

**Children and Young People's
Overview and Scrutiny Committee
28 February 2019**



**SEND overview, local progress since
Inspection and inclusion / exclusion
children and young people with SEND**

**Report of Margaret Whellans, Corporate Director Children and
Young People's Services**

Electoral division(s) affected:

Countywide.

Purpose of the Report

- 1 The purpose of this report is to provide members of the Children and Young People's Overview and Scrutiny Committee with an update on Special Education Needs and Disabilities (SEND) in County Durham. This includes current information available about children and young people with SEND, progress made locally since the inspection of SEND services in late 2017 and information about exclusions of children and young people from school who have SEND. The report provides a contextual overview of the presentation to be delivered at the meeting.

Executive summary

- 2 The Durham SEN population can be summarised as:
 - (a) 11,250 Children and young people in County Durham with SEN, regardless of where they attend school 1
 - (b) 8,256 Pupils having needs met through SEN Support²
 - (c) 2,994 Children and young people having needs met through Education Health and Care Plans (EHCP), regardless of where they attend (SEN2 return table 3).*
 - (d) 6,204 (59%) Of these were at Primary school (state schools) 2
 - (e) 2,829 (27%) were at Secondary school (state schools) 2
 - (f) 1,374 (13%) were at Special school (state schools) 2

Source: *Special Educational Needs in England, January 2018, Department for Education*

1 – SEN2 (Children and young people with a statement or EHC plan) plus School Census (pupils with SEN Support)

2 - School Census 2018

3 - SEN2 2018

* - Local data shows this number had risen to 3,210 (as of November 7th 2018 (Synergy, Durham County Council).

** - Includes independent schools

- 3 Between 27 November and 1 December 2017, Ofsted and the CQC conducted a joint inspection of the effectiveness of the area in implementing the disability and special educational needs reforms as set out in the Children and Families Act 2014.
- 4 In addition to a range of strengths and areas for development the Inspection Team determined that four specific areas required a written statement of action (WSoA) drawn up to improve local area provision. The WSoA was declared fit for purpose on 28 June 2018.
- 5 One year on the Local Area has made significant progress since the SEND Inspection took place this includes significant progress against each of the four areas of the Written Statement of Action (WSoA). The Local Area has identified further areas for development in 2019 as part of a SEND Strategy refresh.
- 6 It is typical that in England young people with SEND are more likely to be excluded than their peers. In Durham this is also the case though the rates in for exclusions in Durham are lower than the National Average for all children including those with SEND.

Recommendation

- 7 Children and Young People's Overview and Scrutiny Committee is recommended to:
 - a) receive this update report and presentation and comment accordingly;
 - b) continue to provide commitment and support across the work of the Local Area that supports Children and young people with SEND.

Durham – the local picture and how we compare

- 8 There are approximately 75,000 children and young people of school age in County Durham, and about 1 in 6 are identified as having SEND. There are 268 schools of which 30 are secondary (17/13 academy/maintained), 194 Primaries (18/176 academy/maintained), 10 infant and 10 junior schools, 10 Special Schools and 1 Pupil Referral Unit. It should be noted that not all pupils within the County attend schools in the area. Conversely, some pupils may travel from other

areas to schools in the County. This is a feature of the SEND Code of Practice.

- 9 SEND typically describes two main groups of young people, those receiving SEND Support and those with an Education, Health and Care Plan (EHCP).
- 10 SEN Support in County Durham - we expect every child who requires SEN support to have an individual SEN Support plan. This must work towards a clear set of expected outcomes and detail the 'additional to' or 'different from' provision they are receiving.
- 11 Education, Health and Care Plans (EHCP) – in some cases despite the school having taken relevant and purposeful action through SEN support, a pupil may not have made the expected progress. To understand the complexities around these cases an Education, Health Needs Assessment (EHNA) will take place. Through the EHNA it may be determined that needs would be best met through an EHCP, An EHCP is a legal document which describes a child or young person's special educational needs, the support they need, and the outcomes they would like to achieve. This covers children and young people up to the age of 25 since the SEN reforms.
- 12 It would be typical that the needs of young people with an EHCP are higher than the needs of young people with SEN Support.
- 13 How Durham compares - County Durham has a slightly lower proportion of school pupils with SEN (14.4%) than the North East (15.5%) and England (14.6%, figure 1, school census 2018).
- 14 Pupils with SEN support - County Durham has a slightly lower proportion of school pupils with SEN support (11.4%) than the North East (12.4%) and England (11.7%).
- 15 Pupils with statements or EHC plans - County Durham has a similar proportion of pupils with statements or EHC plans (2.9%) to the North East (3.1%) and England (2.9%).
- 16 Primary Needs - All pupils with SEN have an assessment of their primary need. The following charts show the breakdown of need in

County Durham by primary, secondary and special school, compared to the national averages and ranked by prevalence. We recognise that whilst primary need is a helpful indicator many young people have a range of needs due to the sometimes complex nature of SEN.

Key

ASD (ASC): Autistic Spectrum Disorders (Autistic Spectrum Condition)	SLCN: Speech, Language and Communication Needs
MLD: Moderate Learning Difficulties	SEMH: Social, Emotional and Mental Health
SPLD: Specific Learning Difficulties (e.g. Dyslexia, Dyscalculia and Dyspraxia)	SLD: Severe Learning Difficulties
PD: Physical Disabilities	PMLD: Profound & multiple learning difficulty
HI: Hearing Impairment	VI: Visual Impairment
MSI: Multi-sensory impairment	NSA: SEN support but no specialist assessment of type of need
OTH: Other difficulty/disability	

17 In terms of primary need, according to the 2018 School Census, in County Durham schools:

2,800 3.7% of all school aged children have MLD
 1,200 1.6% of all school aged children have SLCN
 1,900 2.5% of all school aged children have SEMH
 1,050 1.4% of all school aged children have ASC

The full range of primary needs can be seen in figure 1.

Figure 2 shows the percentage of **primary** school pupils with special education needs by type of primary need, County Durham, North East and England, 2018. Source. School Census, Department for Education

Figure 3 shows the percentage of **secondary** school pupils with special education needs by type of primary need, County Durham, North East and England, 2018. Source. School Census, Department for Education

Figure 4 shows the percentage of **special** school pupils with special education needs by type of primary need, County Durham, North East and England, 2018. Source. School Census, Department for Education.

Figure 1. Number of school pupils with special education needs by type of primary need, County Durham, 2018. Source. School Census, Department for Education

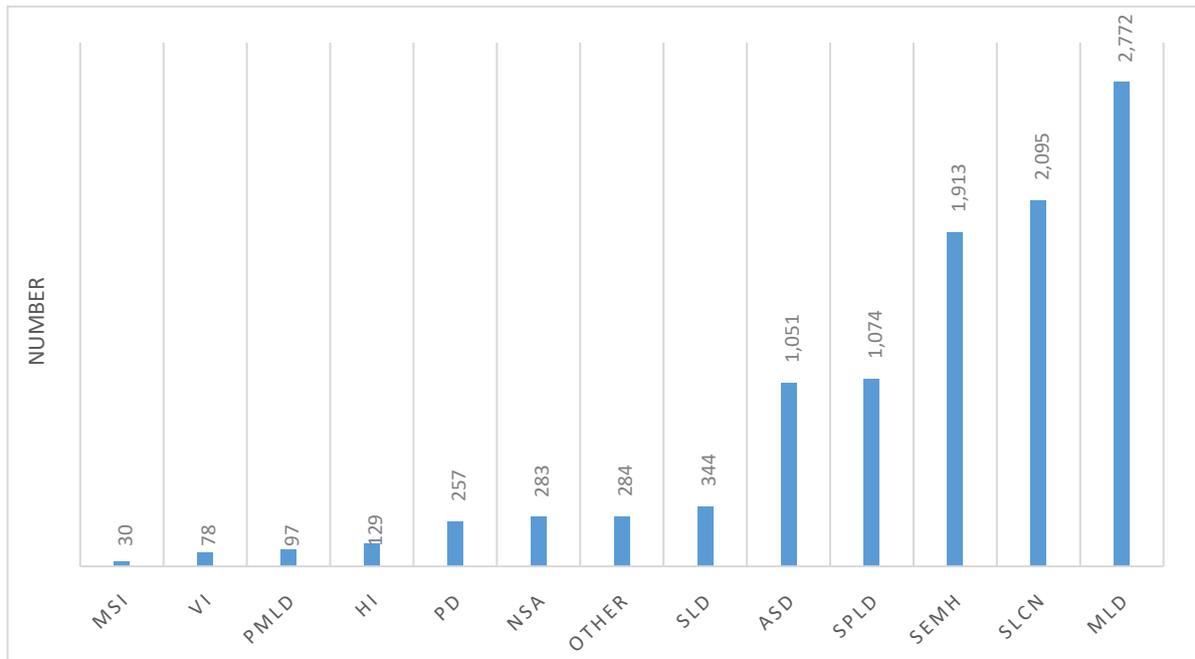


Figure 2. Percentage of **primary** school pupils with special education needs by type of primary need.

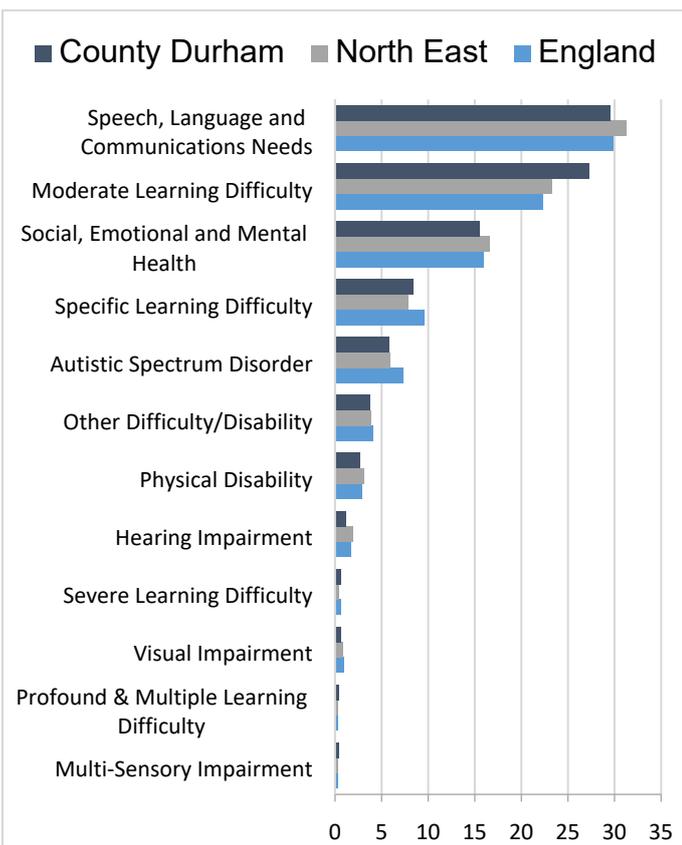


Figure 3. Percentage of **secondary** school pupils with special education needs by type of primary need.

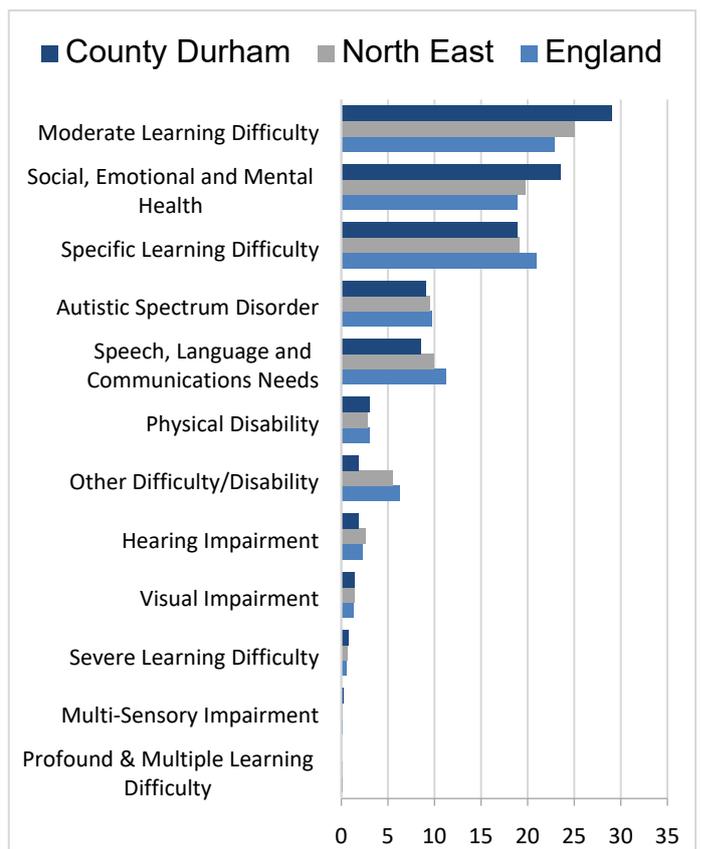
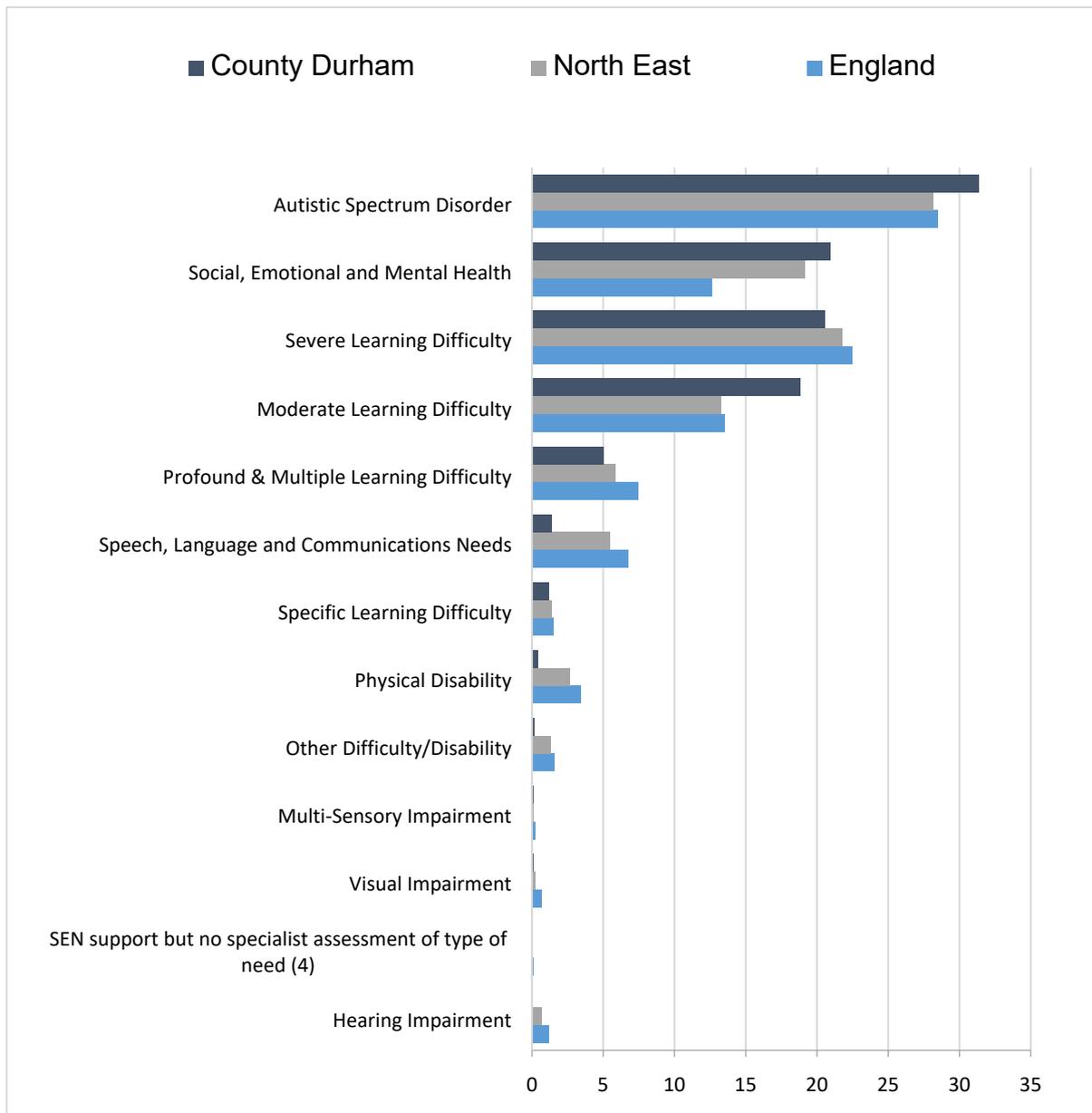


Figure 4 percentage of special school pupils with special education needs by type of primary need.



- 18 In primary schools, Speech, Language and Communications Need (SLCN) is the most prevalent type of primary need nationally, regionally and locally at around 30% (figure 2).
- 19 In secondary schools Moderate Learning Difficulty (MLD) is the most common primary type of need nationally, regionally and locally (figure 11). In County Durham 29% of secondary school children with SEN have MLD, compared to 25.1% in the North East and 22.9% in England (figure 3).

- 20 In special schools Autistic Spectrum Disorder (ASD) is the most common primary type of need nationally, regionally and locally (figure 4). In County Durham 31% of special school children with SEN have ASD, compared to 28.2% in the North East and 28.5% in England.
- 21 The relatively large numbers of children identified with MLD may be explained by the ambiguous nature of the term; effective identification of this primary need can be challenging.

Progress since the Local Area Inspection

- 22 Between 27 November and 1 December 2017, Ofsted and the CQC conducted a joint inspection of the effectiveness of the area in implementing the disability and special educational needs reforms as set out in the Children and Families Act 2014.
- 23 In addition to a range of strengths and areas for development the Inspection Team determined that four specific areas required a written statement of action (WSOA) drawn up to improve local area provision. The WSOA was declared fit for purpose on 28 June 2018.
- 24 The Local Area has received three monitoring and support visits from the DfE Regional SEN and Disability Professional Adviser and the NHS England Deputy Director of Quality Assurance. The most recent monitoring visit took place on 8 November 2018. We have since been advised that periodic monitoring and support visits will continue in all areas with a written statement of action until a SEND Inspection re-visit by Ofsted and CQC has taken place. For County Durham, this is expected by December 2019.
- 25 Strategic oversight and linkage with other partnership activity has been transformed by establishing a new leadership, governance and accountability framework for all local area provision for children and young people with SEND. These arrangements have been implemented as part of the introduction of strengthened partnership arrangements through the Integrated Steering Group for Children (ISGC), which is jointly chaired by Durham County Council's Corporate Director of Children and Young People's Services and Director of Nursing, for the Durham Dales, Easington and Sedgefield Clinical Commissioning Group (CCG) and North Durham CCG. The ISGC reports into the Integrated Care Board. This is the key decision making authority for the new strategic model of health and social care in County Durham. The ICB reports to Durham's statutory Health and Wellbeing Board.

26 The Integrated Steering Group for Children requested that a one year on report be completed to summarise the progress of the Local Area post the Local Area SEND Inspection. This in turn was shared with DfE and NHS England and has also been to the Health and Wellbeing Board and Corporate Management Team.

27 A brief summary of key areas of progress over the last year is included in the following four sections of this report. The report is included as appendix 1. In addition a detailed evidence log is maintained which goes alongside the report and is being added to on a regular basis.

28 **Section 1 - Strategic Leadership and Governance of SEND Reforms**

- (a) A new leadership, governance and accountability framework implemented including regular corporate performance clinics and Corporate Management Team oversight
- (b) Senior management restructure of children and young people's services in Durham County Council establishing a Head of Early Help, Inclusion and Vulnerable Children with responsibility for SEND
- (c) Quality Improvement Manager post established to develop, agree and implement service transformation and practice improvement to further support children and young people with SEND
- (d) Clinical Commissioning Group (CCG) response with a revised job description for Designated Clinical Officer.
- (e) Integration of the Quality Improvement Manager and Designated Clinical Officer through their co-location and integrated work programme
- (f) Strengthening of political oversight of SEND issues including monthly meetings with portfolio holder, reports to Scrutiny
- (g) Regular reporting to Clinical Commissioning Group (CCG) governing bodies
- (h) Patient congress session held to improve awareness of SEND
- (i) Refresh of Local Area SEND Strategy coproduced with parent carer forum; priority area in new CYPS strategy approved February 2019
- (j) Children and Young People's Promise developed by children and young people themselves

- (k) Participation Strategy developed by parent carer form
- (l) Participation Strategy cited as best practice by Local Government Association
- (m) System wide audit of SEND reforms conducted by local health service providers improving service interface for Children and Young People.
- (n) Health needs assessment of young people with SEND commissioned by Public Health providing a deeper insight into needs for 2019

29 **Section 2 - Performance management and quality assurance**

- (a) Key performance data for priority areas agreed and reporting rationalised into one document
- (b) Clear escalation process for performance challenges established
- (c) Provision/Local Offer
 - (i) Schools support delivered through Special Educational Needs Coordinators. Attendance at network meetings improved from 126 to 145 schools
 - (ii) 16 new SENCOs completed the National Award for SEN Coordination
 - (iii) 49 autism training and development sessions ran for school staff attended by 900 people
 - (iv) A two day event ran in June 2018 on autism attended by Emily Reuben
 - (v) Three new enhanced mainstream provisions identified for secondary school age phase
 - (vi) An eight bed 52 week residential and learning setting for young people aged 14+ jointly commissioned
- (d) Assessment
 - (i) Education, Health and Care Plan (EHCP) completions within 20 weeks improved from 85% to 91% (Sept 2018)
 - (ii) New procedures introduced for Education, Health and Social Care Managers to monitor EHCP completion rates and implement learning

- (iii) Steps taken to improve feedback response quality and rate from parent carers
- (iv) Exclusion
 - a. Behaviour Partnership Panels established to develop strategies to support young people under threat of exclusion
 - b. Exclusion trends monitored by Local Area with challenge and support provided to schools with high rates
- (e) Health
 - (i) Waiting times for Speech and Language Therapy (SALT) continue to improve, currently 72% of routine referrals are being seen and assessed within 6 weeks - this was under 40% throughout much of 2016
 - (ii) Over 90% of those referrals receive treatments within 12 weeks of assessment
 - (iii) Funding increased to implement a single provider Social Communication Assessment Team (SCAT) diagnostic service
 - (iv) Waiting times for patients on SCAT waiting list has halved
 - (v) Learning from EHCP panels shared at three half-day health focused training sessions
 - (vi) Greater scrutiny of health service provider performance
- (f) Social Care
 - (i) 481 Social Care Staff, 71% of the workforce, undertaken SEND awareness training
 - (ii) Revised short breaks offer introduced increasing the number of families that can access this service
- (g) Improving progression
 - (i) Supported Internship Forum established resulting in 27 new internships
 - (ii) Tri-Work Young Persons' Supported Work Experience for Schools Pilot introduced resulting in 125 young people gaining work experience

- (iii) Children and young people carried out their own review of good practice in relation to support for young people during transition from schools to post-16 providers
- (iv) Pilot programme introduced to increase the number of young people with SEND travelling independently
- (v) 991 young people with SEND participated in employment, education or training, 438 progressed to employment
- (vi) Reduction in young people with SEND who are not in education, employment or training reduced from 20.2% to 16.1%

30 Section 3 - Strategic planning and joint commissioning arrangements

- (a) More integrated governance and planning arrangements introduced for commissioning. Including a balanced provider scorecard introduced to monitor performance
- (b) Jointly funded assistive technology pilot improved the lives of six children and young people
- (c) Service user engagement exercise for children's therapy services carried out
- (d) Co-creation and commissioning of Durham Resilience Project to improve independence and resilience of young people with 20 schools taking part
- (e) Five emotional health and resilience nurses commissioned
- (f) CCGs introducing a coordinator for personal health budgets for children, 10 children and young people now have personal health budgets
- (g) Jointly funded post for commissioning services for children with autism introduced

31 Section 4 - Approach to strategic co-production with parents and children

- (a) Coproduction of a Participation Strategy which is cited as best practice by Local Government Association. Leaders and frontline staff to be trained in the new strategy by the parent carer forum and Special Educational Needs and Disabilities Information and Advice Service (SENDIAS) early in 2019

- (b) Parent Carer Form delivered two conferences attended by over 150 parents
- (c) SEND Toolkit developed in coproduction with parents for parents with six parent led training sessions on the toolkit delivered in 2018
- (d) Young People's Future Event planned by young people delivered in October aimed at children and young people aged 13-25
- (e) Children and young people supported the CCG in the children's therapies review
- (f) 30 secondary schools and post-16 providers engaged by SENDIASS Young People's Development Worker to develop SEND practices
- (g) 994 people attended Fulfilling Lives event resulting in 25 new enrolments of young people into higher education

Inclusion / Exclusion for children and young people with SEND

- 32 We recognise that every child, deserves an excellent education and the opportunity to fulfil their potential.
- 33 In the large majority children and young people are included in an education system that supports them to thrive. In some instances young people are excluded from school either for fixed term periods or on a permanent basis.
- 34 Exclusions are used as a sanction to improve a child or young person's behaviour, the aim of an exclusion should always be to draw attention to the behaviour and try and prevent it from happening again. When considering the effectiveness of exclusions in this regard we monitor the use of repeat Fixed Term Exclusions (3 or more) as a sign of where exclusion is not having the desired impact. Permanent exclusion is the most serious sanction a school can give. Permanent exclusions are given when a young person does something against the school's behaviour policy that the school and it's governing body consider so serious that the child or young person is no longer allowed to attend the school. Permanent exclusion should only be used as a last resort.

Exclusion Trends for all Pupils in Durham

- 35 Department for Education census figures for primary aged exclusions rates* in England: 2016 to 2017 (table 1) show that Durham is below national and regional comparisons for permanent exclusions with 0 exclusions across the county. This is not the case for fixed term exclusions where Durham has a higher rate of 0.18 over national and is in line with the region. In addition repeat fixed term exclusion in primary school is higher than national rates by 0.06 and significantly higher than the region rate by 0.3.
- 36 Department for Education census figures for secondary aged exclusions rates* in England: 2016 to 2017 show that Durham is above national rates by 0.05 and in line with the region. This is not the case for fixed term exclusions where Durham has a significantly lower rate -5.56 below national and below the regional rate by -16.74.

*rates = the total population divided by the number of exclusions.

Table 1 - Exclusion Trends all Pupils Durham Vs Regional and National

	State-funded primary schools			State-funded secondary schools		
	Permanent exclusion rate	Fixed period exclusion rate	One or more fixed period exclusion rate	Permanent exclusion rate	Fixed period exclusion rate	One or more fixed period exclusion rate
ENG	0.03	1.37	0.62	0.20	9.40	4.62
NE	0.01	0.86	0.38	0.25	12.90	4.89
Dur	0.00	1.55	0.68	0.25	7.34	3.67

- 37 Table 2 shows that in Durham schools 2.6% of pupils with SEND receive fixed term exclusions 0.6% less than the national figures for fixed term exclusions of young people with SEND.
- 38 Table 2 also shows 9.7% young people with SEND in secondary schools receive fixed term exclusions lower than the national rate of 11.4%.

- 39 As with the national picture young people with SEND in County Durham are significantly more likely to be excluded in secondary school than in primary school.

Table 2 - Exclusion Trends of SEN Pupils in Durham Vs National

2017-2018 academic year	Durham Number of Pupils	Durham	National
Primary Fixed Term Exclusion	160	2.6%	3.2%
Secondary Fixed Term Exclusion	271	9.7%	11.4%

- 40 In considering the repeat use of fixed term exclusions 60 primary aged children and 83 secondary aged young people with SEND received 3 or more fixed term exclusions. There is no reliable comparison data available.

Table 3 - Repeat Fixed Term Exclusions

2017-2018 academic year	Durham Number of Pupils	Durham	National
Primary Repeat Fixed Term Exclusion (3 or more)	60	1%	NA
Secondary Repeat Fixed Term Exclusion (3 or more)	82	2.9%	NA

- 41 There are no permanent exclusions for primary aged pupils in County Durham. This is also the case for young people with an EHCP, however 21 pupils with a recognised SEN support plan received a permanent exclusion in the 2017-2018 academic year.

- 42 Promoting Inclusion and Preventing Permanent Exclusion –

Durham Primary and Secondary Schools including Academies and the LA have agreed protocols to support pupils at risk of exclusion. This is reflected in the shared commitment to promote education and social inclusion and to minimise the use of exclusion (fixed term and permanent) by focusing efforts on early intervention and support for young people experiencing difficulties. These protocols include:

- **Fair Access Protocol** - The Fair Access Protocol has been developed between the Local Authority and Durham Schools and is reviewed annually. The protocol consolidates agreed procedures for in year admissions, pupils with challenging behaviour and managed moves. The Protocol is governed by the Durham Association of Secondary Heads and Durham Association of Primary Heads. The Local Authority provides Pupil Casework support through this protocol ensuring that any child move is coordinated.
- **Communities of Learning** - Communities of Learning support schools to be inclusive communities where all children and young people, including those who need additional and adaptations, are included. Whilst their primary focus relates to supporting the inclusion of children with SEND there are intrinsic links to other children/young people who benefit from the Col.
- **Behaviour Partnership Panels** – provide operational coordination of early intervention, support and guidance to schools and alternatives to exclusion. This is implemented through four geographical Secondary Behaviour Partnership Panels (North, Central, East and South West) and one Primary Behaviour Partnership Panel. The Behaviour Partnership Panels link schools, the Pupil Referral Unit and Local Authority Education, Early Help Inclusion and Vulnerable Children Services.
- **Early Help, Inclusion and Vulnerable Children Service** - offers an Educational Psychology led 'Inclusion Support' Service Level Agreement providing a range of options to support the panels to identify and meet the needs of pupils with challenging behaviour. Full details can be seen in the service [brochure](#)

43 **The impact of the agreed protocols has been a 13% reduction in Fixed Term Exclusions and a 5% reduction in permanent exclusions in County Durham between 16/17 and 17/18.**

Next Steps

- 44 The one year on report recognises significant areas of progress since the SEND Inspection took place and also identifies some further areas for development in 2019. These include:
- (a) Continue with and further refine our partnership governance arrangements and oversight by political leaders to ensure we monitor progress, quality improvements and evidence impact for children and young people

- (b) Work with leaders across all learning settings to transform high needs provision ensuring the local offer is further improved
 - (c) Working specifically to improve health and reduce inequalities for children and young people who have SEND
- 45 The SEND WSOA Action Plan is currently being revised and re-ordered to better reflect key remaining actions, progress made and governance.
- 46 The updated Children and Young People's Strategy 2019-22 has a key aim about better outcomes for children and young people with SEND. This wider strategy for children and young people links directly across to the refreshed SEND strategy which is referenced in the progress report.

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Appendix 1: Implications

Legal Implications - General, as defined in the Children and Families Act.

Finance - The report reports on joint commissioning opportunities across the Local Area.

Consultation - None

Equality and Diversity / Public Sector Equality Duty - The Local Authority under Equalities Legislation and the Children's Act have a duty to provide access to services for Children and Young People with SEND.

Human Rights - None

Crime and Disorder - None

Staffing - None

Accommodation - None

Risk - None

Procurement - None