

Committee Name and Date of Committee Meeting

Cabinet – 10 June 2024

Report Title

Special Educational Needs and Disabilities (SEND) Strategy

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Nicola Curley – Strategic Director, Children & Young Peoples Service

Report Author(s)

Cary-Anne Sykes – Head of SEND, Children and Young People's Services

Ward(s) Affected.

Borough-Wide

Report Summary

To support the future delivery of SEND services in Rotherham the report proposes to refresh the Rotherham SEND Strategy, vision and future priorities.

The report describes the changing regulatory expectations and current service position since the implementation of the previous SEND Strategy in 2019 and the conclusion of the Written Statement of Action following SEND Local Area Inspection in 2021. The report articulates a clear rationale for developing a new strategy.

Recommendations

That Cabinet:

1. Approve consultation on the refreshed Rotherham SEND Strategy that has been co-produced with partners across the Borough.
2. Agree to the refreshed SEND Strategy being presented back to Cabinet in late 2024 for formal approval prior to implementation.

List of Appendices Included

- Appendix 1 Draft Rotherham SEND Strategy 2024 to 2028
- Appendix 2 Part A - Equality Analysis Screening
- Appendix 3 Part B – Equality Analysis Form
- Appendix 4 Carbon Impact Assessment

Background Papers

1. Rotherham SEND Strategy [Rotherham-send-strategy](#)
2. Rotherham SEND Joint Commissioning Strategy 2020-2022
[Rotherham Joint Commissioning Strategy 202022.pdf](#)
 [\(rotherhamsendlocaloffer.org.uk\)](http://rotherhamsendlocaloffer.org.uk)
3. Rotherham All Age Autism Strategy.
4. Rotherham Early Help Strategy

Consideration by any other Council Committee, Scrutiny or Advisory Panel
None.

Council Approval Required

No

Exempt from the Press and Public

No

Special Educational Needs and Disabilities (SEND) Strategy

1. Background

- 1.1 Following the joint local area SEND inspection in July 2021 partners in Rotherham have worked to deliver the Written Statement of Action (WSOA) to address significant areas of weakness in the local area's practice. The Written Statement identified four key areas of development for the Borough:
- Quality of Education Health and Care Plans (EHCPs)
 - Communication of Local Offer
 - Preparation for Adulthood
 - Graduated Response
- 1.2 In September 2023 the Improving Lives Select Commission noted the feedback from advisors (DfE & NHSE) and successful achievement of the required improvements in the WSOA & successful discharge of priority actions.
- 1.3 The Department For Education White Paper on Special Educational Needs and Disabilities (SEND) and Alternative Provision (AP) Improvement Plan published in March 2023 outlines the government's determination to level up opportunities for all children and young people – without exception. Rotherham is just as ambitious for children and young people with SEND as for every other child.
- 1.4 The National SEND review sets out government proposals for a system that offers children and young people the opportunity to thrive, with access to the right support, in the right place, and at the right time, so they can fulfil their potential and lead happy, healthy, and productive adult lives.

2. Key Issues

- 2.1 The White Paper on Special Educational Needs and Disabilities (SEND) and Alternative Provision (AP) Improvement Plan published in March 2023 has identified the key pressures on the SEND System nationally. The system is dealing with a level of volume for which it was not designed. The volume challenge is compounded by a lack of mechanisms in the system that would enable need to be met and demand to be managed more effectively. Local government has the responsibility to commission and shape local provision yet lack the powers to develop and change systems, this has led to an increasing reactive use of the independent sector. The independent market is poorly regulated and is a "seller's market", with increasing placement and provision costs.
- 2.2 Rising costs and cumulative deficit continue to place pressure on Council budgets with a risk of increasing numbers of councils becoming insolvent. Some families' experiences of the system are negative and some young people's needs are not being met with life opportunities being damaged.

- 2.3 It is important that a refreshed vision and co-produced strategy for SEND services in the Borough is developed to reflect the changing environment and the current priorities for children, young people, parent/ carers and families in Rotherham. A period of consultation and further engagement will support this.
- 2.4 Co-production workshops and engagement with young people has highlighted the need for the new Rotherham SEND Strategy to be written in a format that enables the children and young people to see how it will impact their lives. The outcome of the co-produced development is reflected in the language used to in the 7 outcome statements:
1. I have a voice, and this is listened to and respected.
 2. I am as healthy as possible.
 3. I feel safe.
 4. I have help and support in a way that suits me.
 5. I have adults in my life who are supported to help me.
 6. I am supported to be as independent as possible and have a purposeful life.
 7. I belong and feel valued.
- 2.5 Measuring the impact of the Outcomes and the subsequent action plan will rely on services from health, social care, education and children, young people, and their families. The key performance indicators have been developed to ensure all key partners are active participants in the delivery of the SEND Strategy. The Strategy key performance indicators ensure the participation and engagement of the key partners are measured and evaluated and used to develop Service and practise across the Rotherham Borough.
- 2.6 Evidence from Rotherham Borough data has identified three areas that continue to have a significant impact on the health, well-being and educational access for Rotherham children and young people. It is proposed they will become the focus of priorities within the SEND Strategy and will be referred to as **commitments**.

The following 3 commitments have been identified as priority areas of practice development and monitoring:

1. Reducing the number of permanent exclusions and part time timetables for children and young people with special educational needs.
2. Reducing the number of disabled children and young people and those with special educational needs missing school due to health concerns, including mental health.
3. Having a clear process for engagement with children and young people, by promoting the engagement through Young Peoples Voice and participation Groups. Development of an engagement process with mainstream and special schools is currently underway, this will include the use multimedia platforms as well as in person sessions.

2.7 The refreshed vision and Strategy (appendix 1) will also complement and support delivery of both Council and partner strategic priorities including the Council Plan, Year Ahead Delivery Plan, and the Rotherham Place Plan.

3. Options considered and recommended proposal.

3.1 Option One – Retain the existing SEND Strategy:

Extending the current strategy is not perceived to be viable as the current Strategy does not reflect the current regulatory and legislative landscape, nor the transformed Place partnership arrangements as part of the Integrated Care System.

Furthermore, this option does not reflect the current voice of children, young people, parents/ carers, and families.

3.2.1 Option Two - Develop a Rotherham SEND Strategy (2024-2028)

Option 2 is the preferred option as it would seek to develop a refreshed vision and strategy for SEND services. The Strategy would cover a 4-year term from late 2024. The Strategy would provide clarity about the co-produced vision and future priorities for SEND services, including the 'commitments' for practice development. The co-produced outcomes framework will enable children, young people, and families to understand the proposed impact of our actions and how this will be measured.

3.2.2 The Council develops its strategies and delivery plans in partnership with local people and ensures that they reflect the voices of our residents. This is integral to the expectations set by the regulatory framework.

4. Consultation on proposal

4.1 The SEND Strategy has been co-produced with key stakeholders including children and young people and parents/ carers. Plans are in place to start a conversation with the wider population, this will include further conversation with parents, carers, children, and young people about how best they can be supported to achieve the co-produced vision and outcomes.

Consultation Events delivered with the Young Voices Group and Rotherham, Parent Carer Forum will enable young people, parent carers, leaders and front-line practitioners from health, education and care services including the private and voluntary sector, schools, and settings, to come together. The events will provide an opportunity to identify areas of strength when it comes to experience of SEND and co-production, as well as suggestions for further development of the Strategy.

4.2 The consultation process will use a combination of;

1. Electronic and Online Consultation
2. Paper Consultation made available in Schools, RMBC Buildings

3. Engagement Events, online and in person
 4. Consideration needs to be given to accessibility versions of the consultation documents, this will include language translation, Braille, and audio description.
- 4.3 Improving Lives Select Commission (ILSC) will be invited to scrutinise the summary of the consultation and any amendments proposed to the final draft strategy prior to Cabinet approval in December.

5. Timetable and Accountability for Implementing this Decision

- 5.1
- Development of consultation and events – June 2024
 - Consultation Activity June 2024 – September 2024
 - Consultation Events September 2024
 - September 2024 Strategy Workstream develop Priority Action Plans
 - October 2024 work stream action plans shared with SEND Partnership Board
 - November 2024 Summary of Consultation to SEND Partnership Board
 - November 2024 Summary of Consultation and proposed Strategy with consultation amendments presented to ILSC
 - December 2024 Return to Cabinet with consultation amendments

6. Financial and Procurement Advice and Implications

- 6.1 There are no direct procurement implications arising from the recommendations detailed in this report.
- 6.2 There are no direct financial implications arising from approving the link headings, outcomes, and indicators (as outlined in appendix 1) to enable the development of the SEND Strategy 2024 to 2028 that would be subject to an 8-week consultation.
- 6.3 A financial assessment of the priorities for supporting children and young people with SEND and expected outcomes within the SEND Strategy would be undertaken once the Strategy is developed. However, it is envisaged that any financial implications would be contained within available SEND resources across health, social care, and education (in the Council and ICB). It should be noted that the development of the SEND Strategy is against a backdrop of key financial and demand pressures facing the SEND system both locally and nationally such as: rising number of children and young people with SEND; increasing number requiring specialist support and provision; insufficient local provision to meet needs; cost of living and inflationary pressures; rising number of permanent exclusions in schools; etc.

7. Legal Advice and Implications

- 7.1 The provisions of the Children and Families Act 2014 together with the guidelines set out in the SEN Code of Practice issued alongside the 2014 Act include the duty on the Council to keep under review the educational provision and the social care provision made in its area for children and young people who have special educational needs or a disability; and outside

its area for such children and young people for which the Council has responsibility; and to consider the sufficiency of such provision. (Section 27 Children and Families Act 2014).

- 7.2 The Council is under a duty to set out a “Local Offer” indicating the range of educational health and care provision available in its area for children and young people with special educational needs or a disability and outside its area for such children and young people for whom the Council has responsibility where this may be needed. (Section 30 Children and Families Act 2014).
- 7.3 The 2014 Act requires the Council to make special educational provision for children and young people whose needs cannot be reasonably met from the resources normally available to schools and post-16 institutions.
- 7.4 Section 19 of the Education Act 1996 places a duty on the Council to arrange suitable (normally) full-time education for children of compulsory school age who because of exclusion, illness or other reasons would not receive suitable education without such arrangements being made. Section 19 protected children often have special educational needs and disabilities, but the protection extends to any child of compulsory school age who is unable to attend school for any reason. Section 19 provision ends when a young person reaches school leaving age, but special educational provision and associated health and social care may continue until the young person reaches the age of 25 where the young person has special educational needs or a disability, under the 2014 Act, as detailed in the young person’s Educational Health and Care Plan maintained by the Council.
- 7.5 The adoption of a revised SEND Strategy is a fundamental contribution to the achievement by the Council of its complex shared duties to children and young people with special education needs and disabilities up to the age of 25 years, as well as other educationally vulnerable children of compulsory school age. Approval in accordance with option 1 will ensure that the development of the SEND Strategy is reviewed and maintained in accordance with statute and will ensure that the Council is able to remain compliant with the legal duties imposed upon it.
- 7.6 Maintaining the current SEND strategy will leave the Council open to legal challenger, in particular judicial review.
- 7.7 The proposed consultation of 8 weeks is sufficient. Section 27 Children and Families Act 2014 sets out full details as to who must be consulted when exercising the duty to keep education and care provision under review. The Council must comply with this to ensure that consultation has been properly carried out, a failure to do so will leave the Council open to legal challenge in terms of the consultation process.

8. Human Resources Advice and Implications

- 8.1 There are no direct HR implications.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 It is important that a refreshed vision and co-produced strategy for SEND services in the Borough is developed to ensure that services reflect the changing environment and the current priorities for children, young people, parent/ carers and families in Rotherham. Implications are considered throughout the report.
- 9.2 The strategy sets our ambition for services to ensure that more children and young people have the opportunity to access high quality provision and support from Special Educational Needs and Disability (SEND) provision within the Borough.
- 9.3 Approval of the consultation will provide children, young people and young adults with an opportunity to share their experience of SEND and co-production, giving them a key role in the further development of the Strategy.

10. Equalities and Human Rights Advice and Implications

- 10.1 Children and Young People with SEND are disproportionately represented across a range of education and inclusion measures. The SEND Strategy aims to ensure we have Ambition, Inclusion and Equity for the children, young people, and their families.

11. Implications for CO2 Emissions and Climate Change

- 11.1 Implications have been outlined in Appendix 4.

12. Implications for Partners

- 12.1. The SEND Strategy development has been co-produced with all the relevant partners and voluntary sectors;
- Rotherham Parent Carer Forum
 - SENDIAS
 - Genuine partnerships
 - Special School representatives
 - Designated Medical Officer.
 - Social care and early help representatives
 - Mainstream School representatives.
 - Commissioners

13. Risks and Mitigation

- 13.1 Lack on response to the engagement and consultation activity.
- 13.2 Relevant stakeholders do not support or engage in the action plan development and implementation.

14. Accountable Officers

Cary-Anne Sykes – Head of Inclusion

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	24/05/24
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	16/05/24
Assistant Director, Legal Services (Monitoring Officer)	Phil Horsfield	16/05/24

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This report is published on the Council's [website](#).