

REPORT FOR: **CABINET**

Date of Meeting:	23 April 2015
Subject:	Special Educational Needs and Disability Strategy
Key Decision:	Yes
Responsible Officer:	Chris Spencer, Interim Corporate Director of Children and Families
Portfolio Holder:	Councillor Simon Brown, Portfolio Holder Children, Schools and Young People
Exempt:	No
Decision subject to Call-in:	Yes
Wards affected:	All
Enclosures:	Appendix A: Draft Special Educational Needs and Disability Strategy 2015 – 2020 Appendix B: Responses from Engagement Activities

Section 1 – Summary and Recommendations

This report presents the draft Special Educational Need and Disability Strategy 2015 – 2020 for approval.

Recommendations:

Cabinet is requested to:

1. Approve the Special Educational Need and Disability Strategy 2015 – 2020;
2. Agree to receive annual updates on the implementation of the strategy.

Reason: (For recommendations)

To fulfil the Local Authority's statutory duties to ensure access to high quality provision for vulnerable children and their families.

Section 2 – Report

Introduction

1. Harrow Council and its partners, including schools, colleges, health and voluntary sector, are ambitious for all children and young people and are committed to supporting them to achieve their best outcomes. For children and young people with special educational needs aged 0-25, this requires partners, to work together to ensure that there is high quality, integrated and inclusive education, and support that is flexible and responsive.

Options considered

2. Significant changes have been made to the special educational needs and disability system and processes, through the enactment of the Children and Families Act 2014. The role of the local authority and its relationship with schools and stakeholders has also changed with the increasing autonomy of schools, including the increase in academy schools.
3. The local authority retains statutory responsibility to ensure that there is sufficient high quality provision. However, it is no longer so clearly the provider of services, but a commissioner of services. The local authority's new role is to champion vulnerable children and young people, parents and families and promote educational excellence.
4. As a borough, Harrow is experiencing a considerable growth in its population. There have been increases in all age groups, and including significant increased numbers of children. The demographic profile of the borough is increasingly diverse. The full impact of the growth and changing demographic profile requires assessment in planning for future capacity of special educational needs provision.
5. In July 2013 Cabinet approved the Special School SEN Placements Planning Framework for bringing forward proposals over the next 3-5 years to increase provision for children and young people with special educational needs.
6. The Framework set out proposals to increase capacity of education provision in view of the growth in Harrow's population and the national education landscape. However, further strategic work is required to ensure that there is a continuum of provision, including: early years provision for children with identified or emerging special educational needs; support for all points of transition; assessment places; support for inclusion and recruitment and retention of staff to sustain current and future provision.

7. The draft Harrow Special Educational Needs and Disability (SEND) Strategy 2015 – 2020 describes the partners' collective vision and aspirations for children and young people with special educational needs and provides a framework for partners to collaborate to deliver shared priorities for the next five years and setting out how they will be implemented.

Special Educational Needs and Disability (SEND) Strategy 2015 – 2020

8. The draft Harrow Special Educational Needs and Disability (SEND) Strategy 2015 – 2020 sets out the:
 - Shared Vision;
 - context of change within education and the public sector;
 - SEND reform;
 - provision in Harrow;
 - emerging issues in Harrow, and ;
 - data analysis.
9. The shared vision for the SEND Strategy is:
All children and young people should achieve the best possible outcomes, to enable them to become successful adults. They should have access to a continuum of good and outstanding educational provision that offers choice, progression and pathways and are supported by high quality, integrated and inclusive services.
10. Eight guiding principles are identified that will inform the implementation of the SEND Strategy. Six Strategic Priority Areas for SEND over the next five years are proposed that are based on the local and national context and the data analysis. Implementation Plans for each Strategic Priority Area are being developed for the representative Task and Finish Groups that will work on the priority areas. Mechanisms for delivery and governance of the SEND Strategy are proposed, including a SEND Strategy Group that will report progress to the Corporate Director of Children and Families and annual reports to Cabinet.

Engagement activity with stakeholders

11. The focus of the Strategy is on educational provision and outcomes. It has been developed by a representative group from schools and colleges and the local authority established by the Corporate Director of Children and Families. The Group reviewed data and identified the six priority areas.
12. To engage wider interested parties, the draft Strategy has been distributed to a range of stakeholders for their comments and contributions to the Task and Finish Groups:
 - Letters enclosing the draft Strategy and draft implementation plan were sent to Headteachers of Harrow schools on 13 February 2015. Headteachers were asked to consider the six priorities and identify staff from their schools with appropriate skills or interest who would be able to contribute to the work of the task and finish groups.
 - Letters and the draft Strategy were sent on 18 February 2015 to Chairs of Governors of Harrow schools.
 - Special Needs Services wrote to Harrow Parents 4 Disabled Children (HP4DC) and to relevant Adults and Health stakeholders.
 - Presentations and discussion were held at Harrow Youth Parliament and Governors Forum meetings on 25 February 2015 and with Schools Forum on 10 March 2015.

13. Responses from this engagement activity about the draft strategy have been received from professionals and from carers of children with disabilities. The responses have been most helpful and have provided many detailed points for further consideration. The responses and officer comments are provided at Appendix B. Where the responses were about specific Priority Areas, they will be considered by the Task and Finish Groups to ensure that their work incorporates the points accordingly.
14. A key theme in the responses was reference to the need to ensure that there is greater partnership with health agencies and the need to ensure that there is appropriate provision for early years and early intervention.
15. The Paediatric Therapy Services have provided representatives to be part of the Task and Finish Groups which will contribute to developing relationships with health agencies. Two representatives from the Private and Voluntary and Independent (PVI) early years sector have expressed their interest to be members of the Task and Finish Groups which will ensure that there is a positive contribution to the work of the groups.
16. The governance structure has been reviewed in the light of the comments from HP4DC and health agencies. It is proposed that Cabinet receive annual reports on the SEND Strategy and that reports are presented Children's Commissioning Executive. The latter group includes representatives from health agencies. In addition, schools will be up-dated through existing channels including the Headteacher Executive Groups.

Performance Issues

17. Harrow schools are successful and 87% or more are judged good or outstanding. All four special schools are judged to be outstanding by OfSTED. In general, pupils in Harrow schools achieve in line or above National and London performance and this aspiration is relevant for all pupils including pupils with special educational needs. Narrowing the Gap is a priority for Harrow schools. Whilst it is acknowledged that assessing the attainment and achievement of pupils with special educational needs is complex, in accordance with the national Curriculum assessment in some areas, some pupils with special educational needs attainments are below National and London. Reducing the gap in their performance is essential to increase their opportunities and this is essential within the SEND Strategy.
18. The group of young people over statutory school leaving age who are not in education, employment or training (NEETs) includes school leavers with SEND. National data shows us that life chances for children and young people with SEND are disproportionately poor. They have a higher incidence of mental health needs, offending behaviour, and higher levels of financial deprivation. As at September 2014 Harrow's 16-18 cohort consisted of 7,682 young people, of these 2.2% (167) have SEND compared to 3.8% in London and 4.1% nationally. Of the 167 young people with SEND, 8.7% were NEET (11.5% in London and 11.1% in England). 31.7% of the 16-18 year olds with SEND were in learning, compared to 39.0% in London and 53.7% nationally.
19. Ensuring that there are relevant pathways for young people from 14-25 is essential for the SEND Strategy to improve these percentages.

Environmental Implications

20. The Council's over-arching climate change strategy sets a target to reduce carbon emissions by 4% a year. Schools account for 50% of the Council's total carbon emissions. Reducing emissions from schools is therefore a vital component in meeting the Council's target. However there is a significant risk that the expansion of provision will increase emissions rather than reduce them and developments will need to be carefully considered in this context.
21. The RE:FIT Schools Programme will be available to retrofit existing school buildings to improve their energy efficiency. For new-build schools, the design standards will need to ensure that they meet high energy use efficiency standards. Of particular importance will be the use of low carbon technologies – particularly for space heating – and these will need to be thoroughly investigated during the design phase.
22. Where planning applications are required at schools, part of the application will be a school travel plan. Through this process and the development of the solutions for the schools, the impact of the additional pupils and their travel modes will be addressed.

Risk Management Implications

23. Risk included on Directorate risk register? Yes
Separate risk register in place? Yes
24. The directorate and corporate risk management implications for the Council arising from school place planning are included on the directorate and corporate risk registers. A Programme Risk Register is reviewed by the Programme Board.
25. The highest priority risks for the school expansion programme are Planning and Finance. The risks have been reported in detail to Cabinet in quarterly update reports on the School Expansion Programme.

Legal Implications

26. The Council has a statutory duty under the Education Act 1996 to ensure the provision of sufficient schools for the provision of primary and secondary education in their area.
27. Under s.14 of the Education Act 1996, a local authority shall secure that sufficient schools for providing primary and secondary education are available in their area. Sufficient means sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education.
28. In meeting this duty, a local authority must do so with a view to securing diversity in the provision of schools and increasing opportunities for parental choice.
29. The Children and Families Act 2014 requires local authorities to keep their educational, training and social provision for children and young people with SEN under review, to ensure integration between these provisions and to promote wellbeing and improve quality of provision for children and young people with SEND.

30. The Council must ensure it meets its public law duties when making decisions, including meeting its public sector equality duty. It must consider all relevant information, disregard irrelevant information, act in accordance with the statutory requirements and make its decision in a fair and transparent manner. The Council has consulted on this strategy with various interested parties. When determining whether to approve the strategy, Cabinet must take account of these views. Appendix B contains details of the consultation responses and details of how it is proposed to take these matters forward.

Financial Implications

31. The financial context for the SEND Strategy is determined by the funding provided by the Government through the Dedicated Schools Grant (DSG). This is a ring-fenced grant provided by the DfE to fund all education provision. Like many aspects of the public sector this has experienced recent changes in the approach and will no doubt be subject to further change. However, for the purposes of the SEND strategy it is important to have clarity about the available funding because if the Strategy is to realise its aims, then there will be financial implications and they will need to be achieved within the available resources and agreed by the Schools Forum.
32. At their meeting in January 2015, the Schools Forum acknowledged the increasing pressure on the DSG and in particular in relation to funding for SEN and High Needs pupils. The Forum agreed to the transfer of additional funding from the Schools element of the DSG to the high needs block to fund future pressures and agreed to use the contingency fund to protect school budgets for 2015/16. This is unlikely to be sustained in the following financial years and pressures will fall on schools budgets and other services funded by the DSG. This sets the tone for the financial outlook for school funding including for SEND. A sub-group of the Schools Forum has been established which will work towards establishing a funding formula that will allow a balanced budget to be set in future years, without the need for contingency funding.
33. The Schools Forum received a report on the draft SEND Strategy in March 2015. The Forum noted the report and agreed to consider establishing an additional SEND Strategy Sub-Group if required to consider revenue implications for the Strategy. If there are revenue changes that schools may wish to explore, there would need to be a consultation in the Autumn Term 2015, to implement with effect from April 2016.
34. There are no financial implications to council funding as a result of this strategy.

Equalities implications / Public Sector Equality Duty

35. Section 149 of the Equality Act 2010 requires that public bodies, in exercising their functions, have due regard to the need to (1) eliminate discrimination, harassment, victimisation and other unlawful conduct under the Act, (2) advance equality of opportunity and (3) foster good relations between persons who share a protected characteristic and persons who do not share it.
36. Equalities Impact Assessment has been undertaken on the draft SEND Strategy. The assessment has not identified any potential for unlawful conduct or disproportionate impact and concludes that all opportunities to advance equality are being addressed. Engagement responses have highlighted some issues for further

work by the Task & Finish Groups that will be established under the Strategy. For example, looking at how some ethnic groups view their capacity and parent contribution to their child's education and considering how more families from ethnic backgrounds can be helped to support their SEN child.

37. Harrow's schools are successful, inclusive and provide a diversity of provision. The SEND Strategy will help to ensure sufficient provision for the increasing numbers of children in Harrow and will build on the successful provision that already exists in Harrow's schools, as well as ensuring that appropriate provision is made within mainstream education where this accords with parental preference. By acting to ensure all children in Harrow have access to a high quality school place, Harrow is promoting equality of opportunity for all children and young people.
38. Equalities Impact Assessments will be undertaken on schools subject to statutory proposals to create additional special educational need places.

Council Priorities

The Council's vision is: **Working Together to Make a Difference for Harrow**

39. The Council Priorities are as follows:
- Making a difference for the vulnerable
 - Making a difference for communities
 - Making a difference for local businesses
 - Making a difference for families
40. The recommendation supports these priorities by:
- Ensuring Harrow Council fulfils its statutory duties to provide sufficient school places in its area.
 - Providing high quality local mainstream and special educational need provision in schools for children close to where they live.

Section 3 - Statutory Officer Clearance

Name: Jo Frost	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 24 March 2015		
Name: Sarah Wilson	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 30 March 2015		

Ward Councillors notified:	NO, as it impacts on all Wards
EqlA carried out:	YES
EqlA cleared by:	Equality Impact Assessment Quality Assurance Group

Section 4 - Contact Details and Background Papers

Contact: Johanna Morgan, Education Lead School Organisation,
020 8736 6841 johanna.morgan@harrow.gov.uk

Background Papers: Equalities Impact Assessment on the SEND Strategy

Call-In Waived by the Chairman of Overview and Scrutiny Committee	NOT APPLICABLE <i>[Call-in applies]</i>
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