



Graduated Response Strategy- Improving Special Educational Needs and Disability (SEND) Support and Outcomes in Derby

SUMMARY

- 1.1 The purpose of this paper is for Cabinet to approve the Council's Graduated Response Strategy which has the aim to improve the support and outcomes for children and young people with Special Educational Needs and Disabilities (SEND) in mainstream settings. As a Council we are committed to improving inclusion for children and young people in mainstream settings, and the Graduated Response Strategy has been developed to strengthen inclusion and improve outcomes for children and young people (see Appendix 2- Graduated Response Flowchart).
- 1.2 In the recent consultation on the strategic city-wide specialist provision proposals, concerns were raised in relation to mainstream schools being able to meet the needs of children with SEND and the Graduated Response Strategy provides support to all schools and clarifies the process and criteria for determining the level of provision needed to effectively support pupils' progress. The strategy has been developed in partnership with a range of stakeholders across education, health and social care with good engagement across the sector.
- 1.3 This approach is compliant and in line with the SEND Code of Practice (CoP) 2015, where it states that the majority of children with SEND will have their needs met and outcomes achieved through mainstream education provision, where possible. Moreover, section 9.1 of the CoP states explicitly that "the majority of children and young people with SEN or disabilities will have their needs met within local mainstream early years settings, schools or colleges".

RECOMMENDATIONS

- 2.1 To approve the Council's Graduated Response Strategy to improve the support and outcomes for those 0-25 children and young people with SEND.
- 2.2 To support the strategic direction of the Council to strengthen the inclusion of children and young people with SEND in mainstream settings.

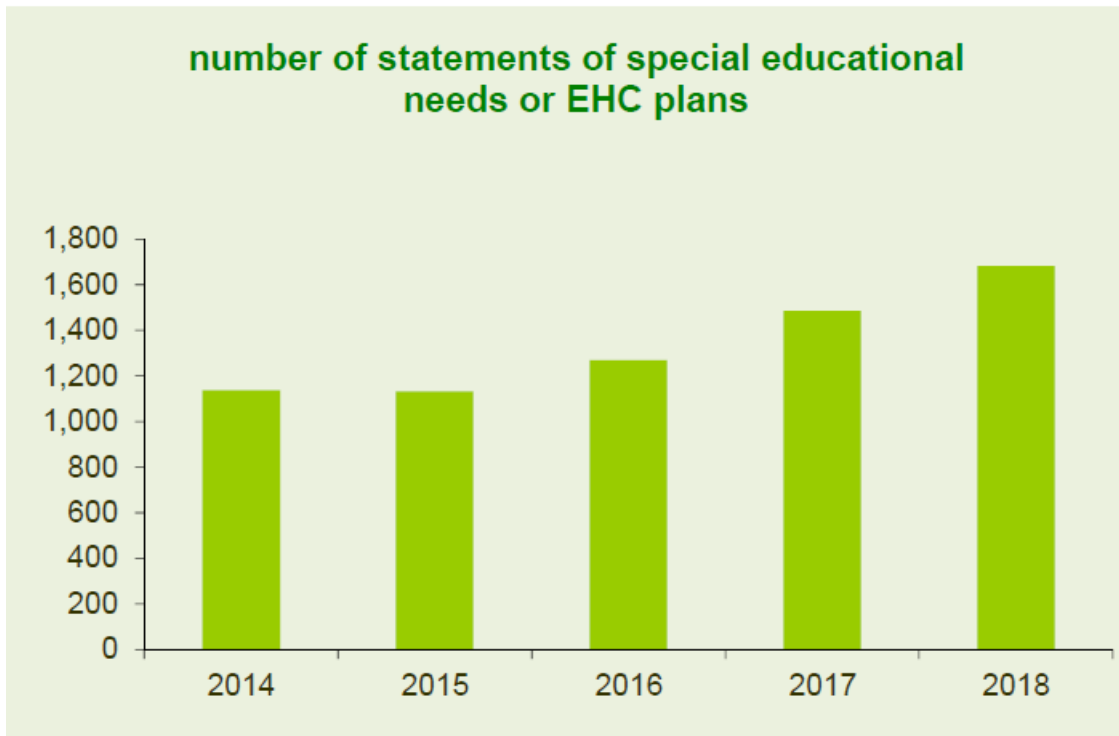
REASONS FOR RECOMMENDATION

- 3.1 Part 3 of the Children and Families Act 2014 aligns the system of SEN assessment, support and provision for children and young people 0-25, bringing together the provisions of a variety of Acts covering education, health and care, statutory implementation of associated duties, regulations and new SEND Code of Practice.
- 3.2 In line with SEND Code 2015, the Council is obliged to strengthen the inclusive education for children and young people with SEND in mainstream schools through a Graduated Response to need.
- 3.3 In May 2018, the SEND newsletter issued by the Department for Education (DfE) outlined national plans to create eight hubs around the Regional Schools' Commissioners to bring together local SEND practitioners, and create better links between mainstream and special education.
- 3.4 In July 2018, the current Secretary of State for Education made his inaugural speech to the children's services sector and outlined the importance of SEND for his department. Emphasis was placed on the importance of the role of mainstream schools in meeting the needs of pupils with SEND and the role that all schools and colleges, alongside central and local government, have with supporting and enabling this.

SUPPORTING INFORMATION

- 4.1 In January 2018, Derby City maintained a combined total of 1683 Statements of SEN and Education Health and Care (EHC) Plans. The combined total has increased each year since the launch of the SEND Reforms in 2014 (from 1137 in 2014). The percentage increase from 2017 to 2018 was 13.3% in Derby (11.3% nationally). In Derby, there were 267 new EHC Plans made during 2017. The number of children in Derby with new EHC Plans made during the 2017 calendar year has seen an increase of 60 (29%) when compared against the number of the children with EHC Plans made during 2016 (16.8% increase nationally).

4.2 **Increase in number of Derby CYP with Statements/EHCPs 2014-2018**



4.3 In Derby 16.7% of children and young people are identified with SEND (nationally around 14.4%). Only 25 of 151 local authorities in the UK have higher levels of SEND identified. The largest area of need for early years and primary age children is Speech Language and Communication Need at 30.8% (nationally 29%). The largest area of need for secondary age children and young people is Moderate Learning Difficulty (MLD) at 36.2% (nationally 24%). Overall Derby has higher than average incidence of MLD, Autistic Spectrum Disorder (ASD) and Hearing Impairment.

4.4 For the Local Authority to consider an EHC Needs Assessment, it must be evidenced that the Graduated Response process has been exhausted and robustly applied. The education setting concerned will have to provide evidence that despite the relevant and purposeful action taken to identify, assess and meet the special educational needs of the child or young person they have not made expected progress. In exceptional circumstances, the Local Authority will undertake an EHC Needs Assessment without this process being necessary, such as for children in care.

4.5 The Graduated Response Strategy has been developed in partnership with a range of stakeholders across education, health and social care with good engagement across the sector. The strategy will provide support to all early years' settings and schools on the process and criteria for determining the level of provision needed to effectively support an individual pupil's progress. The strategy will incorporate the 'assess', 'plan', 'do' and 'review' cycle as outlined in the SEND Code of Practice.

- 4.6 Implementation of the strategy will ensure there is transparency in the actions taken by schools in support of those children and young people with SEND. This means that support delivered by schools for those on SEN support will be easier to access and challenge, where required, by parents or carers, schools and colleges, education, health, social care professionals, the local authority and First-Tier Tribunal (SEND).
- 4.7 The impact of the Graduated Response Strategy will be monitored by the SEND Strategic Board. SEND Notional Funding is in place to support the Graduated Response strategy to ensure dedicated funding is prioritised to support all children with SEND, including meeting the specific requirements outlined in a child's EHC Plan. In order to champion the needs of vulnerable children in Derby and inclusion, the Council has written to all mainstream schools, Chairs of Governors and Trusts requesting that for the 2018/19 financial year governing bodies set separate budget plans in relation to prioritising SEND notional funding so that they are able to clearly demonstrate how the funding has been prioritised specifically for children with SEND. This also helps ensure transparency for parents and carers in relation to a governing body's continuing commitment to SEND and inclusion.
- 4.8 The wider strategic imperative to focus on inclusion has been identified as a priority at the Derby Opportunity Area Board, where funding has been prioritised to deliver a substantial 30 month SEND work programme. The purpose of this programme is to develop a stronger leadership culture in mainstream schools that promotes SEND achievement and inclusion and to increase the amount of direct work in mainstream schools that effectively improves SEND outcomes. This will directly support the full roll out of the Graduated Response Strategy across the school system. In addition, a SEND peer challenge programme has been developed by the London Leadership Strategy and funded by the DfE with professionals across Derby schools being trained as peer reviewers. One of the objectives of the SEND peer reviews will be to test the ethos and approach of schools to inclusion.

This report has been approved by the following officers:

<p>Legal officer</p> <p>Financial officer</p> <p>Human Resources officer</p> <p>Estates/Property officer</p> <p>Service Director(s)</p> <p>Other(s)</p>	<p>Olu Idowu, Head of Legal Services tel. 01332 643615 olu.idowu@derby.gov.uk</p> <p>Alison Parkin, Head of Finance tel. 01332 642674 alison.parkin@derby.gov.uk</p> <p>Suanne Lim, Service Director tel. 01332 642641 suanne.lim@derby.gov.uk</p>
<p>For more information contact:</p> <p>Background papers:</p> <p>List of appendices:</p>	<p>Paula Nightingale, Head of Inclusion 01332 640351 paula.nightingale@derby.gov.uk</p> <p>None</p> <p>Appendix 1 – Implications</p> <p>Appendix 2 - The Graduated Response Flowchart</p> <p>Appendix 3 – Graduated Response Strategy document</p>

IMPLICATIONS

Financial and Value for Money

- 1.1 Around £23 million per year is allocated to mainstream schools, as part of their delegated budgets, as notional SEND funding. All mainstream school Governing Bodies are asked to ensure that SEND Notional Funding is carefully prioritised for pupils with SEND.
- 1.2 Schools are able to apply for funding through Locality Panels to provide additional resources and support for children and young people with SEND, when the notional funding for SEND has been exhausted as part of the Graduated Response for meeting the need of those children and young people with SEND. There is £2.1 million earmarked from the Dedicated Schools' Grant reserves for those children and young people on SEN Support and without an EHC Plan.

Legal

- 2.1 Part 3 of the Children and Families Act 2014 places legal duties on Local Authorities to identify and assess the special educational needs of children and young people for whom they are responsible. LAs become responsible for a child/young person in their area when they become aware that the child/young person has or may have SEN. They must then ensure that those children and young people receive a level of support which will help them "achieve the best possible educational and other outcomes".
- 2.2 Approving the Graduated Response Strategy demonstrates the Council's compliance with that duty and with the principles of the SEND Code of Practice (CoP) 2015.

Personnel

- 3.1 None arising from this report.

IT

- 4.1 None arising from this report.

Equalities Impact

- 5.1 The City-Wide Specialist Provision Review was assessed for equalities impact. The Graduated Response was part of this assessment and the strategy report is a fellow strategy to ensure that the focus on mainstream inclusion for those with SEND is strengthened alongside the specialist support. The Graduated Response Strategy has been developed and piloted with all stakeholders across education, health and

social care including schools. The equalities assessment identified the increased need of SEND expertise in mainstream schools.

Health and Safety

6.1 None arising from this report.

Environmental Sustainability

7.1 None arising from this report.

Property and Asset Management

8.1 None arising from this report.

Risk Management

9.1 None arising from this report.

Corporate objectives and priorities for change

10.1 This report supports the Council priority outcome of 'Enabling individuals and communities, and Raising achievement and skills'.

Derby City Graduated Response Flowchart

Involve student, parents, carers throughout the process

STEP 1: Whole school / class approaches

- Quality First Teaching
- Differentiation
- Adaptations etc

Progress made?

YES

Continue with step 1: Whole School / Class approaches and monitor progress. Follow the flowchart if further concerns are identified.

NO

STEP 2: Targeted SEN Support

Step 1 and:

- Booster groups
- Other interventions
- Monitor / Review

Progress made?

YES

Return to step 1: Whole School / Class approaches and monitor progress. Follow the flowchart if further concerns are identified.

NO

STEP 3: Specialist SEN Support

- Steps 1 and 2 and:
- 121 intervention
- External agencies
- Locality funding

Progress made?

YES

Return to step 2: Targeted SEN support and monitor progress. Follow the flowchart if further concerns are identified.

At least two cycles of SEN support implemented before considering EHC request

NO

EHC request

Appendix 2