

Meeting date: 12 July 2022
Report to: Solihull School Forum
Subject/report title: Additional Needs & High Needs Action Plans
Report from: Tim Browne, interim Director of Children's Services
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Schools affected:

All Schools

Type of Report For information
Forum Voting Not a voting matter - for information item
Public/private report: Public

1. Purpose of Report

1.1 To update Forum on Solihull's SEND improvement journey and future planned activity.

2. Decision(s) recommended

2.1 School Forum to receive future reports as further improvements are made and plans reviewed in light of SEND Green Paper Delivery Plan, the DfE's Delivering Better Value in SEND (DBV) programme and recommendations within the DfE's High needs budgets: effective management in local authorities research report.

3. Additional Needs Strategy

3.1 In January 2022 the Council, in partnership with Birmingham & Solihull CCG and Solihull Parent Carer Voice, launched its [Additional Needs Strategy 2022 to 2025 \(solihull.gov.uk\)](https://www.solihull.gov.uk). The co-produced strategy provides the multi-agency framework for improving outcomes for children and young people with additional needs and/or SEND (0-25 years) and sets out clear priorities which children and young people have told us are important to them.

3.2 To deliver the strategy, a 3-year action plan has been developed. The first year of this plan has been published and shared with all stakeholders ([AN Strategy - Public Action Plan \(solihull.gov.uk\)](https://www.solihull.gov.uk)) with future year's activity to be reviewed once the DfE's Delivery Plan is published at the end of 2022 following the SEND review green paper consultation.

- 3.3 The strategy and action plan are monitored by the monthly Joint Additional Needs Delivery Board and quarterly Joint Additional Needs & Disability Board, with annual reporting to the Health & Wellbeing Board and Children's & Families Scrutiny. Progress against the strategy is also subject to quarterly scrutiny by the DfE.

4. Education/High Needs Block Improvement Plan

- 4.1 In January 2021 the Council began its improvement journey aimed at improving outcomes for children and young people with SEND. An action plan related to education was developed and has continued to evolve over this time. These plans have focused on essential operational developments needed across the whole education system, including:
- (a) Increasing Council capacity to better respond to child, young person and school needs
 - (b) Increasing specialist provision whilst improving inclusion within mainstream settings
 - (c) Developing commissioning and quality assurance systems for high cost/independent school places
 - (d) Improving the quality and timeliness of Education, Health and Care Plans and associated processes
 - (e) Developing pathways so children and young people can access more targeted support
- 4.2 The two attached reports submitted to EdSEND on 31st March (Appendix 1) and 4th July 2022 (Appendix 2) provide detail around the improvement work undertaken to date, the impact of this and some of the barriers faced in outcomes. In both reports, challenges and actions needing school support have been identified and shared to facilitate greater collaborative working and further operational improvements.

5. National Developments

- 5.1 In March 2022, the DfE released its SEND Review: Right Support, Right Place, Right Time Green Paper ([SEND and AP green paper: responding to the consultation - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/send-and-ap-green-paper)) for a consultation period which ends on 22nd July 2022. There are a range of proposals made within the paper to strengthen the 2015 reforms; with examples including more nationally introduced funding and provision frameworks, standardised processes and EHCPs and alignment of alternative provision and SEND. The DfE further commits to publishing a Delivery Plan by the end of October 2022 to take these proposals further. Once this plan is released, Council Officers will review local action plans to ensure these are reflective of the national drivers.
- 5.2 In June 2022, the DfE released a research report [High needs budgets: effective management in local authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/research-reports/high-needs-budgets-effective-management-in-local-authorities) and guidance [Local authority guidance on high needs sustainability \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/guidance/6442444) which make a number of recommendations to support local authorities in managing their high needs budgets based upon recognised good practice across the country. Council Officers are currently reviewing current performance and local action plans in light of

this report to identify any gaps and understand where good practice is already embedded across the borough.

- 5.3 In July 2022, the DfE are launching their Delivering Better Value programme for 55 local authorities; of which Solihull is one. This will provide greater focus on understanding the high needs block pressures in Solihull and creating actions aimed at mitigating increases so spend reduces to within the funding envelope.

6. Implications and Considerations

- 6.1 The DfE are clear that the management of high needs budgets and improved outcomes for children and young people with SEND can only be achieved with a strong culture of local collective responsibility across an area. Schools are represented on all SEND governance forums but there needs to be a greater sense of collective accountability and working together to achieve joint solutions for improvement to be fully effective.
- 6.2 The appended EdSEND reports identify areas where stronger, and more consistent, support from schools is currently required and the refinement of future improvement activity in light of the national drivers is likely to require considerable involvement, and action, from the school system as well as others.

7. List of appendices referred to

- 7.1 Appendix 1 – SEND Improvement Journey EdSEND March 2022
- 7.2 Appendix 2 – EdSEND SEND Improvement Report Academic year 2021/22
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SEND IMPROVEMENT JOURNEY
EdSEND – March 2022

1. Background

In 2021 new SEND leadership arrangements were put in place within the Council which enabled a critical view of SEND provision and practice within the borough. At the time key concerns were highlighted by stakeholders involved in the support of children and young people with SEND:

- 1.1 Timeliness & Performance Monitoring – new EHCPs were not being processed within the 20-week timescale, EHCPs were not being amended following annual reviews and the deadlines for EHCPs to be issued naming new schools at required transition points were not being met.
- 1.2 Communication – was not effective between Council staff, schools and parents resulting in increasing numbers of complaints, dissatisfaction and disillusion from schools.
- 1.3 Support – EHCP content was not always sufficient to give parents and schools confidence in the provision required to meet a child's needs, schools did not have enough access to the support they needed outside of statutory processes.
- 1.4 Provision – some children were not receiving formal education, or full-time education, where schools did not feel able to meet their needs and access to specialist placements were limited.

2. Improvement Journey

During 2021, a SEND Improvement Plan was developed to address the key areas of challenge and to move towards a system which provided better outcomes for children and young people and was in line with the local area SEND inspection framework.

Due to the breadth of the task, parallel improvement work started to take place at a strategic and operational level – both within education but also with the wider partner agencies. Whilst significant progress has been made on strategic elements of this work it is accepted that these will not provide short/medium term benefits in the majority of areas given the time needed for change to be embedded and the complex interdependencies with other parts of the system; which have been exacerbated by Covid and lockdown arrangements.

Solihull progress must be viewed within the context of the national challenges with the SEND system where increasing needs, reducing real terms funding and access to specialist support are all cited as key factors for consideration as part of the governments SEND green paper due for consultation in March. The improvement focus has therefore been on what is possible locally whilst future legislative changes are needed to fundamentally improve this area.

This report provides an education focused perspective of the operational improvements in the key thematic areas identified.

3. Timeliness

3.1 Improvements:

Additional capacity has been provided within the EHCP Service (£1.6m of funding) and the team has been restructured to provide a clearer focus on issuing new EHCPs and maintaining current ones. Systems and management responsibilities have been developed to ensure target dates for EHCPs are subject to individual monitoring and formal monthly performance reporting. New annual review paperwork has been developed and schools provided with timescales for reviews to take place for children heading into a transition year. Specific service days have been established to enable the whole team to focus on transition activity at key times of the year and decision-making panels have been restructured to improve professional attendance, including representatives from schools and settings. In addition, a new EHCP system (Liquid Logic) was introduced in April 2021 which has enabled more consistent ways of working and enhanced performance management data.

3.2 Impact:

There has been vast improvement in this area which means that children and schools receive support in a timelier way once needs are identified, that support is regularly reviewed and remains appropriate to their needs and that when children are moving schools for the next phase of their education it can be planned for successfully:

- New EHCPs – by January 2021 the proportion of EHCPs issued within 20-weeks had risen from 29% to 52% and by January 2022 this had increased to 54% for the year; with overall performance hindered by addressing the backlog of late plans early in the year. National data for January 2022 is not available formally but monthly information from the DfE suggests performance is likely to be around 50-60% and therefore Solihull will be in line with the national picture. The average between September 2021 – January 2022 has increased to 74% and reached 100% in the past two months.
- Annual Reviews – no performance data for previous years is available, however at the start of 2021 it was identified that 1794 EHCPs had yet to have their annual review take place, or be processed, so the lack of timeliness is evident. Between September 2021 and January 2022, 93% of letters advising parents of the outcome of their annual review were sent within 4 weeks of the meeting and 83% of final plans were sent within 8 weeks of the Notice of Amends being issued (statutory deadline).
- Transition Points – by 25th February 2022, 155 children had their EHCPs updated to name the new school for their Reception, Year 3 or Year 7 placement. This was 97% of the required cohort. In February 2021 the success rate was just 63%.

3.3 Challenges:

All stakeholders have recognised the need for improvement and have generally been supportive of the Councils actions in this regard. However, SEND is a whole system endeavour and therefore requires changes to be made by all stakeholders involved in the process. This may not have been understood by everyone at the start of the improvement journey and this is now where issues are arising:

- Refusals to assess for an EHCP – between September 2021 to February 2022, 141 requests for new assessments were made into the EHCP service. However, 48% of

these were declined for an assessment; predominantly because the child's needs were not showing an impact on education, the school had not exhausted the graduated pathway and offered all support which should be available at a universal and targeted level and sought advice from other professionals as appropriate, or because schools wanted immediate escalation to specialist provision. The picture varies between schools, with some having all/most of their requests accepted and some having none - with significant Council and school resource required in this process which is not always necessary. This also highlights the variation in approach at SEND support level across the borough – and is an issue regularly highlighted by parent carers.

- Consultation responses – for EHCPs to be finalised on time, schools are now feeling the pressure of the 15-day consultation process, especially during holiday periods. This is a statutory timescale and is not something the Council is in control of (timescales are set as soon as an EHCP assessment is requested or annual review held) but is creating some tension between the Council and schools, with mixed results – leading to strained relationships between parties and the Council not being able to finalise plans within the required timescales and having to manage parental expectations.
- Timing of reviews – Many schools have not been used to regularly planning annual reviews for children heading for a transition point (in pre-school, Year 2 in Infant Schools or Year 6) to allow sufficient time for the statutory processes to take place and a new school be agreed and named by 15th February (or 31st March). Therefore, the focus on this statutory deadline has created additional pressure in schools, especially on SENCos, and Special schools are working through how they can manage the future implications of achieving this. As a result, not all transition EHCPs were finalised by the required deadline; and this is especially pertinent for those transitioning to Post 16 destinations which must be named by 31st March.
- Plan content at annual reviews – as the Council addresses the historic backlog of annual reviews, it can be hard for schools to effectively update an EHCP at a new annual review as the previous amendments have not formally been made. In addition, due to the creation of a new EHCP template, every plan is required to be amended following a review; even if just in format rather than required content changes. This is creating additional pressure on schools and the EHCP Service but should start to reduce by the end of the year as plans are reviewed and updated.

4. Communication

4.1 Improvements:

Due to the fluidity of staffing within the EHCP Service and the need for staff agility to meet the numerous deadlines and priorities placed upon them on a daily basis, EHCP Officers are no longer dedicated to specific schools or children; but are allocated new requests or annual reviews as they arise. This has improved the continuity of contact once a plan, or amendments, have been requested, but does mean schools could be contacted by any member of the team at any time. To manage expectations, a response time of 5 working days has been established within the EHCP Service, all staff have been issued with landlines and mobile phones which have been shared with all stakeholders, and staff are expected to be in the office 3-days per week (reduced from 4 in January 2022).

4.2 Impact

It is recognised that there is still much more work to be done in this area to improve communication between the Council and schools, and parents but some impact is already being seen:

- Contacts – only calls made to Council landlines can be monitored but this shows that over 90% of calls are being picked up by staff within the EHCP Service each week.
- Complaints – there has been reduction in the number of formal complaints made which cite aspects of poor communication from 21 in Quarter 1 of 2021/22 to 12 in Quarter 3 and improvements have been made to the recording of contacts within the EHCP Liquid Logic system.

4.3 Challenges

- Consistency in school contact – due to staff changes, and the Council's requirement that email addresses are not stored automatically in people's Outlook system, schools have reported that numerous staff could be contacted about the same issue by the Council and this obviously can create confusion and/or duplication. During the February SENCo network meetings schools have been asked to nominate one or two main points of contact for the EHCP Service and this will become standard practice of contact.
- Responsiveness – schools continue to report unanswered emails or missed phone calls to the EHCP Service and this is yet to be resolved to a satisfactory level. There are challenges with the volume of emails individual staff can receive (e.g. over 100 per day), and the number of emails sent to multiple staff, so this requires a wider review. It is also important to note that the EHCP Service itself faces challenges with responsiveness of settings and other services, whose information is often needed to respond to queries.
- SEND overview – a number of schools are heavily engaged with the SEND agenda and attend a variety of meetings where this topic is discussed (i.e. EdSEND, Head Teachers Reference Group, Schools Forum etc.). The Council also issues a termly SEND newsletter to keep stakeholders up to date on activity. However, there are still many schools reporting that they do not have an oversight of this area of work, or kept updated on activity, and therefore the whole system is not as joined up as it needs to be.

5. Support

5.1 Improvements:

In January 2022, the Council established an Inclusion Team to provide support, advice and challenge to schools and parents where children require additional support to consistently access their education. This support is ideally intended for children who do not require an EHCP, however the service will be overseeing attendance and access to education for all children so is available to support all Solihull school age children. In addition to revised EHCP communication and an EHCP template to provide more clarity on a child's needs and provision requirements, the Council has also undertaken some work with partners, supported by the Council for Disabled Children to improve the quality of EHCP content – which is now monitored through regularly quality assurance dip-sampling of plans.

5.2 Impact

Given the increasing level of need schools are reporting since lockdown and the extra demand this has placed upon specialists and support services, the overall pace of improvement in this area is expected to be slower than needed by the system. However, improvements have been noted:

- Attendance - the Inclusion Service is initially focussing on those children with less than 20% attendance and more than 300 children are open to the service - many of whom have little or no attendance in education for this academic year. Progress for most of these children is slow, given the entrenched nature of their non-attendance. Key improvements for this group of children include listening to the children and parents to make them feel supported, ensuring that the right referrals have been made to appropriate professionals or services, helping parents access a different school or alternative provision where appropriate. After Easter the service will begin working with children whose attendance is than 60 % for the academic year.
- Quality Assurance - a monthly SEND Quality Assurance panel assesses the quality of draft EHCPs - with health and social care representatives included every second month. The plans are checked against a QA framework that is publicly available. EHCP Officers receive specific feedback and a grade for their EHCPs and there has been a noted improvement in the number of plans receiving a 'good' or 'outstanding' grade this academic year.
- New pathways – continuation of the High Needs SEMH team and Emotionally Based School Avoidance pathway has supported 48 children at risk of exclusion or entrenched non-attendance.

5.3 Challenges

- Increasing needs – schools are reporting a significant rise in the numbers of children exhibiting extreme levels of challenging behaviour, compared to pre-covid levels, and are having to put additional measures in place to support these children. In turn this is leading to a sharp rise in referrals to agencies beyond the school; including SISS, Early Help, Education Psychology, Solar etc. We know there is a current EP capacity issue whilst recruitment is underway and the teams have submitted a bid for Covid funds from the corporate budget to assist the Covid task and finish EdSEND group in considering how best to support in this area.
- Rise in anxiety - the most common reason for poor school attendance being cited by parents is anxiety. This is most acute in secondary age children, where autism is thought to be a factor. However, this is alongside increasing pressure on mental health support and the wait time for autism assessments, which the Council have little control over.
- SMART Outcomes – the EHCP Service is reliant upon school assistance in writing good quality plans and outcomes through the annual review process. Training has been provided at the recent SENCO network meeting but there is more work to do in this area to improve some school staff's confidence in this area, either through training, modelling or good practice sharing.

6. Provision

6.1 Improvements:

Special school capacity has increased again this year which now utilises all available accommodation on the school sites and two additional ARPs have also been established. Informally, additional resource provision is currently being tested/explored in one infant school and potentially at one secondary school from September 2022. Additionally, work is continuing to open The Heights (100 place autism school) for September 2023.

6.2 Impact

New provision has been established where possible but the lead in time required for changes in accommodation or new builds leaves a significant time delay. The increase in places so far is:

- 25 additional special school places have been added this year, including 12 places for reception aged children with severe learning difficulties.
- 8 additional ARP places – for primary aged children with autism
- 8 additional intervention places – for KS1 children with SEMH needs, and to be extended with 10 KS2 places from September 22
- Additional support provided for two KS1 children with complex needs and exploration of a small moderate learning difficulty secondary ARP for September 22
- The next version of the SEND School Place Commissioning Strategy 2021/24 has been approved, with a focus around Early Years, Post 16, SEMH and delivery of further special school places.

6.3 Challenges

- Demand for specialist provision – a couple of places are available in special schools but otherwise they will remain full until September 2023 at the earliest. This is a similar situation for other special schools outside of the borough. The need for the equivalent of a new special school has been identified but this is only a long term solution given the lead in time. Meanwhile there are children for whom the Council has agreed special school provision with nothing appropriate available for them.
- Inclusion within mainstream – Solihull has fewer EHCP children in mainstream schools - 30% compared to 34% national average (and 38% in special school compared to 31% nationally). In the recent phase transfer round for September 2022 entry, the EHCP Service sent 81 consults sent to mainstream schools (where mainstream was deemed appropriate, or was parental preference) but only 33% were responded to by schools agreeing needs could be met (albeit significant variations between schools). This resulted in only 27% of mainstream primary school children having a mainstream secondary school place and 50% of infant school children having a junior school place. In addition to pressure on specialist placements, this has created challenges between the Council and schools in the final naming of provision where mainstream schools have been decided.
- Use of independent places – 12% of children with EHCPs in Solihull are placed within independent schools or specialist Post 16 settings; significantly higher than most other

areas and the national average of 7%. Whilst The Heights will address some of this demand there is significant pressure from families for the more flexible and personalised nature of independent provision – which coupled with the drive for specialist placements and lack of capacity will result in difficulties reducing independent provision and cost; with 8% of Year 6 children from a mainstream primary school being placed in independent provision for Year 7 in September 2022 as neither mainstream nor specialist provision could be agreed.

7. Conclusion

A number of improvements have been made across the borough over the past year but it is now more important than ever that all parts of the system come together to continue this journey – and schools have a significant part to play in that in terms of helping to address some of the remaining challenges identified.

The SEND review was published through a green paper on 29th March “Right Support, Right Place, Right Time” and whilst any final paper will substantiate the overall direction of travel in Solihull the fundamental issues outlined in this report will still need to be addressed at a local level.

EdSEND - SEND UPDATE REPORT
ACADEMIC YEAR 2021/22

Improvement Activity:

- Increased capacity of EHCP Service, recruited permanent staff, redesigned the team and implemented rolling training and development programme for staff;
- Created Inclusion Service and provided capacity to oversee commissioning of independent school placements and other external spend;
- New legally compliant EHCP template in place and internal quality assurance system to dip sample plans on a monthly basis (including care and health aspects);
- Redefined internal decision making for timeliness and consistency and implemented a new EHCP casework system;
- Co-produced new annual review paperwork and monitoring of timescales – including for phased transfer;
- Implemented system for approving, commissioning and monitoring independent placements;
- Funded new pathways such as High Needs SEMH and Emotionally Based School Non-Attendance;
- Increased capacity of specialist and alternative provision;
- Co-produced and implemented Joint Additional Needs Strategy, Early Years & Maternity Strategy and Accessibility Strategy;
- Implemented Dingley's Promise for Early Years settings;
- Increased SEND governance arrangements and ensured all stakeholders are represented;
- Embedded termly SEND Newsletter;
- Created a Partnership Agreement with parent carers and supported creation of children and young people's forum;
- Co-produced Strategy for Inclusive Education and Inclusion Audit tool for roll-out 2022/23 academic year

Impact:

- Improved quality of newly written/amended EHCPs - feedback from a parent's Solicitor told us it was "the best she has seen for being specific, clear and SMART" and a SENCo complimented the team on the content & detail in the plan which was "clear and purposeful";
- 33.8% % of plans were issued within 20-weeks in 2019. In 2021 this reached 54.7% and by June 2022 the cumulative figure was 65% (with some months reaching over 80%);
- An average of 60% of new annual reviews are having amendment decisions made within 4-weeks and 80% of plans finalised in time – with the historic annual review backlog reducing from 1784 to 949;

- By 15th February, 97% of EHCPs were finalised for school transitions compared to 63% in 2021 and by 31st March 67% of EHCPs were finalised for Post 16 transitions - which more than doubled from the previous year;
- Contracts and Individual Placement Agreements are in place for all children and young people in independent provision – with two school quality assurance site visits undertaken so far;
- 128 practitioners from Early Years settings have signed up for first modules of Dingley's Promise and 34 practitioners have been trained as level 3 SENCOs through the NASEN award;
- Commissioned 49 additional special school places and 28 ARC places in the past two years, reducing the number of children not in an educational setting;
- Achieved greater cohesion between education, care and health (Autism in Schools pilot, Holiday Activity Fund, EHCP decision making)

Barriers:

- Recruitment and retention of skilled and experienced SEND staff given national pressures – affecting improvement progress and support offered to schools and families;
- Disparate views across the system in relation to the balance between mainstream and specialist provision and availability of places;
- Impact other parts of the system have on ability to make evidenced based, appropriate and timely decisions and write good quality holistic plans;
- Level of engagement and shared problem solving with all schools and settings and all parent carers

Support Needed from Schools (Short-Term):

- Consultation responses to be returned within the 15-day period, and to be made in line with required legislation, so placements can be confirmed and plans finalised more quickly to reduce parental complaints;
- Paperwork following annual reviews to be sent asap after the meeting, and no later than 2-weeks, so amendments to plans can be considered and plans finalised within required timescales to reduce parental complaints and satisfy DfE scrutiny (currently only 50% of annual review paperwork is received by the team within 2-weeks of the meeting);
- Requests for evidence (predominantly relating to new requests for EHCP assessments) to be submitted to the EHCP Service in a timely way to enable accurate decision making, reducing parent and school complaints, mediations and tribunals;

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- More consistent SENCo representation at EHCP decision making panels, especially from the secondary sector, to enable front line staff to input into decisions so these are more robust;
 - Better timetabling of annual reviews for 'school leavers' so EHCPs can be amended and placements confirmed by 15th Feb (school age) and 31st March (Post 16) statutory deadlines so children and young people, and schools, have more time for effective transitions;
 - Consistent application of the Strategy for Inclusive Education and Audit Tool, and Graduated Approach once available in the next academic year, so children and young people receive access to appropriate levels of support regardless of where they live or which school they attend

Joint Working Needed (Longer-term):

- Agree effective ways for supportive two-way communication and problem solving across all schools (and different levels) and all council teams;
 - Review support offered by council teams so it aligns to priority needs within schools and builds greater system-wide capacity;
 - Consider Solihull improvement plan against Delivering Better Value analysis, DfE recommendations for effective high needs budget management and SEND green paper proposals/delivery plan – and agree collective actions to be taken in response;
 - Agree broader framework for sharing and collecting information to evidence impact on outcomes for children and young people
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