

21<sup>st</sup> September 2020

Agenda Item: 10

## **REPORT OF THE SERVICE DIRECTOR, EDUCATION, LEARNING AND SKILLS**

### **THE NOTTINGHAMSHIRE SPECIAL EDUCATIONAL NEEDS AND/OR DISABILITIES POLICY (2020-2023)**

#### **Purpose of the Report**

1. The report invites the Committee to consider the Nottinghamshire Special Educational Needs and/or Disabilities (SEND) Policy for the period 2020-2023, attached as **Appendix 1**, and recommend it to Policy Committee for approval.
2. The report also seeks Committee approval to bring an annual update report on progress with the implementation of the SEND Policy.

#### **Information**

3. The proposed SEND Policy builds on over 30 years of learning and best practice in Nottinghamshire. In recent years, the SEND landscape has changed significantly and this Policy has been developed with the Council's key stakeholders, including parents and carers, in response to these changes:
  - there are now more children and young people with SEND
  - the SEND needs of some children have become more complex, especially around social, emotional and mental health
  - new legislation stipulates that the Council must now plan support for some young people with SEND until the age of 25 years.
4. In September 2019, the Department for Education launched an internal review of SEND, five years on from the Children and Families Act 2014. The aims of the review are to consider how the changes introduced by the Act are supporting children and young people with SEND, and to make sure they are being implemented as well as possible. The Council will need to consider the outcomes of this review which are due later this year in the implementation of this Policy.
5. Underpinning the SEND Policy is the Council's continuing commitment to inclusive practice. The Council's inclusive approach ensures that most children and young people

with SEND receive their education in local mainstream settings and access resources without the need for an Education, Health and Care Plan (EHCP).

6. The proposed SEND Policy will contribute to the following commitments set out in the Council's Plan 2017-2021, 'Your Nottinghamshire Your Future':
  - families prosper and achieve their potential (commitment 1)
  - children and young people are kept safe from harm (commitment 2)
  - children and young people go to good schools and early years settings (commitment 3)
  - people are healthier (commitment 6)
  - people can access the right care and support at the right time (commitment 9).
7. The SEND Policy also considers the recommendations of the Review of the High Needs Block, which was commissioned by the Council and the Schools Forum in 2018, and the feedback from the subsequent consultation with parents/carers and other key stakeholders. The High Needs Block is part of the Dedicated Schools Grant and supports provision for children and young people with special educational needs and disabilities (SEND) from their early years to age 25. The High Needs Block Review made the following recommendations:
  - engagement with parents and carers should be increased
  - the quality of mainstream SEND offers should be improved and made more consistent
  - decision making should be based more in local areas
  - a more focussed strategy around High Needs Block spend should be developed
  - the Council should reduce reliance on high cost Independent Non-Maintained placements
  - the Council should make the case to national Government for an increase of Nottinghamshire's share of available funding.
8. During 2018-2019, the Chairman of the Children and Young People's Committee met with Nottinghamshire's Conservative MPs to request their support in seeking a fairer national formula for the funding of children and young people with SEND. The Chairman subsequently met with the then Schools Minister, Nadhim Zahawi, on 19<sup>th</sup> March 2019, strongly expressing the view that children and young people with SEND in Nottinghamshire were not funded at the same level as the national average, or its statistical neighbours.
9. For the financial year 2020-2021, Nottinghamshire has received one of the highest increases in its High Needs Budget of 17.3% (or £11.8m). However, even with this improved level of funding, Nottinghamshire remains the worst funded local authority compared with its statistical neighbours.
10. The SEND Policy's vision is for Nottinghamshire to be a place where *children and young people with Special Educational Needs and Disabilities (SEND) will be safe, healthy and happy, have a good quality of life and opportunities to fulfil their aspirations, develop their independence and make a positive contribution to society.*
11. The SEND Policy sets out the values and principles which will shape the Council's work with children and young people with SEND and their families and identifies 12 essential

outcomes to be achieved over the next three years. These values, principles and outcomes have been strongly informed by the feedback received from parents and carers.

12. To deliver these outcomes, the SEND Policy identifies six broad steps. During the next few months the Council, together with parents/carers and other key stakeholders, will be developing an action plan to support the delivery of the Policy's outcomes. This action plan will be owned and monitored regularly by the Nottinghamshire SEND Accountability Board. An annual progress report will be provided to the Children and Young People's Committee.
13. An extensive and productive public consultation was undertaken between 16<sup>th</sup> September and 30<sup>th</sup> November 2019, the outcomes of which are set out fully in **Appendix 2**.
14. The proposed SEND Policy has been produced in consultation with key stakeholders including the County's two Clinical Commissioning Groups, and the Nottinghamshire Parent Carer Forum.

### **Other Options Considered**

15. The changes following the Children and Families Act 2014 necessitated the development of this Policy.

### **Reason/s for Recommendation/s**

16. To enable the Council together with its key stakeholders to respond effectively to the changes in the SEND landscape, and to improve the confidence of parents and carers in the related processes and provision.

### **Statutory and Policy Implications**

17. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **Financial Implications**

18. There are no financial implications arising directly from this report.

### **Implications for Service Users**

19. The implementation of the SEND Policy will result in improved support and provision for children and young people with SEND, as well as the improved confidence of parents and carers.

## RECOMMENDATIONS

That Committee:

- 1) recommends the proposed Nottinghamshire Special Educational Needs and/or Disabilities (SEND) Policy (2020 – 2023), attached as **Appendix 1**, to Policy Committee for approval.
- 2) agrees to receive an annual update report on progress with the implementation of the SEND Policy, and that this be included in the Committee's work programme.

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### **Constitutional Comments (EP 28/02/20)**

20. The recommendations fall within the remit of the Children and Young People's Committee by virtue of its terms of reference.

### **Financial Comments (SAS 09/09/20)**

21. There are no financial implications arising directly from this report.

### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

None.

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

All.

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