

## **Cabinet**

**6 April 2022**

**Updated SEND Strategy for County  
Durham 2022-24**



**Ordinary Decision**

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### **Report of Corporate Management Team**

**John Pearce, Corporate Director of Children and Young People's Services**

**Councillor Ted Henderson, Cabinet Portfolio Holder for Children and Young People's Services**

### **Electoral Division(s) Affected**

County wide

### **Purpose of the Report**

- 1 This report introduces a new Special Educational Needs and Disability (SEND) Strategy for the county and recommends that Cabinet adopts it for the period 2022-24.

### **Executive Summary**

- 2 The current SEND Strategy for County Durham required review and a new strategy has been developed through extensive stakeholder engagement as well as reference to required legislative frameworks, other related county strategies and the public consultation undertaken on the High Needs Block funding.
- 3 At the heart of our approach to the SEND Strategy is a vision for children and young people with special educational needs and disabilities that is the same as for all children and young people in County Durham: that they are safe and part of their community, have the best start in life, have good physical and mental health, and gain the education, skills, and experiences to prepare them for adulthood.
- 4 The Strategy vision, aims and indicators were consistently supported by all stakeholders. The implementation and further development of the Strategy will be supported by the SEND strategic partnership and

agreement to this partnership Strategy is also being sought through the Health and Wellbeing board on the 11 May 2022.

**Recommendation(s)**

- 5 Cabinet is recommended to:
  - (a) adopt the SEND Strategy 2022-24.

## **Background**

- 6 County Durham currently has a strategy for children, young people and young adults with SEND, with the aim of providing focus and clarity on the priorities for improving services and opportunities. This strategy is aligned with our wider children and young people's strategy.
- 7 The existing strategy whilst still relevant was due to end in 2020 during which time it was planned to rewrite the strategy. This was postponed allowing each of the services the opportunity to focus on their responses to COVID.
- 8 During 2021 we embarked on developing the new strategy with key stakeholders including children and young people with SEND and their families, council, education, and health services.
- 9 In addition to presenting the strategy to Cabinet it is also being presented to the executive body of the County Durham Care Partnership on 22 March 2022. It is then due to go to the Health and Wellbeing Board on 11 May 2022.

## **SEND in Durham**

- 10 SEND practice is guided by the current SEND Code of Practice, underpinned by legislation in the Children and Families Act 2014. A child or young person (CYP) is deemed to have SEND if they have a learning difficulty or disability which calls for special educational provision to be made for them which is additional to, or different from, the usual provision available to other CYP of their age.
- 11 SEND needs can be met in a number of ways including:
  - (a) support from a setting, school, or college's own resources;
  - (b) support from other agencies;
  - (c) additional top up funding;
  - (d) and, for a number of CYP through an Education Health and Care Plan.
- 12 The majority of children and young people with SEND will have their needs identified and met in a mainstream nursery, school, or college. All schools must have a SENCo (SEN Co-ordinator), the SENCo has day to day responsibility for co-ordinating the identification of needs and the SEND provision in schools.
- 13 All education providers/settings (including academies and free schools) must make every effort to meet the needs of children and young people

with SEND. Their SEND provision must be illustrated in the SEND Information Report. This report details what additional and different provision the school can make to meet its student SEND.

- 14 The Local Authority supports its education providers and settings to identify and meet SEND through a wide range of specialist advice, training and practical tools. In addition to this, the Local Authority provides additional funding from the High Needs Block to ensure young people can have their needs met in their local mainstream setting where possible or other settings where not possible.
- 15 Young people with SEND are grouped as, those receiving SEN Support and those with an Education, Health and Care Plan (EHCP). Those with SEND Support have their needs recognised by school and provision planned and implemented by the school. Those with Education Health Care Plans have their needs recognised and provision planned through a statutory multi agency process led by the Local Authority.
- 16 SEND Support in County Durham – it is expected that 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.
- 17 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. It would be typical that the needs of young people with an EHCP are higher than the needs of young people with SEN Support.
- 18 Information from a number of sources shows a continuing increase in the number of children and young people with SEND, when compared with 2016. According to the DCC School Census (January 2021), there were 76,000 children and young people of school age within County Durham. Of those:
  - (a) 1 in 6 of school age children and young people in County Durham are described as having SEN. That is a total of 11,643;
  - (b) 13.2% of the school age population have their needs met through SEN Support;

- (c) 3,628 children and young people (0-25 years) have their needs met through Education Health and Care Plans (EHCP), a 41% increase since 2016. 2,283 of these pupils are school age, a 10% increase since 2016;
  - (d) of those children with an EHCP in the primary phase, 51% are in mainstream school, this reduces to 25% of those with an EHCP in the secondary phase;
  - (e) 10,175 (87%) of school age children and young people identified with SEND have their needs met within a mainstream school context.
- 19 These numbers have increased each year since the introduction of the SEND Reforms<sup>1</sup>.
- 20 Whilst the data above gives a snapshot for school age children from the school census, there are wider demands when the 0-5 and 16-25 population is also considered. We have also continued to see increased demand in 2021/22, some linked to COVID and children and young people's disruption from formal education and in recent months have seen a particular increase in requests for support for pre -school children.

## **The Send Strategy for County Durham**

- 21 The SEND Strategic Partnership has committed to developing a strategy that makes sense for children and young people with SEND and their families, schools and settings, services, teams, and individual practitioners. The strategic intention is:
- (a) to inform and support our activity, and in turn is informed and supported by what we do;
  - (b) to enable an understanding of when progress is being made;
  - (c) to help identify what else needs to be done.
- 22 An 'easy read' version of the Strategy is being developed with young people, supported by 'Investing in Children', and will be widely promoted through a range of channels.
- 23 The Strategy must have regard to the legal requirements for SEND and Equality, as well as recent National and Local reviews and explorations

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<sup>1</sup> [The Children and Families Act 2014](#)

with partners. The Strategy vision and aims have been developed through referencing a range of sources including:

- (a) The Children and Families Act 2014 (and associated SEND Code of Practice);
- (b) The Equality Act 2010;
- (c) The Autism Act 2009;
- (d) The Marmot Review of Health inequalities 2010 and its review in 2020;
- (e) DfE SEND review (now anticipated in Spring 2022);
- (f) Durham County Council strategies and plans including the County Vision and Children and Young People's Strategy;
- (g) Durham Partnership reviews and strategies including:
  - i. Local Transformation plan for Mental Health;
  - ii. Think Autism Strategy (2019-22);
  - iii. High Needs Consultation (2019) and high needs review (2018);
  - iv. Health Needs Assessment for SEND (2019);
  - v. SEND Ofsted inspection (2017) and revisit (2020).

24 Both the Children and Young Peoples Act (2014) and the Equality Act (2010) are based on important international laws that are clear about the rights of all people, including children and young people, to be included in their community and places duties and responsibilities on all of us to make adjustments that enable this to happen. This Strategy is built on a foundation of promoting inclusive communities where:

- (a) All work together to achieve this;
- (b) All communicate positively with each other;
- (c) All commit to work together to overcome challenges when they present.

## **The Vision**

25 **The Vision for children and young people with special educational needs and disabilities is the same as it is for all children and**

**young people in County Durham: that they are safe and part of their community, have the best start in life, have good physical and mental health, and gain the education, skills, and experiences to prepare them for adulthood.**

- 26 It was clearly expressed by all stakeholders that this Strategy should be built on a foundation of understanding and positive communication.

## **The Aims**

- 27 The aims of the Strategy are:

- (a) To listen to what children and young people are telling us when supporting them and to develop their resilience and independence;
- (b) To work closely with families to develop their resilience and feel confident that needs are understood and met, and will continue to be met through transition;
- (c) To identify needs in a timely way and have the right support available to meet needs at the right time;
- (d) To have a joined-up offer of support available proportionate to assessed needs;
- (e) Where possible, for all children and young people to attend their local school which understands them and is able to meet their needs;
- (f) For all education settings and their workforce to be confident in identifying and meeting needs and to promote good health, well-being, and inclusion.

- 28 'Inclusion' is a powerful statement of rights but can sometimes be difficult to describe in ways that make sense to what we do and see on a daily basis. Working together, we have defined some of the key things that we would notice if children and young people were successfully included in their community. These are:

- (a) Being **present** in their education setting;
- (b) **Participating** fully in their educational community;
- (c) **Achieving** and making progress at a pace that is right for them;
- (d) Feel that they **belong** in their community;
- (e) Working towards being as **independent** as possible.

- 29 Our commitment to the vision, aims and indicators will be measured by the positive impact on children and young people, and what we each do to promote this. The starting point is recognising that if children and young people with SEND are to thrive then the foundation is our commitment to create cultures that enable us to communicate positively and work together.
- 30 Across the partnership in Durham, we recognise that every child and young person, their family, their community, and education setting has a role to play in supporting every child to thrive. The SEND Strategy is built on an understanding that all parts of this system must work together with a shared focus to achieve the best outcomes for every child/young person.
- 31 In developing this new Strategy, leaders from across the SEND partnership explored the vision and aims with children, young people, their families, and other key stakeholders across County Durham. A range of questions were asked including:
- (a) Are the statements understandable?
  - (b) Do you agree on the vision and aims?
  - (c) What outcomes would we notice for children and young people if these aims, and priorities are being achieved?
  - (d) What would I, my family, or my team do to support this?
  - (e) How do we promote confidence in children and young people, their families, and professionals that these will happen?
  - (f) How do we hold ourselves\* to account? (\* this includes accountability of schools)
- 32 A summary of responses include:
- (a) Universal support or strong support for the Vision and Aims;
  - (b) A desire for more inclusion/less exclusion, settled schooling, a positive view of neurodiversity, confidence in families and professionals, improved transitions and better mental health and understanding of health needs;
  - (c) A breadth of far-reaching actions with much of the parent and Special Educational Needs Co-ordinators (SENCOs) responses centred on positive relationships and communication and joint working/reviewing of progress, sharing good practice;



- (d) A desire to improve professional awareness of SEND, develop a greater consistency of offer between settings, promote positive communication, shared planning, and solutions for transitions;
  - (e) An opportunity to engage school governance, making clear the expectations of the SEND offer to families in each provision.
- 33 Key points from specific groups of service users and stakeholders included:
- (a) **Children and Young People** want more opportunity to be heard when choices are made for them, and want more opportunity to be included in their community;
  - (b) **Parents and Carers** are particularly focused on wellbeing and mental health, provision at SEND support and improving transitions, and a positive value for neurodiversity;
  - (c) **SENCOs and Parents and Carers** consider improved communication as the key to raising confidence in provision;
  - (d) **Health stakeholder** feedback was positive with an acknowledgement that the action sets which underpin the Strategy ought to be a blend of health specific and joint / pooled solutions;
  - (e) **Engagement with Overview and Scrutiny Committee** recognised the importance of understanding the neurodiversity of children and young people, the value of working in coproduction with service users was highlighted as was the investment in positive communication. Members of the committee identified what they considered to be a necessary culture shift for schools and their governing bodies to be inclusive of young people with SEND.

## Partnership Working

- 34 In continuing to ensure that our Local Area SEND systems are working for children and young people with SEND and their families it is essential that the partnership works effectively together. The SEND Strategic Partnership has oversight of working arrangements and partnership performance across education, health, and care services. As part of taking this new Strategy forward and monitoring its impact this oversight will include:
- (a) A quality assurance framework which sets out aims, measures of success and actions;

- (b) A data framework to measure these;
- (c) Compiling a narrative about how stakeholders contribute to strategic aims including a programme of multi-agency and single agency audits;
- (d) Regular political oversight through the council's cabinet, discussions with portfolio holder and scrutiny committee;
- (e) Continuing monitoring and learning from external inspections of the overall system and individual parts such as schools, as well as from compliments and complaints.

### **Embedding the Strategy**

- 35 The Strategy will be developed across the SEND Partnership through workshops. Whilst each area of the partnership has legal duties under the Equalities Act 2010 and the Children and Families Act 2014, they will also be invited to participate in detailed action planning and data gathering directly relating to the aims and indicators of the Strategy. Gathering data from across the Partnership, along with case studies and high-level data will enable a clearer picture to emerge of how the complex system is progressing towards its agreed Vision and Aims as part of the quality assurance process.
- 36 Higher level actions, data and quality assurance will be supported through new subgroups reporting to the SEND Leadership and Partnership Groups relating to the Aims and Indicators of the Strategy. Workshops are taking place to develop this further in coming months.

### **Resourcing the Strategy through council led services and High Needs Block**

- 37 A range of Council services support work for children with SEND and their education, health and care needs up to age 25 and are resourced to do this through a range of funding including council resources, High Needs Block and other funding streams. This includes services across Children and Young People's Services and Adults and Health Services.
- 38 All schools and education settings are expected to make reasonable adjustments to meet the SEND needs of their students as outlined within the SEND Code of Practice. This is funded through their general funding; the Local Authority will provide guidance to schools as to how much of their budget they should reasonably set aside as a notional amount for SEND provision. The reasonable adjustments expected of all schools are costed as the Age Weighted Pupil Unit (AWPU) funding and the first £6,000 of provision that would be considered as additional to and different from what would typically be

available to all learners. Any costs for SEND provision that go beyond this can be met through the High Needs Block (HNB) of the Dedicated Schools Grant (DSG). Whilst there are enduring pressures on the HNB, it is recognised that the provision of additional funding to schools is imperative to increasing confidence of both schools and families that recognised needs can be met.

- 39 As indicated in reports to Cabinet, there have been insufficient resources to support children and young people with SEND and inclusion needs in recent years. This position is continuing and is replicated in other local authorities. It is linked to a combination of factors to include rising demand for service provision that meets the increasingly complex needs of children and young people, and the SEND Reforms (2014) that increased support to include individuals from birth up to 25 years of age.
- 40 Through successful delivery of the HNB Sustainability Plan we aim to ensure that services are delivered within budget in accordance with the HNB five-year financial plan, and this is supported through the SEND transformation work that is underway. Key elements of this work relate to the following areas which were subject to consultation and are reported to cabinet:
- (a) Centrally Managed Services;
  - (b) Special Schools;
  - (c) Top-up Funding (TuF);
  - (d) Targeted Support Funding (TSF);
  - (e) Post 16 Funding;
  - (f) Funding support to Partnerships of Schools;
  - (g) Joint commissioning of therapies;
  - (h) Joint commissioning of equipment, aids, and adaptations;
  - (i) Alternative Provision (AP) and the Pupil Referral Unit (PRU).
- 41 The SEND and Inclusion Resources Board continues to oversee the implementation of the HNB work programme to deliver the proposed changes, the five-year plan, and any impact from the coronavirus outbreak. The Board is planning a review of its work during the year which will take account of the new SEND Strategy and the expected national review of SEND due to be published in the spring 2022.

## **Conclusion**

42 The purpose of the SEND Strategy is to set out the strategic approach, key priorities, and actions to work towards positively supporting and including children and young people with SEND as they progress towards adulthood. The SEND Strategy provides a vision and aims to guide all services working with children and young people with SEND and their families as individual services and also collectively as a partnership. This Strategy has been coproduced and promotes and facilitates the development, review, and transformation of services.

## **Background Papers**

- None.

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## **Appendix 1: Implications**

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### **Legal Implications**

The Children and Families Act 2014 covers the SEND reforms and is accompanied by statutory guidance for organisations to follow through the SEND code of practice: 0 to 25 years (2015).

The overarching legal implication within the report is the Equality Act 2010 with respect to the Public Sector Equality Duty (PSED). Section 149 of the Act details the requirement when taking decisions to have due regard to the need to advance equality of opportunity for people with protected characteristics, foster good relations between such groups and eliminate unlawful discrimination. It is necessary the impact on those groups is analysed as part of each area of work linked to HNB sustainability.

### **Finance**

A range of funding from various sources supports the education, health and care needs of children and young people with SEND.

The financial position relating to the High Needs Block (HNB) is monitored through the Special Educational Needs and Inclusion Resources Board and reported regularly to Cabinet. There is a current HNB sustainability plan which seeks to support children and young people with SEND within the resources available.

### **Consultation**

Developing the SEND Strategy has been informed by:

- Public consultation on the High Needs Block reported to Cabinet in January 2020;
- Stakeholder engagement between April 2021 and June 2021 including Children and Young People, Parents and Carers, SENCOs, Headteachers, Health Professionals, Overview and Scrutiny;
- Local Area SEND OFSTED inspection 2017 and revisit 2020.
- Discussions with a number of management teams and partnership groups and discussion with parents at Making Changes Together conference in autumn 2021

### **Equality and Diversity / Public Sector Equality Duty**

As the SEND Strategy affects 0-25 years old with SEND and their families, parents, and carers, there is potential impact for the protected characteristics of age, disability, sex, and ethnicity. There is disproportionate impact in relation to sex (both male and female) and ethnicity. Significantly more males have an ECHP (74%). In terms of impact on women, evidence suggests they

are more likely to have caring responsibilities for children and young people. Ethnicity data shows there is potential disproportionately in terms of ethnic minorities with special education needs (SEN).

The Strategy aims to reduce any inequalities faced by children and young people with SEND negative impact is therefore not anticipated, as proposals aim to create a more inclusive SEND education offer. This should impact positively in terms of disability, age (children, young people with SEND and their parents or carers), sex and ethnicity.

### **Climate Change**

An intended outcome of this programme of work, is to increase support for young people to attend local schools, rather than travel to schools that are further away, both within and outside of the county. The successful delivery of the programme will result in reduced miles travelled by pupils, thereby reducing carbon dioxide emissions and potentially a reduced contribution to local traffic congestion.

### **Human Rights**

None.

### **Crime and Disorder**

None.

### **Staffing**

None.

### **Accommodation**

None.

### **Risk**

None.

### **Procurement**

None.

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## **Appendix 2: SEND Strategy**

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Attached as a separate document.