

## **DURHAM COUNTY COUNCIL**

### **CHILDREN AND YOUNG PEOPLE'S OVERVIEW AND SCRUTINY COMMITTEE**

At a Meeting of **Children and Young People's Overview and Scrutiny Committee** held in Committee Room 2, County Hall, Durham on **Thursday 25 January 2024 at 1.30 pm**

#### **Present:**

**Councillor A Reed (Chair)**

#### **Members of the Committee:**

Councillors J Cosslett, S Deinali, C Lines, L Mavin, D Mulholland, K Rooney, J Scurfield, M Simmons and L Fenwick (substitute for J Griffiths)

#### **Co-opted Members:**

Ms A Gunn

#### **Also Present:**

Mrs Axton

#### **1 Apologies for absence**

Apologies for absence were received from Councillors J Griffiths, C Varty, E Waldoock and Professor Gosia M Ciesielska (Parent Governor)

#### **2 Substitute Members**

Councillor L Fenwick substituted for Councillor J Griffiths.

#### **3 Declarations of Interest**

Councillor S Deinali declared that one of her children had an EHCP and the other was seeking an assessment. Councillor L Fenwick declared that her child attended a main stream School and had been diagnosed with Autism. Ms A Gunn declared that her children had EHCP's with special independent SEND provision in a mains school. Councillor C Lines declared that his child was on the waiting list for an assessment undergoing a needs assessment awaiting an EHCP outcome.

#### **4 Any Items from Co-opted Members or Interested Parties**

There were no items from Co-opted Members or Interested Parties.

## **5 Overview of Special Educational Needs and Disabilities (SEND)**

The Committee received a report of the Corporate Director of Children and Young People's Services that provided a range of information on Special Educational Needs and Disabilities (SEND) to support the dedicated session at Scrutiny on this topic (for copy see file of Minutes).

M Stenton, Head of Early Help, Inclusion and Vulnerable Children gave a presentation to Committee supported by P Shadforth, Strategic Manager SEND Strategy and Assessment and Provision and P Mulholland, Strategic Manager Specialist Inclusion Support. The presentation provided an introduction to Special Educational Needs and Disabilities (SEND), gave an overview to the strategic aims for SEND in County Durham, outlined the current national framework and responsibilities that set out the legal obligations that schools, early years providers and local authorities have towards disabled children and young people under the Equality Act 2010.

The Head of Early Help Inclusion and Vulnerable Children drew attention to the new area SEND inspection framework, its key areas of focus and the possible outcomes. Also covered was how Durham County Council were preparing for the Area SEND inspection. He highlighted the graduated offer, SEN support, Education Health and Care plans (EHCP) and the timeframes and actions involved with assessments. He explained what had been done so far and what steps were to be taken in the future. He talked about the High Needs Block Sustainability Programme that had been initiated in 2019, its outturn position for 2022-2023 and the forecast outturn for 2023-29 and how this related to other local authorities.

Councillor A Reed thanked Officers for a comprehensive report and presentation that summed up a vast amount of information.

Councillor C Lines also thanked the team for a lot of good work that was carried out in difficult and challenging circumstances. He commented on process of referral for and EHCP and the amount of time taken for a request to be made, proposing the potential benefits of a triage process. He felt that currently this stage was very long and not beneficial to parents and carers who were undoubtedly in a state of uncertainty and queried if this could be reduced. It created stress and mental health issues where the process took longer than the anticipated 1 to 6 weeks. He stated that in some individual cases the process had taken 18 weeks and possibly longer due to the time taken for a referral to be made for an assessment by school.

The Head of Early Help, Inclusion and Vulnerable Children gave some clarity that the first 6 weeks of the assessment process system was different for each child. He stated it was the Local Authority that made the decision on whether a full needs assessment was required at the end of the first 6 weeks, this decision was informed by evidence given by all organisations that had been involved with the child. There

was a structured process in place and typically decisions were made within 6 weeks of a referral being received but some decisions could be delayed if further information was required.

The Strategic Manager SEND Strategy, Assessment and Provision reiterated that whilst a panel made the decisions on whether a needs assessment was required and Case Workers talked to families to support them through the whole process. The six weeks taken to determine whether a full needs assessment was required was set out in the SEND Code of Practice.

Councillor C Lines felt that the level of uncertainty during the first few weeks was worrying for parents.

The Head of Early Help, Inclusion and Vulnerable Children stated that the assessment process may work out to be longer for parents than the Local Authority's timeline as when a child was referred to the local authority it was uncertain as to how long it had been in development with the school who may have taken a long time to put the request forward. The time element had a variation across the system and he could see why parents were frustrated if the process took longer than 6 weeks.

Councillor C Lines agreed that was a fair and accurate comment.

Councillor J Scurfield thanked Officers for an excellent presentation full of information. She felt that COVID-19 and the successive periods of lock down had significantly impacted some children's development both socially and emotionally. She noted that there had only been an increase in funding by 4.5% but there was a need for at least 10% to recognise and address the needs of children and their families. The Government had not responded to the needs of children and young people's post pandemic and queried if DCC had any additional leverage to bring to this. The issue in the role as a Councillor was being aware of the impact this had on residents, families and schools with the completion of assessments and the additional input. She queried if Councillors could do more or be provided with key messages they could take to the community.

The Head of Early Help, Inclusion and Vulnerable Children confirmed that there had been lot of diagnostic review work post pandemic to better understand the situation locally and nationally through the Delivering Better Value (DBV) programme. Work was ongoing with 55 local authorities to try to address the funding issues. John Pearce, Corporate Director for Children and Young People was currently national president of the ADCS and as a national advocate had directly addressed government. It was hoped more money would come to cover the short fall but everyone was aware of the situation regarding Government funding at present. He advised that work was being done in schools and the community to promote SEND and the graduated offer of support. He felt that more information should be given to

Members on SEND to keep them informed and sessions like this one were helpful in that respect.

The Strategic Manager Specialist Inclusion Support commented that everyone worked collaboratively with families with lots of people around the table to help make the process better and avoid people getting upset. This was being promoted through the Delivering Better Value programme to bring people together to collaborate and provide a wider system of support whilst children may be waiting for specialist support.

Councillor J Scurfield asked if they had established a multi-agency panel.

The Strategic Manager Specialist Inclusion Support confirmed this was one example of how assessments were carried out.

Councillor J Scurfield felt that this was a good development.

The Strategic Manager Specialist Inclusion Support advised the Committee that a pilot had commenced in Consett that incorporated looking at mental health in the community to recognise the needs of people that go through the process. There were several key projects to look at the needs of families through special pathways.

Councillor S Deinali queried what role the Social Care Officer played in the EHCP/triage process and subsequent support.

The Head of Early Help, Inclusion and Vulnerable Children responded that in health the Designated Clinical Officer had a similar role to that we have developed in social care to help provide better support and co-ordination including support to staff and quality assurance, this role is titled the Designated Social Care Officer.

The Strategic Manager SEND Strategy, Assessment and Provision noted that the SEND Code of Practice outlined what the Local Authority must do when conducting assessment and also what should be happening in learning settings recognising the role of Special Education Needs Coordinators (SENCO). In Durham there had been investment in quality SENCO training for the workforce to ensure staff were skilled and knowledgeable, but recognition of turn over and capacity demands mean more can be done in this area.

The Head of Early Help, Inclusion and Vulnerable Children discussed points about the EHC process and commented that on average around 20% of assessment requests were not supported at present. The local authority sought to do a lot in 6 weeks even it was felt an Education Health Care needs assessment was not required families were still linked in to support services through the graduated offer. He acknowledged that the send system and the Delivering Better Value programme recognised that SEND was a complex system and that families may not be aware of what was available and what children needed in school. However the service

strived to ensure that children and families were aware of the various support available. Work was required to further improve communications and give confidence to support schools and families.

Councillor S Deinali asked what the cost was to the system in terms of workload generated by the 20% that were refused.

The Strategic Manager SEND Strategy, Assessment and Provision responded that work continued with families that were it was determined a needs assessment was not necessary, as the local authority looked to see how children could be helped by developing an understanding of needs if a child's needs were not already met in school within the first £6,000 of additional provision. He noted that cases rarely went to court for a judge's decision as the Local Authority always worked through the process for a resolution which was difficult to cost. He acknowledged it could be difficult and challenging for a parent who were seeking a better understanding of needs and provision for their child.

The Head of Early Help, Inclusion and Vulnerable Children informed the Committee that the Special Education Needs and Disability Information, Advice and Support Service (SENDIASS) were in place to provide independent support to families and would challenge the County Council if necessary.

Mrs A Gunn stated that the presentation was very good and that it gave an overview of what was going on with a lot of information about the strategic problems. She understood the real challenges and asked about the size of the problem with Educational Psychologists and how the local authority envisaged to fill the gap. She queried if there was someone in place trained in change management to help with cultural changes, provide schools with information that was not out there, the staff morale and any additional issues with staff leaving.

The Head of Early Help, Inclusion and Vulnerable Children commented that there was a lot going on within the programme to manage finances, dedicated programmes to support the teams, strengthen the Delivering Better Value programme and focus on communication. He gave an example that SEND information was shared with schools and wider partner agencies via letters to all Education providers with key messages. He advised that a huge IT project had commenced with a new case management system that would help the process for all, there was also a programme of works through Family Hubs and drop-in sessions were arranged for families rather than phone calls.

Mrs A Gunn asked if there was a Change Manager role within the system rather than a project manager role.

The Head of Early Help, Inclusion and Vulnerable Children replied that the programme of work was supported by project officers and other colleagues trained in change management.

Mrs A Gunn thought it was better value to have a Change Manager in place to deal with the impact on staff. She expressed concern that SEND presented a distinction between what a school was asked to do and how schools identified key work which could lead to anxieties.

The Strategic Manager SEND Strategy and Assessment explained that Officers did talk to carers, parents and relatives to explain the culture within the school system. The aim of the delivering better value programme was to identify needs early so people felt heard to work through things.

Mrs A Gunn asked about the inspection preparation and likely inspection outcome and how schools thought they would fall within the assessment.

The Head of Early Help, Inclusion and Vulnerable Children replied that work was ongoing with the self-evaluation with colleagues from across the send system and this could be something to bring back to scrutiny if members thought it was appropriate to the work in their work programme.

Councillor A Reed asked what processes were in place to ensure that any resources earmarked to support a child with SEND and that was passported to schools were used for the purpose they were intended.

The Head of Early Help, Inclusion and Vulnerable Children replied that the SEND and Inclusion Resources Board maintained an oversight of all the resources for the High Needs Block and met monthly. There was a lot of scrutiny on finances that went through the processes within Children and Young Peoples services and for example in the Cabinet report in December 2023 which was referred to in the report. The delivering better value programme forecast more reliable information on top up funding. The budget was overspending due to higher demands but we now had a better way of tracking it and understanding changes.

Councillor A Reed considered this to be a thorough process.

The Head of Early Help, Inclusion and Vulnerable Children added that there were areas for further improvement but at the School Forum for example there were 30-40 eyes to scrutinise the resources and ask detailed questions.

Mrs Axton asked in addition to the delays many families experienced in the processing of their EHCP application, what proportion of children had their provision significantly delayed by needing to go through the tribunal process to get appropriate support. She stated that the process could take up to a year in many cases, that used valuable staff time preparing for and attending the tribunals, and in which nationally local authorities had an approximately 5% success rate.

The Strategic Manager SEND Strategy, Assessment and Provision responded that in 2022 there were over 900 decisions that could have been appealed and of those only 30 (3%) went to tribunal. The local authority constantly worked with families and young people to ensure they were provided with support.

Mrs Axton was concerned that it could take up to 11 months to settle within the tribunal system that created a delay in a child receiving support.

The Strategic Manager SEND Strategy, and Assessment and Provision noted that information requested would need a deeper dive but there was always an offer of support for young people promoted by the SEN Casework team whilst going through the tribunal process even if this is independent to the Local Authority.

Mrs Axton supported the Delivering Better Value programme had an understandable focus on meeting needs within, and transitioning and reintegrating children back to mainstream school. She queried what progress had been made on the lack of provision for children whose needs – for example sensory or specific learning needs – could not be met within a mainstream school but who did not have a learning disability and so were ineligible for a place at a Durham Special School.

The Strategic Manager SEND Strategy Assessment and Provision stated that there was not a specific criteria of having to have a learning disability to attend a Special School. He gave an example of if a child had autism but did not have a learning difficulty that specialist provision could be put in place in a mainstream setting allowing the child to thrive in their community with their peers. It was the intention of services in Durham to see children educated in their local schools where possible as guided by the SEN strategy as this provides the best outcome when it was possible.

There was a recognition that at present some children would not have their needs met in mainstream schools and that in some instances school sensory environments made this more challenging for e.g. due to noise this was where reasonable adaptations could not have a positive impact in creating better opportunities for young people. He noted that this was a national challenge as well as a local one and that opportunities to learn from other areas were being explored.

The Strategic Manager Specialist Inclusion Support informed the Committee that national provision evolved all the time learning how to make adaptations to the curriculum to try to maintain enhanced learning within local schools. He added that work was continuous with school clusters to share their expertise to adapt through the Autism Strategy in learning, support services and peer support for schools to make better spaces.

Mrs Axton asked if this extended to small groups.

The Strategic Manager Specialist Inclusion Support confirmed this was an example of good practise in every school.

Mrs Axton asked how the authority monitored the number of children that were unable to access their educational provision due to exclusion, health or otherwise, distinct from the numbers actually accessing alternative provision (AP); and how many schools were receiving SEN funding for children they had not seen or given any support to for months at a time.

The Head of Early Help, Inclusion and Vulnerable Children replied that the local authority monitored the number of children in part by attendance records given on young people that were not in formal education, alternative provision or pupils that had missed out or were out of education by schools. Any child that had been excluded would be referred to the local authority after day 6. If a child was permanently excluded funding would cease from that time however if a child was too ill to attend school funding would not be removed as bridging education would offered until they returned to school.

Mrs Axton asked how many schools still retained funding if a child was not supported due to anxiety.

Councillor A Reed felt that it would fluctuate.

The Strategic Manager Specialist Inclusion Support noted that the positive side was that this was a hot topic and work had taken place in Durham since lockdown. He advised that there had been investment in school projects on how to identify invisible issues and what could be offered to encourage support in the circumstances. Focus on development was underway with Durham and Newcastle Universities to look at the issue of young people not in receipt of an education.

The Head of Early Help, Inclusion and Vulnerable Children confirmed that Scrutiny had received several presentations on poverty that looked at demand against the demographic area and there was a degree of correlation between the increase in demand and the locality. There was also an increase in other factors such as an increased preference by families to have their children in special schools and an increase in families who had moved into the area along with some seeking private mental health assessments.

The Strategic Manager SEND Strategy and Assessment stressed that the Local Authority must commission advice from an Educational Psychologist for an Education Health and Care needs assessment. He noted that some parents felt the need to gain private assessments which could add to the information provided by the Local Authority commissioned Education Psychologist but not replace it.



Councillor A Reed thanked Officers for an informative presentation and for taking the time to answer all the questions put to them.

**Resolved:**

That the report and presentation be noted.