

Health & Wellbeing Board

28 March 2019

SEND Transformation Plan

Portfolio Holder for Children's Services

Report by Interim Director of Children's Services

Purpose

To brief the Health and Wellbeing Board on the SEND Transformation Plan

It is recommended that The Health and Wellbeing Board: -

endorses the SEND Transformation Plan as a working plan for publication on the Local Offer and Council websites.

Key Points

- A. The delivery of an action plan (i.e. the SEND Transformation Plan, attached at Annex 1) that brings Kingston's spending on high needs to a sustainable level that matches spending on high needs to the income it expects to receive in future years is a condition stipulated by the Department of Education of the £3m DSG advance Kingston received in 2018/9.
- B. In addition to the financial situation, there is a need to improve the quality of education provision for children and young people with SEND in Kingston. Proposals to deliver this service improvement, including issues identified in the Ofsted and CQC Local Area SEND inspection in September 2018 and detailed in the subsequent Written Statement of Action (WSOA), are incorporated in the SEND Transformation Plan.
- C. It was resolved at the Children's and Adults' Care and Education Committee meeting on 22 November 2018 that a consultation process on the draft Transformation Plan be undertaken, the results of which would inform the Council's budget decision-making process for 2019/20.
- D. The results of the consultation process on the draft SEND Transformation Plan were noted and considered at the Children's and Adults' Care and Education Committee on 7 February. At the same meeting the draft Transformation Plan was approved in principle, subject to approval by Full Council at its meeting in February of the related budget provisions for 2019/20, and to the Transformation Plan being regularly reviewed and updated at the SEND Partnership Board (six meetings per year). The Plan is to be published on an iterative basis on the Local Offer and Council websites, with effect from the start of the new financial year.
- E. At the Full Council meeting on 26 February, the related budget provisions for 2019/20 were approved.

Context

1. There are approximately 3,700 children and young people with special educational needs and disability (SEND) aged 0 to 25 living in, or going to school

in Kingston; 1,200 children and young people living in Kingston have an Education, Health and Care Plan (EHCP). Over the past 4 years the total number of EHCPs in RBK has increased each year by between 7 and 12%.

2. Expenditure on services funded by the Dedicated Schools Grant (DSG) has exceeded Government grant allocation since and including 2014/5. The accumulated overspend is forecast to be £11.1m by the end of 2018/9, and would be £14.1m without the £3m Dedicated Schools Grant (DSG) advance provided by the Department for Education (DfE) in the current financial year. Without significant changes to the local system of providing education for children and young people with special educational needs and disabilities (SEND), the accumulated overspend is forecast to be £38m by 2022.
3. The cause of the overspend is the mismatch between the amount of funding provided by Government in the High Needs Block (HNB) of the DSG and the cost of delivering related services. 95% of these services relate to education provision for children and young people with SEND.
4. Research conducted by London Councils and published in autumn 2018 reported that in financial year 2017/8 100% of the 30 London boroughs responding to the survey spent more on High Needs than they received in their High Needs Block allocation. The Local Government Association estimates that the national SEND funding gap for councils in 2018/9 is £500m, and that this will reach £800 million by 2019/20 and potentially £1.6 billion by 2020/21. The House of Commons Education Committee launched an inquiry into Special Educational Needs and Disability, including the level and distribution of funding for SEND provision, in April 2018. The inquiry is ongoing.
5. Kingston continues to lobby government for an increase in financial support relating to SEND. This is directly through bilateral meetings with senior Education Ministers and Department of Education Officers, via representative organisations such as London Councils and the Local Government Association, and through joint communications with neighbouring boroughs and their MPs.

Proposal and Options

6. It was agreed at the Health and Wellbeing Board on 15th November 2018 that governance arrangements of the SEND Transformation Plan would be overseen by the Health and Wellbeing Board to secure full engagement from partner organisations such as the CCG, health providers, and voluntary sector organisations in order to promote constructive debate, scrutiny and challenge. It was agreed that The Board is well placed to strategically oversee the delivery of the plan as it is the forum where leaders from the local health and care system work together to improve the health and wellbeing of the local population, including children and young people with disabilities.
7. It was resolved at the Children's and Adults' Care and Education Committee meeting on 22 November 2018 that the oversight of the SEND Transformation Plan would be by the Health and Wellbeing Board and that the Health and Wellbeing Board would be authorised to oversee the implementation of the SEND Transformation Plan and to refer any recommendations to the Children's and Adults' Care and Education Committee.
8. It was discussed at the Children's and Adults' Care and Education Committee meeting on 22 November 2018 that there would be service-specific accountability for the SEND Transformation Plan through the governance arrangements of individual organisations with responsibility for particular activities within the plan: for example, the Children's and Adults' Care and Education Committee for

actions allocated to the Council and Achieving for Children. As the formal responsibility for Special Educational Needs and for the Schools Budget lies with this Committee, any recommendations the Health and Wellbeing Board may make must necessarily be routed through the Children's and Adults' Care and Education Committee for formal approval.

Consultations

9. A number of different consultations took place between March and July 2018. These included engagement with children and young people, school leaders and staff, school governors, families and the voluntary sector. Details of materials used and findings can be found on the SEND Consultation Hub on the Local Offer website (www.afcinfo.org.uk/local_offer). These were in addition to the consultation conducted via Schools Forum in autumn 2017.
10. The most recent round of consultation ran from 13 December 2018 to 20 January 2019. The draft Transformation Plan, which was published on the Council website in November, was additionally made available in an easy read form. The first easy read version was sent out by email on 21 December. The consultation comprised a survey available online, in hard copy and in easy read versions and three community drop in sessions providing the opportunity to access information, discuss and feedback on the draft Plan with Officers. There were also twelve focus groups held with children and young people, and a number of 1:1 interviews with young people aged over the age of 18 years. Associated materials are available online at <https://moderngov.kingston.gov.uk/mgAi.aspx?ID=39731#mgDocuments> as Annexes 1 to 6 of the papers for the Children's and Adults' Care and Education Committee on 7 February 2019
11. The online consultation was hosted in the SEND Consultation Hub area of the AfC Local Offer website. This and other access arrangements were advertised via:
 - i. direct mail to all Kingston families including a child or young person in receipt of an Education, Health and Care Plan and / or included on the Disability Register
 - ii. the Council's and AfC's social media channels and websites
 - iii. the network of local voluntary sector organisations
 - iv. early years providers, schools and colleges
 - v. the school governor information service
12. 26 people attended the community drop in sessions, 95 returned a completed survey, and 136 children and young people attended focus groups and 1:1 interviews.
13. The findings of the consultation process can be found online as papers published for the Children's and Adults' Care and Education Committee on 7 February 2019 at <https://moderngov.kingston.gov.uk/mgAi.aspx?ID=39731#mgDocuments>. A summary is provided as Annex 9, an easy read version as Annex 8, and a redacted version of the actual online submissions as Annex 10. Key headlines are:
 - i. Support for children and young people with special educational needs is a statutory duty and must be funded. Rather than cutting services the Council should lobby central government for adequate funding and find resources from elsewhere in the Council's budget/ assets

- ii. More local provision is welcomed, but must be high quality. Comparable provision must be established before reductions in out of borough/ independent placements are implemented
- iii. Early intervention is recognised as impactful but to be successful it must be adequately resourced, and it cannot and must not replace statutory support
- iv. Annual reviews of EHCPs are important and must be focussed on children and young people's needs, not driven by a target to reduce provision
- v. EHCP Coordinators / SEN Caseworkers need training and support to produce quality documentation and support parents to navigate the process; better retention would be helpful in building relationships
- vi. Achieving for Children and Kingston Council need to regain the trust and confidence of some parents of children and young people with special educational needs
- vii. Children and young people want teachers and professionals to be honest, supportive and work together
- viii. Children and young people want their individual needs and learning styles to be understood and responded to, including appropriate learning environments; a wide range of interesting and fun lessons and leisure Opportunities
- ix. Young people want support post 16, work experience and support to prepare for adulthood.

Timescale

- 14. If the Health and Wellbeing Board endorse the SEND Transformation Plan as a working plan for publication on the Local Offer and Council websites, it will be published at the beginning of the new financial year.
- 15. The SEND Transformation Plan will return to the Children's and Adults' Care and Education Committee and the Health and Wellbeing Board on a six monthly basis.
- 16. The financial aspects of the SEND Transformation Plan will be considered on an annual basis as part of the Council's budget setting process.
- 17. The SEND Transformation Plan responds to the DfE's stipulation from March 2018 that it covers a three year period. Discussions with the Department of Education regarding the content and duration of the Plan continue.
- 18. Comment on the major differences between the draft SEND Transformation Plan published in November 2018 and that attached as Annex 1 to this report, together with responses to the key headlines of the consultation findings, are summarised in Annex 3.

Resource Implications

- 19. The SEND Transformation Plan includes detail on resource and financial implications. If no action is taken the overspend on SEND will be greater than could be met from the Council's general fund and reserves. The specific and fundamental financial implication of not agreeing and implementing a plan which brings expenditure on SEND into balance with the DSG is that the Council may not be able to set a balanced budget.

Legal Implications

20. The Council sets a Schools Budget for its area in consultation with the Schools Forum. The Schools Budget covers funding for individual school budgets, provision for children and young people with high needs, early years provision and other statutory education services relating to individual pupil education such as education welfare and admissions. The Schools Budget is supported by the Dedicated Schools Grant ('DSG'). The DSG is the main source of income for the Schools Budget. The Council is required to use the DSG only for the purposes of the Schools Budget and in accordance with conditions published by the Secretary of State. Local authorities can add to the Schools Budget from local sources of income.
21. The High Needs Block of the DSG is provided to fund educational provision for children and young people with SEND and provision for children who need alternative education outside school.
22. New duties on local areas regarding provision for children and young people with special educational needs were set out in the Children and Families Act 2014, which came into force in September 2014. These include the replacement of statements of special educational needs with Education Health and Care Plans ('EHC plans'). An EHC plan is one document which sets out a child's or young person's special educational needs; the outcomes sought for him or her; the special educational provision required by him or her; and any health care provision and/or social care provision reasonably required by the learning difficulties and disabilities which result in him or her having special educational needs.
23. There are new general statutory duties under the Children and Families Act to support and involve children and young people; to promote the integration of educational provision and training provision with health care provision and social care provision; to make joint commissioning arrangements and to cooperate with partners; and to keep education and care provision in the authority's area under review and consider the extent to which it is sufficient.

Risk Assessment

24. The SEND Transformation Plan, attached as **Annex 1**, includes risk assessments of proposed actions.

Equalities Assessment

25. This is attached at **Annex 2** to this report

Health Implications

26. The SEND Transformation Plan incorporates proposals with very positive implications for the health of children and young people with SEND. These include the intention to assess needs in a more holistic and regular way, and to plan and deliver support in a more joined up and coordinated fashion across the agencies involved. In addition, the focus on early intervention will mean that in some cases health needs will be considered earlier in the life of the child or young person than previously, and are likely therefore to have escalated less before appropriate intervention is realised.

27. Another aspect of the plan with very positive health implications is the centrality of enhanced therapy provision within the proposals for an improved local offer. In addition many actions included in the WSoA which has been co-produced by AfC and the CCG to address the areas of weakness identified in the SEND inspection, are included in the SEND Transformation Plan. Progress on implementing the WSoA will be monitored through the engagement of the CCG in the delivery of the SEND Transformation Plan and through the Kingston CCG Governing Body.

Environmental & Air Quality Implications

28. No implications arising from the specific recommendations of this report.

Benefits to the Community

29. The aim is to bring expenditure on services in year into balance with the Dedicated Schools Grant (DSG) by 2021/22, and for the Local Area to better meet its statutory obligations for SEND.

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Annex 1: SEND Transformation Plan

Annex 2: EQIA

Annex 3: Changes to the RBK SEND Transformation Plan, Nov 2018 to March 2019

- None other than those referred to in this report