

**Committee Name and Date of Committee Meeting**

Cabinet – 10 February 2025

**Report Title**

Special Educational Needs and Disabilities & Alternative Provision (SENDAP) 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)**

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**Ward(s) Affected.**

Borough-Wide

**Report Summary**

The report outlines the results of the public consultation on the proposed SENDAP Strategy.

**Recommendations**

That Cabinet approve the refreshed Rotherham SENDAP Strategy 2025 to 2030 (Appendix 1) that has been co-produced with partners across the Borough.

**List of Appendices Included**

- Appendix 1 Draft Rotherham SENDAP Strategy 2025 to 2030
- Appendix 2 Consultation Summary
- Appendix 3 Area SEND inspection of Rotherham Local Area Partnership
- Appendix 4 Part A - Equality Analysis Screening
- Appendix 5 Part B – Equality Analysis Form
- Appendix 6 Carbon Impact Assessment

**Background Papers**

[Special Educational Needs and Disabilities \(SEND\) Strategy – Cabinet Report June 2024](#)  
[Rotherham SEND Strategy](#)  
[Rotherham SEND Joint Commissioning Strategy 2020-2022](#)

Rotherham All Age Autism Strategy  
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 & Alternative Provision (SENDAP) Strategy

### 1. Background

- 1.1 Nationally, 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. This has been confirmed by the more recent National Audit Office report in October 2024. These papers consistently find that the SEND system is dealing with a level of volume for which it was not designed with insufficient resources. Across the Country, this has resulted in a loss of parental confidence, poor outcomes for children and young people and large amounts of debt. Local government has been given the responsibility to commission and shape local provision yet lacks the powers to develop and change systems.
- 1.2 Rotherham has not been immune to these national challenges, despite persistent work across the system to maximise its resources to meet need. The Rotherham joint local area SEND inspection in July 2021, led by Ofsted and the Care Quality Commission (CQC), while identifying some strengths, required the local area to produce a written statement of action prioritising the following four areas for action:
- Quality of Education Health and Care Plans (EHCPs)
  - Communication of Local Offer
  - Preparation for Adulthood
  - Graduated Response
- 1.3 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.
- 1.4 The Rotherham SEND system was re-inspected by Ofsted and the CQC in October 2024. The Area SEND Inspection of the Local Area Partnership placed it among the highest performing areas nationally and recognised the very significant work undertaken by the Council in its widest sense, the Integrated Care Board, health provider partners and schools to improve outcomes for children and young people with SEND in Rotherham. It stated that:

*Children and young people are valued and visible in their communities. There is a genuine shared determination across the partnership that all children and young people with SEND are happy, successful and thrive. Leaders listen to children and young people and their families. For example, they are at the front and centre of leaders' decisions around services that affect them.*

and recognised the strong system leadership based around Place in Rotherham:

*Leaders are ambitious for children and young people with SEND across the borough. They have a strategy in place that reflects their clear priorities, based on rigorous data that they regularly monitor. This enables the partnership to measure their success and make the necessary changes when required. This is based on their four cornerstones: Welcome and Care, Value and Include, Communicate and Work in Partnership. The RPCF [Rotherham Parent Carer Forum] is a committed and compassionate group*

*living and breathing the four cornerstones that influence the culture for children and young people in Rotherham.*

However, significant national and local challenges remain and where there was a need for further development within Rotherham, the local area partnership was judged as taking appropriate actions.

## **2. Key Issues**

- 2.1 Local authorities are required to have strategic plans for SEND. Rotherham's existing SEND Strategy was launched in 2020. Since then, the local area has had two SEND inspections, and has undertaken a Safety Valve agreement with the Department for Education. The nature of the demands and priorities children and young people experience has continued to evolve following the national lockdowns.
- 2.2 It is important that a refreshed vision and co-produced strategy for SEND and AP services in the Rotherham Borough is developed to reflect the changing environment, feedback from inspections and the current priorities for children, young people, parent/carers, and families in Rotherham.
- 2.3 The new SENDAP strategy (Appendix 1) recognises the importance of AP in delivering good outcomes for children and young people. Alternative provision is essential to meet the needs of children and young people who cannot attend mainstream schools due to exclusion, illness, or other reasons. It includes education arranged by local authorities or schools to ensure that these students continue to receive suitable education. Alternative provision can also involve directing students to off-site programs to improve their behaviour or meet their specific need.
- 2.4 The approach to alternative provision is rooted in the belief that education should be inclusive, flexible, and tailored to the unique needs of each learner. Alternative provision is an intervention designed to support children and young people in overcoming barriers to learning. It is not a destination but a step towards reintegration into mainstream education or progression to other suitable educational pathways. The goal is to equip child and young persons with the skills and confidence they need to succeed and achieve their potential. It is recognised that traditional educational settings may not always meet the needs of every child or young person. Therefore, it is essential that there is support for education partners to provide personalised learning pathways that cater to the individual strengths, interests, and needs of children and young people with SEND.
- 2.5 Embracing alternative provision within our SEND strategy will empower every child and young person to achieve their full potential and prepare them for a successful future. There is an AP Group that is working with Education and Health partners to deliver an AP Action Plan by the end of this academic year.
- 2.6 Approval for the consultation on the SENDAP Strategy was given by Cabinet on the 10 June 2024.
- 2.7 Co-production workshops and engagement with young people have highlighted the need for the new Rotherham SENDAP 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 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.

2.8 The key performance indicators have been developed to ensure all key partners are active participants in the delivery of the SENDAP Strategy. The Strategy key performance indicators ensure the participation and engagement of the key partners are measured, evaluated, and used to develop services and practice across the Rotherham Borough.

2.9 Evidence from Rotherham Borough data and feedback from local area inspections has identified five 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 SENDAP Strategy and will be referred to as commitments.

2.10 The following five commitments have been identified as priority areas of development and monitoring, two of which were also highlighted in the recent Area SEND Inspection:

1. To reduce the number of permanent exclusions and part time timetables for children and young people with special educational needs.
2. To reduce 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 People's Voice and Participation Groups. Development of an engagement process with mainstream and special schools is currently underway, and this will include the use of multimedia platforms as well as in person sessions.
4. To continue to improve the quality of EHC plans to ensure that:
  - a. there is consistent and clear information from health, education, and social care.
  - b. all EHC plans reflect the views of children, young people, and their families.
  - c. EHC plans contain the support that the child or young person needs to prepare for adulthood; and

d. all outcomes include detail and are measurable so that children and young people receive consistent support.

5. Leaders across the partnership will continue to strengthen their work to reduce the long waits for neurodevelopmental assessment pathways. In addition, leaders will intensify service improvements for occupational therapy and speech and language therapy at a universal and targeted level to reduce waiting times. This will ensure that children and young people receive support at the right time.

### **3. Options considered and recommended proposal**

#### **3.1 Option One – Do nothing:**

This option would seek to retain the existing SEND Strategy. However, this option is not perceived to be viable as the current Strategy does not reflect the current regulatory and legislative landscape, feedback from local area inspections, nor the transformed Place partnership arrangements as part of the Integrated Care System.

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

#### **3.3 Option Two – Adopt the refreshed Rotherham SENDAP Strategy (2025-2030)**

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 5-year term from 2025. The Strategy would provide clarity about the co-produced vision and future priorities for SEND services, including the 'obsessions' for practice development. The co-produced outcomes framework will enable children, young people, and families to understand the proposed impact of the actions and how this will be measured.

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

### **4. Consultation on proposal**

4.1 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.

4.2 As agreed by Cabinet, a public consultation has taken place to seek the views of stakeholders, parents/carers, the general public and anyone who may be affected by the Strategy, such as schools, the young people themselves, and groups representing the voices of families, including the Parent Carer Forum.

4.3 In order to ensure a good level of engagement in the consultation, officers have undertaken a range of targeted exercises, which have directly engaged with families, young people, or school staff across 13 different face - to-face group sessions. In addition to direct engagement, a public consultation has been openly available and promoted through digital media and press releases, reaching further audiences.

4.4 The consultation has taken the form of discussions, presentations, and meetings with:

- Council Members.
- Members of the Public.
- Parents / Carers.
- Parent Carer Forum.
- Groups representing young people and the impact upon people with special educational needs and disabilities (SEND), people with social, emotional, and mental health (SEMH) considerations and other appropriate groups.
- Schools whose pupils will be affected by any proposed changes, including those located in other local authority areas, and the local authorities themselves.

4.5 The responses and in person feedback received have been positive with the majority of responses strongly supporting or supporting the Strategy.

#### Response Summary

- 152 online consultation responses.
- 20 partnership led groups with 476+ participants.
- All Rotherham mainstream schools and Academies, nursery schools and special schools who shared with staff and families.

Response summary is detailed within Appendix 2.

## 5. **Timetable and Accountability for Implementing this Decision**

5.1 Consultation Events:

- 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
- December 2024 Return to ILSC with consultation amendments
- February 2025 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 adopting the refreshed SENDAP strategy (2025-2030) and the priorities and outcomes framework contained therein.

6.3 A financial assessment of the priorities and commitments 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).

- 6.4 It should be noted that the development of the SENDAP 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 statutory guidance set out in the SEND Code of Practice issued in relation to 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 SENDAP 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 2 will ensure that the development of the SENDAP 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 challenge, in particular judicial review.



- 7.7 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 linked to this report.

## **9. Implications for Children and Young People and Vulnerable Adults**

- 9.1 Special Educational Needs and Disability (SEND) provision within the Borough will give more children and young people the opportunity to access high quality provision and support and achieve their potential.

## **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 SENDAP Strategy aims to ensure Ambition, Inclusion and Equity for the children, young people, and their families.
- 10.2 A full Equality Impact Assessment is in Appendix 4 and 5.

## **11. Implications for CO<sub>2</sub> Emissions and Climate Change**

- 11.1 A full Carbon Impact Assessment is in Appendix 6.

## **12. Implications for Partners**

- 12.1 The SENDAP 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 of 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**

Niall Devlin – Assistant Director Education and Inclusion

Cary-Anne Sykes – Head of SEND

Approvals obtained on behalf of Statutory Officers: -

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Sharon Kemp OBE	27/01/25
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	15/01/25
Assistant Director of Legal Services (Monitoring Officer)	Phil Horsfield	15/01/25

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