduced with all the key stakeholder organisations from our Local Area, addressing a key concern from our inspection report:

Area leaders have only just started to work together to implement the SEND reforms. Leaders have been slow to turn their focus to this important work because of the urgent need to deal with the historical weakness in children's services. Although there are signs that area leaders from the CCG {now ICB} in Devon are working more effectively with children's services, this is very recent. Owing to a long history of inaction centrally, the

impact of this new commitment is limited. Consequently, there remains a lack of joint working between services to tackle the issues with the pace of change that is needed.

- 1.5 On 28 and 29 March 2022 (respectively) the Government published its Schools White Paper and its Green Paper on the review and reform of SEND. The key elements of the White Paper include a move towards a fully academized school system whilst the key elements of the Green Paper include greater emphasis on inclusion in mainstream schools (and a requirement for councils to publish local inclusion plans), early intervention and greater clarity on responsibilities across health, children and adult social care, education and skills. Although these papers are not yet statutory this SEND Strategy has been written with these guiding principles in mind so that it is fit for the future.
- 1.8 SEND Action Plans are currently being coproduced on the five priority areas identified in the strategy. These will ensure that our strategy priorities can be delivered at pace and thus make real and tangible positive change for our children and young people with SEND and their families.

2. Options under consideration

- 2.1 For this SEND Strategy to be approved so that its implementation can formally begin.

3. Financial Opportunities and Implications

- 3.1 The Written Statement of Action does not, by itself, contain any financial implications. However, implementing the actions contained in the statement will require considerable staff capacity from Torbay Council and other organisations across the Local Area.
- 3.2 In addition, there is reference within the new strategy to address the significant overspend in the High Needs Block (the financial element that, in the main, is used to fund support for children and young people with SEND). The local authority is required by the DfE to take action to address the overspend and ensure it is reduced to within budget. This is integrated into the key performance indicators of the strategy.

4. Legal Implications

- 4.1 Implementing the reforms as outlined in the SEND Code of Practice 2014 is a statutory duty for the local authority. Failure to carry out such duties can result in intervention from the Department for Education.

5. Engagement and Consultation

- 5.1 A Working Party made up of colleagues from across the Council (Education, Social Care and Public Health) as well as key partners from health and the voluntary and community sector were formed last May 2022 upon the approval of the Written Statement of Action.
- 5.2 This working party has met twice monthly since then to coproduce this new SEND Strategy.
- 5.3 The key priorities within the strategy were created from all members of the group identifying what they felt were priority actions for the Local Area.
- 5.4 The parent/carer forum (SEND Family Voice Torbay) were members of the working party and further collaborated with other parent/carers to both identify the priorities within the strategy and give input as to how best to tackle them.
- 5.5 Children and Young People were involved in the process both in identifying the priorities that mattered to them and by telling us what they felt “good” would look like for each area.
- 5.6 At a recent coproduction event colleagues and parents from across the Local Area worked together to design how each priority area could be tackled.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 As the SEND Strategy is further developed there may be changes to provisions and services which are a result in the changing priorities of the new strategy.

7. Tackling Climate Change

- 7.1 The Written Statement of Action does not address elements of the Council’s plan to tackle climate change.

8. Associated Risks

- 8.1 The key corporate risk remains the failure to deliver services for Children and Young People with SEND which enable them to thrive. The mitigations of this risk are the huge number of improvement works, which this strategy gives overview of, which are working to deliver improved services for SEND.

9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

- 9.1 The successful implementation of this SEND Strategy should enable children and young people with SEND to meet their expected outcomes and thrive in all aspects of their lives.

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	Young people 0-25		
People with caring Responsibilities	Yes – carers of children and young people with SEND.		
People with a disability	Yes – Children and Young People with a disability aged 0-25		
Women or men			No differential impact
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			No differential impact
Religion or belief (including lack of belief)			No differential impact
People who are lesbian, gay or bisexual			No differential impact
People who are transgendered			No differential impact
People who are in a marriage or civil partnership			No differential impact
Women who are pregnant / on maternity leave			No differential impact
Socio-economic impacts (Including impact on child poverty issues and deprivation)			No differential impact
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	Improved early identification of need and early support for a special educational need.		

10. Cumulative Council Impact

- 10.1 A SEND Strategy fit for purpose and for the future will give a clear direction of travel so that the Local Authority can be assured that its responsibilities for children and young people with SEND are being met successfully.

11. Cumulative Community Impacts

- 11.1 A SEND Strategy will give positive outcomes for both children and young with SEND and their families because its implementation will mean that their needs are successfully being met.