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| Item No. 17. | Classification: Open | Date: 14 June 2022 | Meeting Name: Cabinet |
| Report title: | | Report of the Education and Local Economy Scrutiny Commission: Special Educational Needs and Disabilities (SEND) provision in the Borough of Southwark | |
| Ward(s) or groups affected: | | All | |
| From: | | Education and Local Economy Scrutiny Commission | |

RECOMMENDATIONS

1. That cabinet note the recommendations from the education and local economy scrutiny commission arising from the scrutiny review of the Special Educational Needs and Disabilities (SEND) provision in the Borough of Southwark, paragraphs 11 to 15.
2. That the cabinet considers the recommendations from the education and local economy scrutiny commission and request that the relevant cabinet member reports back to cabinet within eight weeks.

BACKGROUND INFORMATION

3. At its meeting on 29 September 2021 the education and local economy scrutiny commission received a presentation from the Director of London South Teaching School Hub, and Head of Inclusion, Special Educational Needs Co-ordinator (SENCo), Charles Dickens Primary School on the different kinds of SEND provisions. The commission also received a report from the Director of Education, Southwark Council on SEND provisions in Southwark. The report highlighted key challenges such as the growing and continuous rise in SEND entitlement for families of children with SEND and the funding constraints in the sector. The commission was also addressed by a SEND operator and practitioner on communication issues between Southwark Council and the parents of children with SEND.
4. At the same meeting the commission learned about the implementation of SEND provisions through Universal, Targeted and Specialist ways which is based on areas of need such as Cognition and Learning, Communication and Interaction, Social, emotional and mental health and lastly Sensory/Physical. The commission asked questions and had discussions on co-ordination between the Council, external agencies and schools to provide specialist support, barriers to provisions such as

shortage of expertise and equality of access to SEND provisions across families that lack expertise.

5. At its meeting on 16 November 2021 the commission heard from a parent of a child with SEND. The parent is also the Chair of Southwark Independent Voice (SIV), a parent-led volunteer organisation working to share information and resources to improve the life of individuals with SEND living in Southwark. The address involved an account of the parent's experiences with her child suffering from Autism and Attention Deficit Hyperactivity Disorder (ADHD). The commission learnt that the parent had to travel longer distances with her child to schools further away due to changing educational settings every 12 months. The commission asked questions and had discussions around communication with parents, training needs for teachers, spreading awareness, non-functional areas of SEND system and Education and Health Care Plan (EHCP) acceptance levels.
6. At the same meeting the commission heard from Executive Head teacher, Spa Education Trust who gave an introduction to Spa Schools and its specialist services. In addition the commission also learnt about the increasing need for schools for children with special needs, special needs colleges for young adults, training of secondary school teachers and provisions for children whose needs are not severe enough to qualify for an EHCP. The commission asked questions and had discussions around the following topics, admission selection criteria, funding, work experience for young adults, challenges faced by parents during the pandemic, support for mainstream schools when compared to academies, and transition of young people upon completion of special needs school.
7. Furthermore, at the same meeting the commission received a written report from Assistant Director, SEND Southwark Council on Overview of SEND processes. The report looked at the complexities of SEND processes, provisions for children in National Health Service (NHS) community-based paediatric referrals and Southwark's Local Offer. The commission asked questions for a written response around the following topics; analysis of 2015-2019 data with regards to drop in performance of children admitted to specialist schools, changes in methods of assessments leading to poor performance, 14% increase from 2018 in school referrals at Sunshine House community paediatric services, EHC plans process and refusals including timelines and targets, low levels of secondary schools admission among children with SEND and Southwark Council strategy on increasing SEND places in the Borough's schools.
8. At its meeting on 1 February 2022 the commission received a report from the Assistant Director, SEND, Southwark Council on starting primary and secondary schools through SEND and the EHCP journey map for parents and their children with special needs. The commission also received written responses to questions raised at its meeting on 16 November 2021 (paragraph 7).

9. At the same meeting the commission asked questions and had discussions around the following topics; timeline for publishing the new SEND strategy, capacity to meet increase in SEND requirements in the next few years, SENCo role in EHCP, volume of EHCP applications, expediting the EHCP process, Influx of students from other boroughs in Southwark Special Schools, ADHD diagnoses cases and referrals, Children from Southwark admitted to out of Borough independently maintained specialist schools, EHCP appeals process and Home schooling and examinations.
10. The commission considered and agreed the recommendations at its meeting on 8 March 2022. The rationale and commission recommendations are set out in paragraphs 11 to 15.

KEY ISSUES FOR CONSIDERATION

Set out below are the recommendations of the education and local economy scrutiny commission.

11. It is evidenced in addresses to the commission by education experts from London South Teaching School Hub and Charles Dickens Primary School that there are barriers to high-quality SEND provision which mainly revolved around lack of funding, specialist support and access to external services. SEND provision needs to be mainly focused on developing proactive strategies to develop expertise by supporting and engaging with the schools in need, whilst also encouraging and incentivising them to work collaboratively with evidence-informed practice. The best practices in SEND provision is composed of creating positive and supportive environments and holistic understanding of pupil needs by engaging with their families. It is important that the council understand and act on the need for better quality training plans in mainstream schools as evidenced by parent (Chair, SIV) of a child with SEND; autistic children often do not get identified as special needs due to their ability to speak and often continue to be nurtured by primary schools until they are no more than 2 years behind and/or behavioural changes occur such as meltdown, tendencies to self-harm and suicides especially in girls.

Recommendation 1 - The Commission notes the increased acuteness of the needs of children in Southwark being diagnosed with SEND needs. The Commission supports the Council's plans to continue to increase the levels of provision available within the borough to improve both the quality of experience for children with SEND needs, and the cost effectiveness of the provisions. *The Commission recommends that before the new SEND strategy is finalised, the Council explore routes to supporting mainstream schools in improving the quality of training plans for their SEND provision, including Continuous Professional Development for staff.* The Commission identified varying levels of confidence and competence in schools across Southwark which will likely affect the ability of schools to identify and provide the necessary support to children who may have limited SEND needs that do not meet the threshold for receiving an

Education, Health and Care Plan (EHC Plan), but that would greatly benefit from early identification and support.

12. The implementation of the central government mandate on an Integrated Care System (ICS) that covers how local authorities work with NHS and partner agencies should take into account the challenges that are a mixture of practicality between different systems, processes and work cultures. It is important for the council to review and agree processes to resolve the inherent structural and cultural differences in the way parts of the NHS and Council operate for eg. Evening working and the inability of the health colleagues to attend this commission's meetings. The commission received and reviewed written information from health colleagues, however it would have been more beneficial to scrutiny if they attended in person as a means of gaining more valuable input to discussions and collaborative working.

Recommendation 2 - The Commission notes that from 1 July 2022 Southwark Council and specifically Southwark Clinical Commissioning Group (CCG) which is now a part of South East London (SEL CCG) are due to implement an integrated care system (ICS) in line with Government guidance, entailing joined up care for people across the Council, NHS and other partners with systems and governance arrangements aligned.

The Commission recommends that the respective senior responsible officers (SROs), including but not limited to Genette Laws (Director of Commissioning, Children's and Adults Services, Southwark Council) and Dr Robert Davidson (GP Clinical Lead for Southwark, SEL CCG Governing Body) prioritise, in addition to the core requirements of ICSs:

- i) Setting out clear processes for sharing respective organisational "ways of working", given the distinct culture and practices of each organisation*
 - ii) Agreeing processes for participation in shared education-related scrutiny and improvement processes, given the challenges of securing participation of health colleagues in out-of-hours scrutiny during this Commission's investigations*
13. It is evidenced by addresses of parents of children with SEND and Head teachers that the Autism diagnoses are predominantly better at nursery levels, in comparison there are only four resource bases in primary schools for children with Autism, and the Autism outreach team is stretched for resources making them unable to provide better support. The commission acknowledges the Council's initiatives and successes with Autism such as working with SIV on developing a new four stage strategy including an Autism strategy chaired by heads of Special schools and Southwark having the lowest waiting times in Autism when compared nationally. However, the Commission's early work identified some concern amongst schools and Council officers that the Council's strong record of early diagnosis and information provision applies unequally across SEND

needs especially those that may require more specialist health and mental health led diagnoses, it is important that the council look at early diagnosis and support of ADHD.

Recommendation 3 - The Commission notes the Council's successes in improving early diagnosis of autism. *The Commission recommends that the Council works more closely with health colleagues to provide earlier diagnoses of other relevant SEND needs where assessment has historically been health and mental health led. In particular, the Commission recommends the Council looks at whether under the new ICS, there should be an attempt to improve early diagnosis and early support of ADHD.*

14. The commission in its findings on reviewing EHCP processes has noted that parents of children with SEND that have been recently diagnosed and/or are relatively inexperienced with the criteria and process of an EHCP are often unsuccessful. EHCP acceptance is mainly dependent on the child's academic performance, a good academic performance would mean the child would not usually qualify for an EHCP in spite of having special needs. EHCP tribunal appeals costs range from £9000 to £15000 which can cause financial difficulties for parents. It is important that the council ensure that there is clear guidance, information and support for parents about an EHCP assessment, the guidance should also signpost parents to other avenues of support and expertise for SEND.

Recommendation 4 - *The Commission recommends that the Council's information and guidance makes it clearer to parents and carers when an EHC Plan assessment may be necessary.* This will give a better indication of the likelihood that a child with certain characteristics is going to be eligible. The Commission is concerned that current guidance risks giving parents and carers misleading guidance regarding their child's likely eligibility and limited information about support available in the absence of an EHC Plan.

15. The commission acknowledges the successes of the Council's Southwark Information Advice and Support Team (SIAS) in providing SEND support for parents and carers. The commission also notes that Southwark leads nationally with some of the lowest waiting times in SEND support and EHCP assessments. However, the commission during its work has observed the impact on parents and carers and their inability to care for their child especially when behavioural changes occur such as meltdown, self-harm and suicidal tendencies, furthermore the financial pressure on schools to fund appropriate support before EHCP funding is available.

Recommendation 5 - The Commission strongly supports the Council's commitment to providing early stage support and information, advice and guidance for parents and carers who are concerned that their child may have SEND needs. The Commission also acknowledges that Southwark has some of the lowest waiting times nationally with regards to SEND and EHC Plan assessments. *The Commission recommends that the Council*

explores shortening the average timescale for SEND diagnosis from the current, statutorily required, 20-week target. Whilst the Commission appreciates that there can be some support for children during the assessment period, the Commission notes the impact of this lengthy period on parents and carers, and on the ability to provide the best possible early support and schools to fund appropriate support before EHC Plan funding is forthcoming.

16. It is for the cabinet to decide whether or not to accept the scrutiny commission's recommendations.
17. Overview and scrutiny procedure rule 15.3 requires the cabinet to consider and provide a written response to the report within two months.

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-----------------------------------------------------------------------------------------|
| Education and Local Economy Scrutiny Commission agenda and minutes- 29 September 2021 | Southwark Council Website | Amit Alva Amit.alva@southwark.gov.uk |
| Link (please copy and paste into browser): https://moderngov.southwark.gov.uk/ieListDocuments.aspx?CIId=550&MIId=7009&Ver=4 (see item 5) | | |
| Education and Local Economy Scrutiny Commission agenda and minutes- 16 November 2021 | Southwark Council Website | Amit Alva Amit.alva@southwark.gov.uk |
| Link (please copy and paste into browser): https://moderngov.southwark.gov.uk/ieListDocuments.aspx?CIId=550&MIId=7010&Ver=4 (see item 5) | | |
| Education and Local Economy Scrutiny Commission agenda and minutes- 1 February 2022 | Southwark Council Website | Amit Alva Amit.alva@southwark.gov.uk |
| Link (please copy and paste into browser): https://moderngov.southwark.gov.uk/ieListDocuments.aspx?CIId=550&MIId=7011&Ver=4 (see item 5) | | |
| Education and Local Economy Scrutiny Commission agenda and minutes- 8 March 2022 | Southwark Council Website | Amit Alva Amit.alva@southwark.gov.uk |
| Link (please copy and paste into browser): https://moderngov.southwark.gov.uk/ieListDocuments.aspx?CIId=550&MIId=7012&Ver=4 (see item 7) | | |

APPENDICES

| No. | Title |
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| None | |

AUDIT TRAIL

| | | |
|-------------------------------------------------------------------------|---------------------------------------------------------------------------------|--------------------------|
| Lead Member | Councillor Peter Babudu, Chair, Education and Local Economy Scrutiny Commission | |
| Lead Officer | Everton Roberts, Head of Scrutiny | |
| Report Author | Amit Alva, Scrutiny Officer | |
| Version | Final | |
| Dated | 30 May 2022 | |
| Key Decision? | No | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER | | |
| Officer Title | Comments Sought | Comments Included |
| Director of Law and Governance | No | No |
| Strategic Director of Finance and Governance | No | No |
| Cabinet Member | No | No |
| Date final report sent to Constitutional Team | 30 May 2022 | |