



# Torbay's Special Needs & Disability (SEND) Strategy

Vision and Priorities 2016-20



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## Foreword

Our goal is for every one of our children and young people in Torbay to be safe, healthy, happy, and ambitious for their future, and to develop skills for life. This is our aim for all children, including those with Special Educational Needs and Disability (SEND). We want them all to have the opportunity to be the best they can be and to have choice and control over their support.

The recent changes in legislation and ambitions for children and young people with SEND, provide a golden opportunity to improve all our services, working with stakeholders, providers, parents and children. The principles of co-production and transparency are at the heart of this approach as the local authority cannot realise the ambitions of the SEND Strategy without the input and contributions of others.

The number of children presenting with additional needs is increasing both locally and nationally. This reflects, in part, on improvements in medical and diagnostic processes, which are to be welcomed. However it all poses a challenge in ensuring we can meet the needs of the children. The SEND Strategy provides the framework within which services can develop in an affordable and sustainable manner in the interests of Torbay children.

Thank you for your continued support and continuing contribution to an area of work focused on meeting the needs of some of our most vulnerable children and young people.

Andy Dempsey

Director of Children's Services



# Section One

## Introduction

This document sets out the Local Authority (LA) strategy for improving outcomes and life chances for children and young people with Special Educational Needs and Disabilities (SEND) across the local area. The LA has led the strategy and recognises that its success lies in the effectiveness of the partnership between all stakeholders. The strategy sets out what the local area will aim to achieve through partnership arrangements between the LA, educational settings, parents/carers, children and young people, other agencies and services in health and social care, including adult services and the voluntary sector. The following diagram depicts the definition of the local area.



The SEND strategy is a key element in delivering aspects of the Torbay Children and Young People's plan for 2014-2019 and Torbay's Strategy for Achieving Educational Excellence Everywhere for 2016 to 2020. These plans aim to give all children and young people the best start in life so they are safe, happy and healthy to reach their full potential.

Through the adoption of this strategy it is our intention to further join up help across education, health and care, from birth to 25. Ensuring help is offered at the earliest possible point, with children and young people with SEND and their parents fully involved in decisions about their support and what they want to achieve. This will help lead to better outcomes and more efficient ways of working.

## The Vision

Our vision is for a well-planned continuum of provision from birth to 25 in Torbay that meets the needs of children and young people with SEND and their families. This means integrated services across education, health and social care which work closely with parents and carers and where individual needs are met without unnecessary bureaucracy or delay. It also means a strong commitment to early intervention and prevention, so that children's and young people's needs do not increase because early help is provided in a timely way.

We believe that every Torbay child and young person should have their needs met, as far as possible, in their local community, in local early years providers and schools, in Further Education colleges and work places and that they should be offered high quality provision which ensures good health and care and good education progress and achievement.

We expect every early years provider, mainstream school and post 16 setting to make effective provision for disabled children and those with SEN so that they make good progress in their learning and can move on easily to the next stage of their education and later into employment and independent adult life.

We also expect education, care and health services to be delivered in an integrated way so that the experience of families accessing services is positive and children's and young people's safety, well being and health outcomes are well promoted alongside their educational progress and achievement.

Our vision is to have effective services in place for young people with additional needs up to age 25. It is our expectation that the education and training offered by post 16 providers will take into account the assessment of pupils' needs and strategically plan to meet the aspirations of pupils during this phase and beyond. This will be reflected in the wide variety of high quality options for post 16 education and training, giving young people the choices and opportunity to work towards their aspirations, ensuring where appropriate that there are pathways into employment and independent living.

To ensure that young people are recognised as full citizens with their own contributions to make to their local communities and society, we will embed and strengthen the process of supporting their transition to adulthood. To do this, we will recognise the strengths of previous experiences, building on effective strategies for continuity and progression, ensuring that transition is a good experience for every young person, leading to strong outcomes.

We believe that every Torbay child and young person who is disabled has the right to live as ordinary life as possible in the local community, with easy access to local schools and support services they and their families need. Some young people with the most complex needs will continue to require significant levels of help and we aim to ensure they and their families can work with us to shape the services that will best ensure good outcomes for them and their inclusion in society.

In delivering our vision we will ensure our approach is family centred. We will ensure that parents, children and young people are involved in discussions and decisions about every aspect of planning, including making provision to meet local needs.

This will be achieved through their direct involvement in planning and reviewing the local offer; reviewing special educational provision and social care provision and drawing up individual EHC plans, reviews and assessments.

## **Legislative Framework**

Local authorities must fulfil their statutory duties towards children and young people with special educational needs or disabilities in the light of the guidance set out in the Special Educational Needs Code of Practice – January 2015. This Code of Practice provides statutory guidance on duties, policies and procedures relating to Part 3 of the Children and Families Act 2014 and associated regulations.

See appendix 2 for further information.

## **Key principles of the legislation**

The law aims to improve the system by giving more importance to the views, wishes and feelings of children and young people and their families. It is based on these principles:

### ***Participation***

Local authorities and health partners must work with parent carers and young people to improve services in their area, for example through their local parent carer forum.

### ***Outcomes***

Local authorities must offer support in a way that enables children and young people with SEND to achieve the best possible educational progress, and helps them do what they want in their lives as they grow up.

### ***Joint decisions***

Local authorities must make sure that young people and their families get the right information and support to take part in decisions which affect them.

### ***Joint working***

Education, health and social care services must work more closely together when they are deciding the support available for children and young people with SEN and disabilities in their area.

## **Statutory Accountability**

There are two inspectorates, Ofsted and the Care Quality Commission (CQC), that hold local areas to account and champion the rights of children and young people. Under the local area special educational needs or disabilities (or both) inspection framework, inspectors review how local areas meet their responsibilities for children and young people (from birth to age 25) who have special educational needs or disabilities (or both).

The Inspection Framework began in April 2016 and all local areas will be subject to an inspection during the next 5 years. The delivery of this strategy will help the local area to meet the requirements of the regulator.

## **National Strategic Context**

This strategy is being published at a time of significant change, with some of the biggest shifts in national policy for over 30 years. The strategy is intended to ensure that Torbay is well positioned to continue to embed the implementation and maintenance of those changes for the benefit of children, young people and families.

The Children and Families Act 2014 offers simpler, improved and more consistent help for children and young people with SEND. The new system extends the rights and protections to children and young people by introducing streamlined, integrated education, health and care plans, extending provision from birth to 25 years of age and strengthening co-production principles.

The reforms, which came into force in September 2014, require:

- A cultural change in the way in which we listen to and engage with children, young people and their parents and carers enabling them to make informed choices.
- The local authority to develop and publish a Local Offer, and to work closely with the NHS, schools and post-16 settings to use resources through joint commissioning to improve the range of support available in a local area.
- A more flexible model of joint commissioning that promotes access to personal budgets, focuses on specific groups of children or areas within the borough and ensures that children and young people's needs are met.
- Better commissioning of new provisions to ensure needs are met in local schools, post 16 settings and by local community services.
- Positive transitions at all key stages within a 0-25 age range, especially a more successful transition to adult life.
- A skilled workforce that is able to meet the needs of children and young people with SEND and those who are disabled.
- Services that support families to meet their children's needs and help children to remain in their local community.

The Act sets out the expectation that children and young people with special educational needs should be included within the activities of mainstream schools and post 16 settings. Schools and post-16 settings have statutory duties under the Equality Act 2010 to ensure that they do not discriminate against children and young people with SEND. They should ensure that pupils with SEND can be involved in every aspect of school life. This may involve changing the way educational settings teach pupils. Pupils should have access to a mainstream setting alongside pupils who don't have SEN where this is reasonably practical and possible

The SEND Code of Practice provides statutory guidance relating to Part 3 of the Children and Families act. The SEND Code of Practice places significant duties on the local authority and area.

The Care Act 2014 requires local authorities to ensure co-operation between Children's and Adult' services and to promote the integration of care and support with health services. This is so that Young Adults are not left without care and support as they make the transition between Children's and Adults Social Care.

Definitions of disability and special educational needs can be found in appendix 3.



## Section Two

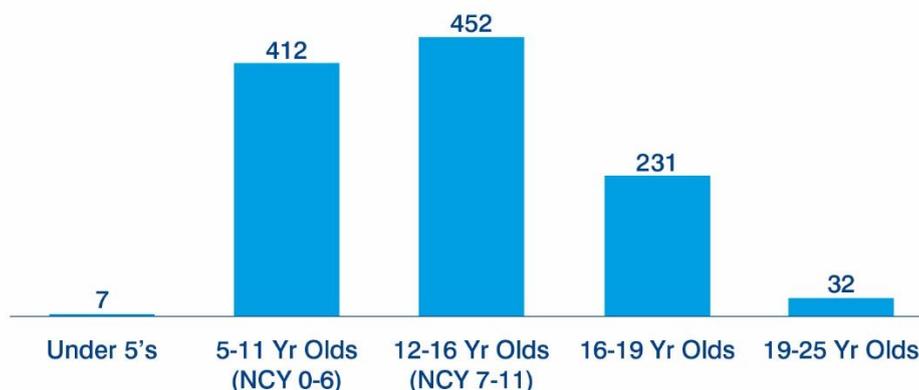
# Torbay's Current Context and Performance

There are currently 26,745 children and young people under the age of 18 living in Torbay (ONS mid- year 2015). 20,055 children and young people attend state-funded schools in Torbay (January 2016 school census).

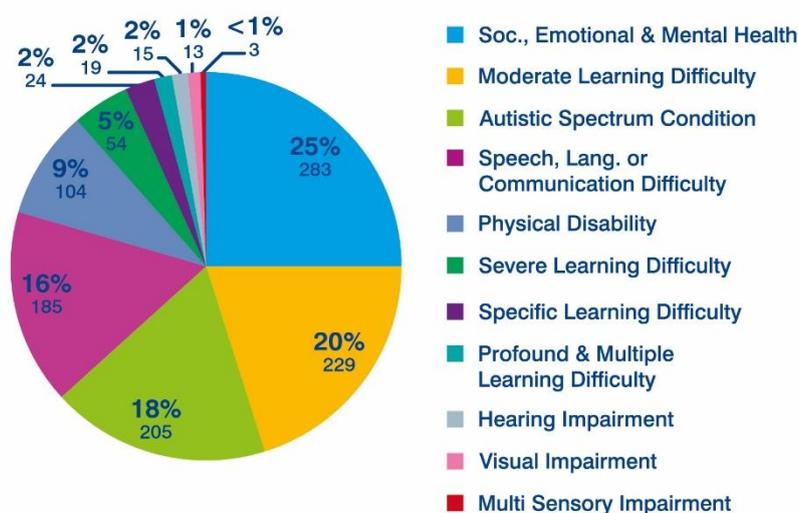
Torbay has a high proportion of children and young people with Statements / Education, Health and Care Plans. This equates to 4.4% of the pupil population compared to 2.9% nationally. This figure includes all types of schools including free schools and independent schools (school census 2016 as reported in Local Authority Interactive Tool (LAIT))

The SEND legislation covers the age range 0-25 years. The total number of Torbay pupils with EHC Plans / Statements is 1134 (as of 30/1/17). The following charts demonstrate the number of pupils with either an EHC Plan/Statement by age band and the primary identified need.

**Statements and EHCPs by Age Band**



## Statements and EHCPs by Primary Need



### Transfers of Statements to EHC Plans

In September 2014 the LA introduced the statutory Education Health and Care (EHC) needs assessment and began the process of transferring Statements to EHC plans. This included the introduction of EHC plans for learners with SEND up to the age of 25, transferring Learning Disability Assessments to EHC plans where requested and needed.

In September 2014 Torbay had a target of 888 Statements of Special Educational Needs to transfer to Education, Health and Care plans. At the time of writing (January 17) 53% (471) had been transferred with a remaining 47% (417) statements to be converted. Torbay has a detailed plan demonstrating the timescales for transferring statements to EHC plans and is accessible at [www.torbay.gov.uk/SEN](http://www.torbay.gov.uk/SEN).

### New Requests for Statutory Assessments

Since September 2014 the LA have seen a 30% rise in requests for new assessments. The percentage of requests for statutory assessment that have been refused has risen from 14% in academic year 2013-14, to 23% in 2015-16. This indicates that thresholds are being robustly applied and more work is needed to strengthen early identification and school support for learners with special educational needs.

The following table shows the new requests for statutory assessment by Academic year and the conversion rates for agreement/refusal.

	<b>Sept 13 – Aug 14</b>	<b>Sept 14 – Aug 15</b>	<b>Sept 15 – Aug 16</b>
<b>Requests for Statutory Assessment</b>	133	164	175
<b>RSAs agreed</b>	115 (86%)	142 (87%)	135
<b>RSAs refused</b>	18 (14%)	22 (13%)	40

When a request has been agreed the LA has to complete the process within 20 weeks. The performance of the authority is well above national average.

The table below details the timescale performance for agreed and issued EHC plans.

	<b>Sept 13 – Aug 14</b>	<b>Sept 14 – Aug 15</b>	<b>Sept 15 – Aug 16</b>
<b>EHC plans completed within timescales</b>	104 (90%)	123 (89%)	103 (82%)
<b>EHC plans completed over timescales</b>	11 (10%)	15 (11%)	22 (18%)
<b>Left Area / Not Issued / Not required</b>	0	4	5
<b>Assessment in Progress</b>	0	0	5

## Current Provision and Accessibility

Children and young people in Torbay may attend mainstream early years settings, schools or colleges or specialist provision such as mainstream schools with enhanced resource provision or special schools.

Information about provision for learners is published on the Torbay Local Offer. All schools publish their SEN Information Report which will detail the support they provide. Information about Resource Provision in mainstream schools and special schools is on the Local Offer.

In addition to mainstream provision the LA has developed a number of enhanced resource provisions that are delivered by mainstream providers. These include the following:-

- Preston Primary School (Autistic Spectrum Condition)
- Barton Academy (Speech & Language Therapy)
- St Margaret's Academy (Hearing Impairment)
- The Spires College (Hearing Impairment)
- Brixham College (Autistic Spectrum Condition)

Torbay also has a strong network of special schools that meet the needs of pupils that cannot be accommodated in mainstream provision. These include:-

- Combe Pafford School
- Mayfield School (including Chestnut Centre)
- Torbay School

For some pupils their needs are also met outside of the local area through alternative and bespoke provisions.

***Currently 43% of the local area pupils with Statements / EHCPs attend a special school or an independent provision.***

To ensure appropriate pathways exist for students aged 16 -25 the local authority continues to work with and grow the following providers

- Combe Pafford School
- Mayfield School
- South Devon College
- Independent specialist provisions.

The LA also commissions Careers South West to ensure young people remain in education, employment or training through targeted work and planning.

To continue to develop the provision on offer, the Local Authority has been developing its Schools Accessibility Strategy for 2016-2020 in consultation with schools, children and young people and their families.

The aim of the strategy is to improve access arrangements in schools for children and young people with special educational needs and disabilities.

In addition the Local Authority removes barriers to accessibility through the robust implementation of the Home to School Transport Policy. This policy sets out the eligibility for assistance for pupils with a statement / EHC plan. Many children and young people with SEN qualify for assistance, based on mobility problems, associated health and safety issues of their special educational needs or on the grounds that their disability prevents them from walking to the establishment with an adult.

This offer is also extended to students aged between 16 -18. Where students because of special educational need or a disability are not able to walk or travel by bus to their education setting, transport assistance will be provided (supplemented by a contribution to the cost).

### **Funding to support learners with special educational needs and disabilities**

In 2013 the government changed the way in which all maintained schools, academies and non-maintained special schools were funded, including arrangements for funding SEND provision. The intention of the funding reform was to:

- Achieve a simpler, more transparent and consistent system of funding for schools and better focus on the needs of pupils;
- Achieve maximum delegation of funding to schools to ensure education funding reaches the schools and pupils according to need;
- Ensure that funding is arranged on an equivalent basis across providers so that arrangements are transparent and improve choice for young people and their parents.

It is a mandatory requirement for schools to provide up to the first £6,000 of additional support for all pupils with special educational needs from this delegated funding. Top up funding over £6,000 is then allocated from the high needs block to meet assessed needs.

Special schools are funded on a commissioned number of places at a fixed amount per place. Top up funding is then allocated from the high needs block according to the provision required to meet individual pupil needs. The same funding principles also apply to post-16 provision in further education colleges.

All mainstream schools including academies and free schools are expected to use their delegated budget to deliver high quality outcomes for all children and young people including those with special educational needs and/or disability.

Torbay currently allocates more than £26 million annually in supporting the needs of children and young people with SEN and those who are disabled.

The above figure includes the £10million allocated in the mainstream school budget, with the remainder being the Higher Needs Block of £16million. The Higher Needs budget is spent on commissioning places in special schools, top up funding in mainstream schools, colleges and early years, the cost of SEN support services and alternative provision for children and young people of all ages.

**Performance of learners with special educational needs** Current educational attainment for pupils with special educational needs is variable compared to both national and statistical comparisons.

Within the Early Years, children in receipt of SEN support achieve an equivalent level of good development compared to the same national group. Currently 26% of pupils with SEN support achieve a Good Level of Development (GLD). For children with a statement/EHCP Torbay is slightly below the national trend. Currently 3% of Torbay EHCP children achieve a good level of development compared with 4% nationally.

The trend is different at Key Stage 2. In 2016, 13% of Torbay pupils with SEN support achieved the expected standard in a combined level for reading, writing and maths.

This is below both the national level of 16% and the statistical neighbour group at 17%. Torbay is ranked 95th out of 152 authorities.

For pupils with a statement /EHC plan the outcomes at Key Stage 2 are different. 9% of Torbay pupils with a statement/EHC plan achieved the expected standard for a combined level in reading, writing and maths. This compares favourably to the 7% nationally and is in line with the LA statistical neighbours. For this indicator Torbay is ranked as the 27th performing LA out of the 152 local authorities.

The outcomes at Key Stage 4 are not maintained within the Local Area.

At the end of Key Stage 4 in 2015 3.8% of pupils with a statement/EHC plan achieved 5 good GCSE grades including English and Maths compared to 8.8% nationally and 6.8% in statistical neighbours. Torbay ranked 130th out of the 152 local authorities. Work is underway to develop a process for measuring the % of young people with SEND who move into paid employment following post 16 education, starting from September 17. As a local area we will focus on raising aspirations and realising a sustained rise in the % of young people moving into meaningful employment.

### **Our approach to work with children, young people and their families**

Torbay recognises that children, young people and their parent's value support. The local area has arrangements in place for information, advice and support from an easily accessible service. Torbay has taken the decision to externally source a

provider to deliver this advice, ensuring it is confidential, impartial and independent information. Special Educational Need and Disabilities, Information, Advice and Support Service (SENDIASS) dealt with 204 independent support queries and 111 information and advice queries in 2016. The work of the service is highly regarded and valued by young people, parents and professionals.

Personalisation is at the heart of the practice that is being developed within Torbay. For the local area this means putting children, young people and their families at the centre of the Education, Health and Care (EHC) process. The local area takes action in a number of ways to achieve personalisation this includes:

- Person-centred approaches where children with special educational needs or a disability are put at the centre of decision making, enabling them to express their views, wishes and feelings;
- Personalising the support which families receive through education,
- health and social care services working in partnership to arrange seamless care and support for them;
- Funding mechanisms, which enable enhanced flexibility, choice and control for young people and their families through the use of direct payments and personal education and health budgets.

Torbay is committed to ensuring that at the initial stages of an EHCP assessment, a SEN Casework Officer will make a face to face meeting in order to discuss the process and ensure all relevant views are sought. This contact also occurs for each case where it is decided not to initiate the assessment process. This ensures there is an understanding of the reasons why it is felt that an assessment is not necessary and provides an interface to give advice and support regarding next steps.

To create greater personalisation Torbay is developing its approach through the use of a personal budget, giving children and young people choice and control over the design of their care and education package. In developing our approach to personal budgets, the SEN Officer will spend time explaining the personal budget option and will look into each request on an individual basis. If a service can meet a young person's needs within a reasonable cost and there are no funding barriers (e.g. block contracts) then the area is committed to work with families to meet their wishes.

The Local Area recognises that meeting the needs of all children and young people are complex. There may be times when we are unable to reach an agreement. Young people and their families have the right of appeal to the SEND Tribunal. Torbay has a strong formal mediation service commissioned across the peninsular from Global Mediation. Torbay has a very low rate of cases which result in formal mediation (1 over the last 12 months) or SEND Tribunal (1 over the last 12 months)

## Local Area Workforce Development

To continue to improve performance the LA has prioritised the development of the workforce. Since the SEND reforms came into force in September 2014 a great deal of awareness raising and training has occurred on a multi-agency basis in order to ensure there is a greater understanding of the legislative requirements and the expectations placed upon the Local Area. Close working arrangements with Health (Designated Medical Officer; Clinical Commissioning Group commissioners; Heads of Therapy Services), Social Care, educational providers, parents and voluntary sector colleagues has provided a platform to develop the approaches to support children and young people with special educational needs and/or disabilities.

Investment has been put in to ensure all professionals understand the value of working effectively together to deliver a quality of provision that is valued by parents. This can be evidenced from the SEND annual events, SENCO training, Joint SENCO group, SEND Operational Leads, Preparing for Adulthood group. It is valued by parents and is evidenced by the feedback forms and phone surveys which are in place.

The SENCO's from early years settings and schools have received training to help them understand and implement reforms effectively. They are able to demonstrate that children and young people with EHCP's/ Statements of SEN, and those identified as receiving special educational needs and/or disabilities support are having their needs accurately assessed and regularly reviewed. The work of SENCO's is of good quality. SENCOs are adept at supporting their colleagues to highlight areas of concern regarding the children and young people they teach. There is a vibrant SENCO Network which is supported by the Torbay Teaching School Alliance (TTSA). Joint facilitation between SEN and the TTSA ensures aspects which have been identified as part of the SEND Audit process are encompassed and addressed.

## Examples of Workforce Development Initiatives Include

### ***Autistic Spectrum Condition***

The rising level of identified autistic spectrum conditions (ASC) is being addressed well. Pathways for those who have ASC are clearly defined and families are benefitting from a multi-disciplinary approach. Funding granted from the Schools Forum has enabled ASC Champions to be identified in mainstream schools and high quality AET training has been cascaded.

Parents recognise the positive difference that this is making and are appreciative of the guidance and support.

### ***Early Bird***

Joint training between Educational Psychologists / Portage / Speech and Language Therapists around Autism has enabled a comprehensive training programme to be maintained that is valued by recipients.

### ***Attachment Training***

Through the work of the Virtual School for Looked after Children, 24 schools have undertaken attachment training. Schools are becoming attachment aware and staff confidence and knowledge has increased. The training has also been completed by Educational Psychologists and CAMHS professionals.

To build the momentum a support group has been set up for those who have completed the first round of training, this group is being led by the educational psychology service.

### **The services and organisation working to deliver the SEND agenda**

The SEND reforms re-emphasised the importance of working together to safeguard, assess and meet the needs of children and young people with SEND. The development of the workforce will continue to ensure that everyone who comes into contact with children and their families and carers has a role to play in safeguarding children.

### **Early Years**

Torbay has a strong network of early years providers and children's centres that are supported by a high quality advisory service. To identify children at the earliest stage a system has been developed for bring forward a 2-3 year integrated review for all children conducted between Health Visitors and Early Years Providers.

Through this process identification of any additional need will be shared between professionals to ensure timely interventions and/or referrals as appropriate.

As well as setting based SENCOs the Local Authority also has a dedicated Early Years Inclusion Teacher and Portage Team.

Young children with an identified need and their families in early years settings are well supported by practitioners following the 'graduated approach'. The establishment of a multiagency meeting involving the Portage Home Visitor, Educational Psychologist and the Inclusion Advisory Teacher ensures

The most needy of our early years aged children in Torbay are receiving timely support and intervention to enable them with their start to school

- Transition meetings are arranged for all the children at SEN Support and/or with an EHCP, involving the SENDCo of the educational setting and the young children's carers/parent. Following this, a plan is agreed.
- Setting SENDCos are developing confidence and skills through attending SEND training events organised by the advisory teacher for early years inclusion. Some early years settings are working collaboratively to organise their own 'in house' training events.
- Parents/carers have the opportunity to be clearly informed of an individual early years setting's SEND provision through using the Torbay Local Offer.

For the academic year of 2015-2016, 99 children were identified as having additional needs and/or a disability and known to the Early Years Inclusion Service. 66 children were referred between September and the following August, and 33 children were already known to the service from the previous academic year. For many of these children their needs were met in their local community early years setting, supported by additional investment from the Activity Led Funding for Early Years (ALFEY) budget.

### **Early Help**

The Early Help Team Co-ordinator attends the SEND Panel as the designated Social Care Officer. The SEND Team are also represented at the Early Help Panel by an EHCP Co-ordinator or Portage Worker Lead. This enables timely advice on SEND resources, enabling efficient access and identification.

### **Children with Disability Team**

Torbay Children's Services have the Children with Disability Team comprising of social workers and community care workers who support children under 18 with a disability and their families. The team work with children who may present challenges to their families and aim to coordinate appropriate support packages which involve other specialist practitioners such as CAHMS, Learning Disability Team and Health Professionals.

The team's work also includes the management and support of holiday play schemes, Saturday Clubs and Short Breaks services for children with SEND.

### **Looked after Children's Team**

Children who are in care of the local authority have the opportunity to have their views considered by a range of communication methods and the team works closely with advocacy agencies. Children in care are a priority with professionals carefully considering appropriate school placements and the package required to meet their educational needs.

Torbay has a vibrant Virtual School consisting of a Head Teacher, Secondary and Primary Teachers and an attendance/pastoral support officer. Close liaison between the SEN Team and the staff within the Virtual School ensures that students with SEN receive the appropriate level of support.

In November 2016, 66% of the Torbay CLA Cohort were known to SEND with 42% receiving SEN support and 24% having a statement/EHC plan.

### **Youth offending team**

The Local Authority recognises that the principles underpinning the Code are now also relevant when supporting detained persons. There is close collaboration between the SEN Team and the Youth Offending Team to develop protocols to ensure that data sharing is effective and that all steps are taken to improve the

educational outcomes and prepare for adulthood for children who have been part of the youth justice system.

### **Transition from Children's to Adult Services**

Links with Adults Services have been strengthened to ensure a clear transition pathway is in place. Staff from Children's and Adult Services effectively work together, sharing information about young people aged between 14 and 18 who have an identified need. From the age of 16 and subject to assessment, Adult services will work with the young person, their family and supporters to progress their transition and contribute to their EHCP plan, potentially until age 25.

A transition coordinator is assigned to all young people. They look at young person's current needs, the cost and possible support they may need as an adult and assess the level and type of support that is required.

This is a relatively new process and the local area continues to grow and develop this partnership to achieve the best future outcomes.

### **Clinical Commissioning Group**

With the local area there is one clinical commissioning group (CCG). This is South Devon and Torbay Clinical Commissioning Group. In line with the SEND code of practice the CCG has commissioned a Designated Medical Officer who supports the CCG to meet their statutory duties and provides a point of contact for local partners. The designated Medical Officer is actively engaged with the development of SEND and attends the fortnightly SEND Panel and SEND steering group.

### **Joint commissioning across education, health and social care**

The local area SEND operational leads group is made up of officers from education, health and social care teams. The group meets regularly and it aims to identify and review potential areas for joint commissioning activities linked to the SEND reforms. It also links to the review of current joint commissioning services where SEND is a factor. The terms of reference can be viewed at [www.torbay.gov.uk/send-reforms](http://www.torbay.gov.uk/send-reforms)

The CCG is currently in a pre-procurement phase in respect to all Children's Community Health Services. This provides an additional opportunity for the local area to commission services in line with need.



## Section Three

### Challenges

The challenges facing the local area in the delivery of meeting special educational needs are complex and cannot be underestimated for the numerous leaders working at both a local, regional and national level.

The critical challenges to overcome are:-

#### National School Funding Reform

The Department for Education is currently consulting on a reform that will change the current system for distributing school funding. The government has started a process of introducing a national funding formula from 2018 – 2019. The plans would remove the local areas ability to manage the additional demands on higher needs funding by using the central dedicated schools grant. In 2019 the local authority (local area) will receive an allocation of funding for children and young people with high level special educational needs. The funding level to be awarded is also subject to consultation and has not been determined.

Within these proposals there is also the removal of the statutory function to have a schools forum to determine spend across the local area. This could result in a lack of investment from stakeholders towards common aims that have previously been centrally co-ordinated through the forum. For example the investment into a Tier 2's mental health service or centralised training for Autism.

Early analysis of anticipated spend and a review of budgets demonstrates that the local area Higher Needs Block would be in a deficit position without the creation of a statementing contingency fund from the central designated schools block. In 2018 this is anticipated to be approximately £300k.

The Higher Needs Block is also volatile due to an increased expectation to meet the needs of Post 16 pupils. This new duty has not been matched by the allocation of new funding.

To overcome this challenge we will:-

- Share intelligence with schools, systems leaders, partners within the local area to ensure that the challenge is understood.
- Contribute to the current and future consultation processes and make representation to Ofsted and the Regional Schools Commissioner.
- Use the Department for Education Grant to review higher needs spending and implement a specific action plan to address recommendations.
- Facilitate an equivalent body to School Forum.
- Review and apply the thresholds used to allocate higher needs funding.

## Sufficiency of Placements

The Local Authority is one of many stakeholders who can contribute to the development of creating new provision for pupils with special educational needs. Torbay has taken action to commission additional placements with existing schools, colleges and special schools within the local area. The current capacity of providers to expand the offer further is limited; this is compounded by the demographical demand to create more provision at all phases.

Current Free School policy (a term used for all new school post May 2015) will create some new opportunities for growth through additional capital and revenue investment. However the policy requires a commitment from cross border authorities to commission placements for a bid to be considered.

The Local Area has not historically attracted national independent providers. Successful work has been carried out between the SEN team and local organisations to generate some bespoke post 16 arrangements. The capacity to use independent providers that are not registered with Ofsted is also a key factor; much work will need to be undertaken with independent provision to ensure that they are able to meet the requirements of an Ofsted registration and regulation process.

To overcome this challenge we will:-

- Complete an accurate assessment of the provision within the local area.
- Publish a needs assessment and share widely with key stakeholders to bring about market interest.
- Identify sites and existing assets to plan for growth and new provision
- Maintain and utilise relationships with cross border Officers, Multi Academy Trusts, Regional Schools Commissioner office, Department for Education and Education Funding Agency.

## Maintaining Inclusive Practice

In a diverse provider landscape the local area must exercise a range of roles and remain committed to the inclusion of children and young people. The Local Authorities ability to direct schools to accept pupils has altered in a new more autonomous system of academy provision. Whilst the local Authority will of course maximise its influence, it has to be recognised that whilst the statutory duty remains with the local authority the systems levers to ensure compliance are complex and involves timely interventions from the Department for Education for Academy Schools when required.

The ability of providers to include and meet the needs of pupils judged to be at the stage of “education support” also needs to be maximised. The current rates of Statements / Education, Health and Care plans are disproportionately high compared to national, regional and statistical neighbours. This equates to 4.4% of the pupil population compared to 2.9% nationally.

To overcome this challenge we will:-

- Use the findings of the Special Educational Need Quality Audits completed in 2016 -2017 to drive forward key change with senior leaders and SENCO's
- Continue to maximise the SEND network to include Headteachers/ Governors
- Follow up on parental and professional concerns in relation to concerns raised about individual schools, using where appropriate local data.
- Devise a protocol for with Regional Schools Commissioner to inform schools of the actions that will be taken, when and by whom.

## Section Four

### Priority areas for action

Through the process of self-evaluation, the local area has identified key strategic priorities. There is much to do and the planned actions have been selected to reflect the ambition of the area and to ensure there is aspiration in what can be achieved. The local area is committed to deliver these with rigour and a relentless pace to bring about sustained outcomes in a timely manner.

The strategic priorities will be supported by an action plan, created in partnership with all stakeholders within the local area. The aim being to focus on working in partnership with agreed accountability and governance.

### Priority 1: Integrated Agency Working

*Agencies will work together effectively to improve outcomes for children and young people with special educational needs and disabilities.*

- Ensure that Special Educational Needs and Disability is considered in strategic planning of the partners who make up the local area.
- Strengthen the established joint working between local authorities and CCGs in the development of an Education, Health and Care plan to support the provision of effective services for children and young people with Special Educational Needs.
- Embedding and strengthening pathways in order to bring about effective working practices.
- Define clearer roles and responsibilities for education, health and social care and how partners will hold each other to account.

### Priority 2: The Local Offer

*Partners and service providers will meet the needs of children and young people with special educational needs and disabilities as part of the Local Offer.*

- Work with partners to establish a process of monitoring special educational needs and disability provision at a strategic level, including an assessment of quality based on the views of children, young people and their families.
- Work with partners to ensure that the child's parent or the young person are aware of the local offer and thereby the resources available to meet SEN within mainstream provision and other support set out in the Local Offer.
- Ensure that the Local Offer reflects the services that are required as a result of strategic assessments of local needs and reviews of local education, care

provision and of health provision. These assessments and reviews should be linked to the Local Offer to help identify gaps in local provision.

- Align the improvement work in Adult and Children's social care to strengthen the role that social care plays in improving outcomes for children and young people with SEND.
- Ensure that there is a routine mechanism in place for children, young people and their parents / carers to co-produce the development and review of their Local Offer.

### **Priority 3: Joint Commissioning**

**Joint commissioning arrangements will contribute to the right services being in place for children and young people with special educational needs and disabilities within Torbay.**

- Strengthen the SEND Operational Leads remit to ensure that commissioning is focused on achieving agreed outcomes.
- Define expectations of joint commissioning arrangements to ensure a shared understanding at all levels
- Review current provision taking into account the experiences of children, young people and their families, and ensure that the information contributes to future arrangements and the effectiveness of local joint working.
- To strengthen the intelligence gathered for children and young people with SEND and use this information in planning future commissioning priorities.

### **Priority 4: Co-Production**

***Clear co-production pathways will enable children, young people and parents to make a significant contribution to identifying and planning the local offer available to children and young people with special educational needs and disabilities.***

- Ensure engagement and co-production with children, young people, parents and carers.
- Increase personalisation, making sure children and young people are fully involved in planning for their own future and ensuring they get the support that is right for them.
- Facilitate active involvement of young people and their families in the review, development and reshaping of services.

- Continue to develop the implementation of personal budgets where this will support greater independence and choice.
- Build on existing relationships with the Parent Participation Forum to reach a wider group of parents.
- Work with parents, families and young people as well as local SEND partners and providers to seek continuous improvement of services through regular consultation, engagement and feedback.

### **Priority 5: Preparing for Adulthood**

**Young people moving into adulthood will be offered a variety of opportunities to help them realise their potential.**

- Implement the pathway for a managed transition to Adult Services, enabling young people with special educational needs or a disability to access the support that meets their needs.
- Keep education and care provision under review including the duty to consult young people directly, and to consult schools, colleges and other post-16 providers.
- Work in partnership with special schools, the local FE college and training advisors to share expertise and support effective progression towards adulthood.
- Work with a wide range of providers to further develop provision, pathways into adulthood, supported internships and employability skills across the 16-19/25 phase.

### **Conclusion**

Torbay is ambitious to create a well-planned continuum of provision from birth to age 25 that meets the needs of children and young people with SEND and their families.

Torbay Council and all stakeholders in the local area are committed to discharging our statutory responsibilities to the highest standard. We will drive forward the SEND strategy with rigour and monitor our progress through clear accountability and governance arrangements.

# Appendices

## Appendix 1: Action Plan

The SEND Operational Leads will be responsible for the implementation of the action plan outline below. The Terms of Reference for the SEND Operational Leads can be viewed at [www.torbay.gov.uk/send-reforms](http://www.torbay.gov.uk/send-reforms).

	What?	How?	When?	Success measures
1.	Agencies will work together effectively to improve outcomes for children and young people with special educational needs and disabilities.	Put in place joint protocols to ensure that Special Educational Needs and Disability is considered in strategic planning of the partners who make up the local area.	Spring 2018	Consideration of Special Educational Needs and Disability is evident in the strategic planning of the partners who make up the local area.
		Plan and implement SEND training and awareness raising events aimed at clarifying expectations of local area staff who may support CYP with SEND.	On-going	Education, Health and Care plans will lead to the provision of effective services. This will be evidenced by monitoring progress against targets as part of the Annual Review process.
		Publish and where necessary develop clear pathways in order to bring about effective working practices between different agencies.	Spring 2018	Measuring the timeliness of response to requests for advice and the EHCP audit process, will demonstrate that statutory timescales are being met and that EHC plans are SMART and child focused.
		Define clearer roles and responsibilities for education, health and social care and how partners will hold each other to account.	Spring 2018	Protocols will be created and signed up to by all partners that clarify the local area expectations and minimum standards and escalation process required to support children and young people with SEND.
2.	Partners and service providers will meet the needs of children and young people	Establish a process of monitoring special educational needs and disability provision	Spring 2018	Consideration of Special Educational Needs and Disability is evident in the strategic planning of the partners who make up the local area.

	What?	How?	When?	Success measures
	with special educational needs and disabilities as part of the Local Offer.	at a strategic level, including an assessment of quality based on the views of children, young people and their families.		
		Local area partners will develop and implement a strategy to raise the profile of the Local Offer as the central resource for information on resources available to meet SEND within mainstream provision and other support.	Autumn 2017	<p>The number of hits to the local offer web pages will demonstrate a year on year increase.</p> <p>Feedback from children, young people and their families will demonstrate satisfaction with their access to information about services and support for SEND.</p>
		Set up a transparent multi-agency process for the strategic assessments of local needs and reviews of local education, care provision and of health provision.	Summer 2018	<p>The Local Offer reflects the services that are required as a result of these strategic assessments.</p> <p>Reviews of the Local Offer will demonstrate how gaps in local provision have been identified.</p>
		Align the improvement work in Adult and Children's social care to strengthen the role that social care plays in improving outcomes for children and young people with SEND.	Spring 2018	<p>Post 16 Education, Health and Care plans will evidence that young people are achieving good outcomes related to employment, independent living, community inclusion and health.</p> <p>Young people and their families will provide feedback about the transition process from children's to adult social care.</p>
		Ensure that there is a routine mechanism in place for children, young people and their parents / carers to co-produce the development and review of their Local Offer.	Spring 2018	There will be published evidence of how the views of children, young people and their families have shaped and reviewed the Local Offer.

	What?	How?	When?	Success measures
3.	Joint commissioning arrangements will contribute to the right services being in place for children and young people with Special Educational Needs and disabilities within Torbay.	Update the terms of reference for the SEND Operational leads to include the objectives of joint SEND commissioning for the local area and describe the responsibilities of the group.	Spring 2018	
		Define expectations of joint commissioning arrangements to ensure a shared responsibility at all levels.	Spring 2018	
		Work with partners to ensure that the Joint Strategic Needs Assessment (JSNA) includes current local area provision for SEND.	Spring 2018	The JSNA will identify gaps in the local area provision for SEND which will inform the SEND Operational Leads commissioning strategy.
		Put in place clear pathways for children, young people and their families to provide their views on the range of services which make up local area SEND provision. The pathways will include how the information is evaluated and by whom.	Spring 2018	Feedback from children, young people and their families will be routinely collected and considered by the SEND Operational Leads.  There will be evidence to show how feedback is reviewed and what outcome it has led to.
4.	Clear co- production pathways will enable children, young people and parents to make a significant contribution to identifying and planning the local offer available to children and young people with special educational needs and disabilities.	Put in place clear pathways for children, young people and their families to provide their views on the range of services which make up local area SEND provision. The pathways will include how the information is evaluated and by whom.	Autumn 17 – Spring 18	Feedback from children, young people and their families will be routinely collected and considered by the SEND Operational Leads.  There will be evidence to show how feedback is reviewed and what outcome it has led to.
		Review existing pathways across Education, Health and Social Care and ensure that there is evidence of person centred planning.	Spring 18 – Summer 18	Monitoring of EHCPs via the Annual Review process and the EHCP audit process will demonstrate that children and young people are fully involved in planning for their own future and

	What?	How?	When?	Success measures
		Facilitate active involvement of young people and their families in the review, development and reshaping of services.		ensuring they get the support that is right for them.
		Use the JSNA to identify opportunities to develop personal budgets across the local area.  Set up mechanisms for pooling budgets across education, health and social care, including clarifying the authorising 'sign off' process (who will pay, how much will they pay, what will they pay for).	Spring 18	The number and range of personal budgets will grow.
5.	Young people moving into adulthood will be offered a variety of opportunities to help them realise their potential.	Finalise and raise awareness with all Children's and Adult Services teams of the Transition Protocol.	Autumn 17	All teams that support young people with SEND will understand the protocol for a managed transition to Adult Services, enabling young with special educational needs or a disability to access the support that meets their needs.
		Keep education and care provision under review including the duty to consult young people directly, and to consult schools, colleges and other post-16 providers.	Spring 18 – Summer 18	It will be evident that feedback from children, young people and their families will be routinely collected and considered by the SEND Operational Leads.  There will be evidence to show how feedback is reviewed and what outcome it has led to.
		Work in partnership with local further education providers to develop a framework that supports effective progression into adulthood.	Autumn 17 – Summer 18	The quality of provision offered by local area post 16 education providers will be monitored and challenged based on individual outcomes realised and progression analysis.

	<b>What?</b>	<b>How?</b>	<b>When?</b>	<b>Success measures</b>
		Work with a wide range of providers to further develop provision, pathways into adulthood, supported internships and employability skills across the 16-19/25 phase.	Autumn 17 – Summer 18	Destination data gathered from post 16 providers and the Annual Review process will evidence an increase in progression through the education system, leading to an increase in the % of young people with SEND who move into paid employment.

## Appendix 2: Relevant legislation

It may be helpful to consider the following related legislation and guidance:

- Children and Families Act (2014) – Part 3  
<http://www.legislation.gov.uk/ukpga/2014/6/part/3/enacted>
- SEND Code of Practice 2014 (0 to 25 years) (re-issued with amendments 2015)
- <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>
- Special Educational Needs and Disability Regulations (2014)  
[www.ipsea.org.uk](http://www.ipsea.org.uk) and [www.legislation.gov.uk](http://www.legislation.gov.uk)
- Equality Act (2010) [www.legislation.gov.uk](http://www.legislation.gov.uk) and [www.disabilityrights.org](http://www.disabilityrights.org)
- Equality Act 2010: Advice for schools: Non-statutory advice from the Department for Education, produced to help schools understand how the Equality Act affects them and how to fulfil their duties under the Act  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/315587/Equality\\_Act\\_Advice\\_Final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/315587/Equality_Act_Advice_Final.pdf) and [www.sec-ed.co.uk.best-practice](http://www.sec-ed.co.uk.best-practice)
- Working Together to Safeguard Children (2013) (re-issued with amendments 2017): Statutory guidance from the Department for Education which sets out what is expected of organisations and individuals to safeguard and promote the welfare of children.
- <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>
- Chronically Sick and Disabled Persons Act 1970, which remains relevant for social care provision for disabled children
- The Children Act 1989 Guidance and Regulations Volume 2 (Care Planning Placement and Case Review) and Volume 3 (Planning Transition to Adulthood for Care Leavers): Guidance setting out the responsibilities of local authorities towards looked after children and care leavers  
[www.gov.uk/government/publications/children-act-1989-care-planning-placement-and-case-review](http://www.gov.uk/government/publications/children-act-1989-care-planning-placement-and-case-review) and  
[www.gov.uk/government/publications/children-act-1989-transition-to-adulthood-for-care-leavers](http://www.gov.uk/government/publications/children-act-1989-transition-to-adulthood-for-care-leavers)
- Reasonable adjustments for disabled pupils (2012): Technical guidance from the Equality and Human Rights Commission [www.equalityhumanrights.com/sites/default/files/reasonable\\_adjustments\\_for\\_disabled\\_pupils\\_1.pdf](http://www.equalityhumanrights.com/sites/default/files/reasonable_adjustments_for_disabled_pupils_1.pdf)

- Supporting pupils at school with medical conditions (2014): Statutory guidance from the Department for Education [www.gov.uk/government/publications/supporting-pupils-at-school-with-medical-conditions—3](http://www.gov.uk/government/publications/supporting-pupils-at-school-with-medical-conditions—3)
- Education Act 1996, which remains current legislation in relation to home to school transport entitlement and importance of parent/carers wishes (section 9)
- The Mental Capacity Act Code of Practice: Protecting the vulnerable (2005) <https://www.gov.uk/government/publications/mental-capacity-act-code-of-practice>
- Care Act 2014 and Care Act 2014 Part 1: Factsheets and Care, Support Statutory Guidance 2016 [www.legislation.gov.uk](http://www.legislation.gov.uk) and <https://www.gov.uk/government/publications/care-act-2014-part-1-factsheets>
- The Statutory Framework for the Early Years Foundation Stage <https://www.gov.uk/early-years-foundation-stage> and <https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>

## Appendix 3: Definitions of disability and special educational needs

### Disability

The Equality Act 2010 (Section 6) defines a disability as when a person has a physical or mental impairment:

- Which is substantial and long-term (for over a year)
- Which has an adverse effect on their ability to carry out normal day-to-day activities.

This broad definition covers physical disabilities, sensory impairments, such as those affecting sight or hearing, learning disabilities and some specified medical conditions.

### Special Educational Needs (SEN)

THE SEND Code of Practice: 0-25 years January 2015 states that:-

A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for him or her. A child of compulsory school age or a young person has a learning difficulty or disability if he or she:

- a) has a significantly greater difficulty in learning than the majority of others of the same age, or
- b) has a disability which prevents or hinders him/her from making use of facilities

of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.

- The broad areas of need described are:
- Communication and interaction
- Cognition and learning
- Social, emotional and mental health
- Sensory and/or physical.

A child under compulsory school age has special educational needs if they fall within the definition at (a) or (b) above , or would do so, if special educational provision was not made for them (Clause 20 Children and Families Act (2014))