

Item No. 11.	Classification: Open	Date: 13 September 2022	Meeting Name: Cabinet
Report title:		Response to 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	
Cabinet Member:		Councillor Jasmine Ali, Deputy Leader and Cabinet Lead for Children, Young People & Schools	

FOREWORD - COUNCILLOR JASMINE ALI, DEPUTY LEADER AND CABINET MEMBER FOR CHILDREN, YOUNG PEOPLE AND SCHOOLS

I would like to thank the Education and Local Economy Scrutiny Commission for their recent scrutiny of Special Educational Needs and Disabilities (SEND) provision in Southwark. Support for children and young people with special educational needs could not be more important. With increasing demand for specialist services and a vicious cost of living crisis bearing down on our families, we welcome this opportunity to help us maximise opportunity for families reliant on our services.

Enclosed in this report you will find detailed responses to each of your recommendations.

Recommendation one in working with schools to increase confidence is already happening. We can assure you that your suggestion that the council to assist schools with early identification and support for children with special educational needs is a priority. The school must and do identify their leads and we are doing everything possible to improve support. But in the spirit of your recommendation we will work hard to do better.

On *recommendation two* regarding the new Integrated Care System (ICS) it is clear that there was a misunderstanding of the structural transition from Clinical Commissioning to the new ICS. From 1 July and the previous CCG staff have transferred to a new ICS Board. There is a continuity of care, and as our detailed response states, it is disappointing that you weren't able to secure contributions to your scrutiny from health colleagues.

I want to reassure you that under the new structures work with education colleagues within special educational needs provision remains a priority for health partners.

Recommendation three is noted, accepted and we are working closely with health partners on early diagnosis of autism, and this will be a key feature in the incoming Special Educational Needs and Disabilities strategy.

Recommendation four asks that we make clearer to parents when an EHC plan assessment may be necessary. We accept this and provide details below on what more we are doing and what more will be done to support parents understand when an assessment and support will be necessary. Certainly this is a key feature of our incoming SEND strategy.

Recommendation five asks a shortening of average timescales. As can be seen from the answer below a reduction in timescales in this climate of increasing demands would add further pressure to the financial budget. We acknowledge issue on timescales and budget remains an issue that we should work collaboratively to improve with the right resources. But are unable to accept this recommendation now.

On balance we're delivering on recommendation one, and recommendation two. We agree your recommendation three and four and are not in a position to agree recommendation five.

Today cabinet will agree the new Special Educational Needs and Disabilities strategy. This will help strengthen our commitment and ability to make sure that all our children and young people with special educational needs and or disabilities have the opportunity to attend high quality provision locally, to reach their potential, and to enjoy learning.

We remain ambitious for our families with special educational needs and disabilities and we look forward to scrutiny on the strategy and more importantly on its delivery so that everything that we do here is purposeful and improves lives.

RECOMMENDATIONS

1. That cabinet note the response of the Lead Member to the recommendations of the Scrutiny Committee on SEND in the London Borough of Southwark.

BACKGROUND INFORMATION

2. At the 14 June cabinet meeting the Local Economy Scrutiny Commission presented a report titled 'Special Educational Needs and Disabilities (SEND) provision in the Borough of Southwark'.
3. This report made five recommendations for the Lead Member to respond to. These are set out below with response to each.

KEY ISSUES FOR CONSIDERATION

4. The recommendations and Lead Member response are below in table form for ease:

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.

Response to Recommendation 1:

The Council is already committed to working with all settings to target support and training to where it is most needed and to enable mainstream settings to be as inclusive as possible, celebrating best practice. It is a duty for each school to ensure they have a qualified Special Education Needs Coordinator and provide staff with relevant training based on the needs of children and school. There are already plans to provide further support including better signposting to the wide range of training opportunities that are already easily available for staff at all levels in schools at little or no cost.

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*

Response to Recommendation 2:

The new Integrated Care System (ICS) has now been implemented from 1 July. Previous CCG staff have transferred to the new statutory Integrated Care Board (ICB), which forms part of the ICS, so there is continuity of existing local relationships. It is therefore disappointing that through these pre-existing relationships the Commission's difficulties in securing appropriate health presence at their evening sessions was not raised to allow an opportunity to rectify the situation. It is not clear who the Commission approached for evidence from across the health partners. Going forward, given health and care partners are working together through Partnership Southwark, the Chief Operating Officer would be a good initial contact and be able to assist Scrutiny Commissions in their work programmes and reviews as they relate to health, by connecting with the range of local health partners as appropriate.

It would be helpful as proposed that protocols for engagement and ways of working locally with health partners are refreshed between the ICB/Partnership Southwark team, council colleagues, and Scrutiny Commission chairs and lead officers considering the ICS changes and this work has already been agreed with the Health and Care Scrutiny Commission Chair and lead officer. A verbal briefing on the ICS changes can also be arranged.

As part of embedding the new ICS changes, there is significant local development underway and planned to support both leadership and front-line health and care staff as they work together in more joined-up ways. Work with educational and council colleagues in general and within SEND provision is critically important and remains a high priority for health partners.

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.*

Response to Recommendation 3:

The council, health colleague partnership has been successful in early diagnosis of and support for autism in the borough. In turn this has contributed significantly to the £21.6m overspend on high needs which is a potential risk to the council. Within the context of new ICS arrangements locally, the Council, local health and education partners recognise the need to build on existing operational strengths in SEND provision to further develop the SEND strategic partnership. We recognise that these arrangements will need to consider the recommendations arising from a recent draft joint strategic needs assessment (JSNA) and strategy for SEND, growing pressure on the council SEND budget and any future national guidance arising from an expected white paper.

We agree with the Scrutiny Commission's recommendation in relation to ADHD diagnosis and acknowledge that people are experiencing waits and will work with key partners and stakeholders in this provision to explore and develop cost effective improvements.

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.*

Response to Recommendation 4:

The Council follows the statutory guidance in the SEND Code of Practice 2015 in all decisions about Education, Health and Care assessments. The Council has also published extensive criteria about how decisions are made and these are available on the Southwark Local Offer (localoffer.southwark.gov.uk) to all in the borough. The SEND Team is working with the local parent carer forum (Southwark Independent Voice) to further develop the information and guidance available for parents of children with SEND. The SEND Strategy, about to be published, fully recognises the importance of engagement and working together with all stakeholders in the local area and particularly parents and carers.

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.*

Response to Recommendation 5:

As in the response to recommendation 4 above, timely support to meet need is always the aim. However, demand is high and rising in the Education, Health and Care assessment process. This does mean that meeting the 20 week deadline is already a challenge for all agencies involved. It would be unreasonable for the commission to place further demands on our schools, health partners and other agencies to provide reports any more swiftly than the statutory timescales allow. Reduction in timescales would also add further pressure to the SEND budget.

Policy framework implications

5. The council must work within the provisions in the Children and Families Act 2014 and the SEND Code of Practice 2015 in meeting the needs of children and young people 0-25 with SEND.

6. The responses as set out in this report advocates the council's values, commitments, priorities and promises to the residents of the borough. Specifically, giving every child in Southwark the opportunity to grow up in a safe, healthy and happy environment. With continuous investment to allow young people reach their full potential to thrive.
7. All of Southwark's educational settings offers a safe, healthy and happy space for children to grow, develop and learn their potential of which is closely monitored to uphold all commitments for children of borough.

Community, equalities (including socio-economic) and health impacts

Community impact statement

8. Section 149 of the Equality Act 2010, lays out the Public Sector Equality Duty (PSED) which requires public bodies to consider all individuals when carrying out their day to day work – in shaping policy, in delivering services and in relation to their own employees. It requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities. The council's [Approach to Equality](#) commits the council to ensuring that equality is an integral part of our day to day business.
9. The council's Education Directorate involves working closely with all relevant stakeholders and partners across the sector and collectively we are committed to upholding the responsibilities towards advocating the Public Sector Equality Duty and complying with the Equalities Act 2010.
10. The PSED enables public bodies to consider the diverse needs of groups and have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Due regard is about considering the different needs of protected characteristics in relation to the three parts of the duty.
11. The Equalities Act 2010 define the following as protected characteristics; age; disability, gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Equalities (including socio-economic) impact statement

12. It is widely acknowledged that there is a disproportionate (unequal) impact on the health and education of children and families who have a lower socio-economic status and often for those who have a special educational need. Through all of our work we aim to achieve inclusion in education and individual success for all our children and young people with special educational needs.

13. The global pandemic has placed an additional layer of complexity onto service development and family life, encouraging a necessary focus on immediate priorities, safety, and continuity of existing delivery. Southwark mobilised a multi-agency, back- to school working group in April 2020 to support the attendance of vulnerable children (including those with SEND).

Health impact statement

14. Our schools work closely with the local authority and Public Health teams to roll out initiatives and campaigns that relate to children and young people with Special Educational Needs across the borough.
15. In addition, we support staff in maintained schools to access support for example through Sunshine House, Early years Autism team and other services.

Climate change implications

16. All schools including special schools have a travel plan with many, putting in place actions aimed at reducing congestion and vehicle access in their communities including, Zones around schools, banning cars, idling and encouraging children to walk, cycle wherever possible. A number of schools work closely with Transport for London (TfL) to support sustainable travel initiatives. Funding opportunities for schools to make their environments greener are regularly circulated and adopted by school communities.

Resource implications

17. The funding for children and young people with special educational needs is largely through the Designated Schools Grant High Needs Block. This is already overspent each year. The Southwark SEND strategy prioritises our areas of focus going forward which will be driven by an implementation plan and close financial oversight.

Consultation

18. Consultation on the Southwark SEND Strategy took place earlier this year and is also being considered by Cabinet at the September 2022 meeting.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Head of Procurement

19. Not applicable.

Director of Law and Governance

20. Not applicable.

Strategic Director of Finance and Governance REF: [CAS22/07]

21. The cost of placements for SEND pupils is met from the High Needs block of the Dedicated Schools Grant. The High Needs block had a deficit of £21.6m at the end of the 2021/22 financial year and this is expected to grow to £23.6m by the end of March 2023. The number of pupils with SEND is also expected to grow and inflation is expected to add pressures to the budget. The funding from central government is not expected to increase in line with this.
22. Further financial and policy strategies are being worked to ensure that the high needs expenditure remains with the resources available. The Schools Forum will consider this on the 29th September 2022.
23. Alongside this, discussions are taking place with the Education and Skills Funding Agency for Southwark to become a “Safety Value Funded Authority”. This will potentially provide financial support to address some of the accumulated deficit within the High Needs block. Any funding will be subject to the delivery of the plans.
24. There is no immediate impact on the Core Funding, but if in the future the High Needs Block remains overspent then this may fall on the Core.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
14 June 2022 Cabinet Agenda Item 17: Report of the Education and Local Economy Scrutiny Commission: Review of special educational needs and disabilities (SEND) provision in the Borough of Southwark	SEN and Inclusion Education Directorate Children’s and Adults’ Services 4 th Floor, 160 Tooley Street, London, SE1 2QH	Yvonne Ely 020 7525 52738
Link (please copy and paste browser): https://modern.gov.southwark.gov.uk/documents/s107251/Report%20Scrutiny%20report%20Special%20Educational%20Needs%20and%20Disabilities%20SEND.pdf		

Background Papers	Held At	Contact
26 September 2021 Education and Local Economy Scrutiny Commission Agenda Item 5: Special Educational Needs and Disability (SEND) Provision - Scrutiny Review	SEN and Inclusion Education Directorate Children's and Adults' Services 4 th Floor, 160 Tooley Street, London, SE1 2QH	Yvonne Ely 020 7525 52738
Link (please copy and paste browser): https://moderngov.southwark.gov.uk/documents/s101563/Report_Special%20Educational%20Needs%20and%20Disabilities%20SEND.pdf		
SEND	SEN and Inclusion Education Directorate Children's and Adults' Services 4 th Floor, 160 Tooley Street, London, SE1 2QH	Yvonne Ely 020 7525 52738
Link: https://www.gov.uk/children-with-special-educational-needs		
Children and Families Acct 2014	SEN and Inclusion Education Directorate Children's and Adults' Services 4 th Floor, 160 Tooley Street, London, SE1 2QH	Yvonne Ely 020 7525 52738
Link: https://www.legislation.gov.uk/ukpga/2014/6/contents/enacted		
Equalities Act 2010	SEN and Inclusion Education Directorate Children's and Adults' Services 4 th Floor, 160 Tooley Street, London, SE1 2QH	Yvonne Ely 020 7525 52738
Link: https://www.legislation.gov.uk/ukpga/2010/15/contents		
Southwark Council's Equality Objectives	SEN and Inclusion Education Directorate Children's and Adults' Services	Yvonne Ely 020 7525 52738

Background Papers	Held At	Contact
	4 th Floor, 160 Tooley Street, London, SE1 2QH	
Link (please copy and paste browser): https://www.southwark.gov.uk/council-and-democracy/equality-and-diversity/equality-objectives		
Public Sector Equality Duty	SEN and Inclusion Education Directorate Children's and Adults' Services 4 th Floor, 160 Tooley Street, London, SE1 2QH	Yvonne Ely 020 7525 52738
Link (please copy and paste browser): https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty		
Southwark Council's response to tackling the climate emergency	SEN and Inclusion Education Directorate Children's and Adults' Services 4 th Floor, 160 Tooley Street, London, SE1 2QH	Yvonne Ely 020 7525 52738
Link: https://www.southwark.gov.uk/environment/climate-emergency		
NHS Overview ADHD	SEN and Inclusion Education Directorate Children's and Adults' Services 4 th Floor, 160 Tooley Street, London, SE1 2QH	Yvonne Ely 020 7525 52738
Link: https://www.nhs.uk/conditions/attention-deficit-hyperactivity-disorder-adhd/		
Southwark's Borough Plan	SEN and Inclusion Education Directorate Children's and Adults' Services 4 th Floor, 160 Tooley Street, London, SE1 2QH	Yvonne Ely 020 7525 52738

Background Papers	Held At	Contact
Link: https://www.southwark.gov.uk/council-and-democracy/fairer-future/council-plan		

APPENDICES

No.	Title
None	

AUDIT TRAIL

Cabinet Member	Councillor Jasmine Ali, Deputy Leader and Cabinet Lead for Children, Young People & Schools	
Lead Officer	David Quirke-Thornton, Strategic Director of Children's and Adults' Services	
Report Author	Yvonne Ely, Assistant Director of SEND	
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CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Governance	Yes	No
Strategic Director of Finance and Governance	Yes	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		1 September 2022