

8 March 2023

Agenda Item 6

REPORT OF THE DIRECTOR OF PUBLIC HEALTH

APPROVAL OF JOINT STRATEGIC NEEDS ASSESSMENT (JSNA) CHAPTER: SPECIAL EDUCATIONAL NEEDS AND DISABILITY

Purpose of the Report

1. To request that the Health and Wellbeing Board approve the Joint Strategic Needs Assessment (JSNA) chapter on special educational needs and disability (SEND).

Information

Background

2. This report considers the needs of children and young people aged 0-25 years with special educational needs and disabilities (SEND, also often referred to as SEN) who live in Nottinghamshire.

3. The SEND code of practice provides the following definition of SEN:

“A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for him or her. A child of compulsory school age or a young person has a learning difficulty if he or she:

- has a significantly greater difficulty in learning than the majority of others the same age
- or has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions”.¹

4. Children and young people who have SEN may also have a disability under the Equality Act (2010).² The act defines disability as “a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on a person’s ability to carry out normal day to day activities”. All children and young people with disabilities do not necessarily have SEN, but there is a significant overlap.

¹ Department for Education, Department of Health. *Special educational needs and disability code of practice: 0 to 25 years. Statutory guidance for organisations which work with and support children and young people who have special educational needs or disabilities*. 2015.

² Legislation.gov.uk. *Equality Act 2010*. <https://www.legislation.gov.uk/ukpga/2010/15/section/6>.

5. SEND includes a broad range of conditions and is categorised into four broad areas of need and support:
 - a) Communication and interaction
 - b) Cognition and learning
 - c) Social, emotional, and mental health
 - d) Sensory and/or physical needs.³
6. However, individual needs may change over time and needs can include either, or all of these areas.

National Context

7. In England, the number of pupils with SEN increased to 1.37 million in 2020. There was an overall decline since 2010 in the number of pupils with SEN, which may be due to more accurate identification of children with SEN following the Ofsted SEN review and the 2014 SEN reforms.⁴ However, more recently (2018-2020) the proportion of children with SEN has increased, and the proportion of pupils with an Educational Health and Care Plan (EHCP) has also increased to 3.3.% in 2020.
8. For pupils with SEN, the most common primary need reported is speech, language, and communication needs (21.9%). However, for pupils with an EHCP, autistic spectrum disorder (ASD) is the most common primary need (30.1%).⁵
9. The SEND review 'right support, right place, right time' was published in March 2022.⁶ The review identified three key challenges facing the SEND system:
 - a) Outcomes for children and young people with SEN or accessing alternative provision are poor
 - b) Navigating the SEND system and alternative provision is not a positive experience for children, young people, and their families
 - c) Despite unprecedented investment, the system is not delivering value for money for children, young people, and their families.
10. Key proposals in the SEND review include:
 - a) "Setting new national standards across education, health, and care to build on the foundations created through the Children and Families Act 2014, for a higher performing SEND system;

³ Department for Education Department of Health. *Special educational needs and disability code of practice: 0 to 25 years. Statutory guidance for organisations which work with and support children and young people who have special educational needs or disabilities.* 2015.

⁴ Department for Education. *Special educational needs and disability: an analysis and summary of data sources.* 2021.

⁵ Ibid

⁶ Gov.uk. SEND Review: *Right Support, Right Place, Right Time.* <https://www.gov.uk/government/consultations/send-review-right-support-right-place-right-time>

- b) A simplified EHCP process through digitising plans to make them more flexible, reducing bureaucracy and supporting parents to make informed choices via a list of appropriate placements tailored to their child's needs, meaning less time spent researching the right school;
- c) A new legal requirement for councils to introduce 'local inclusion plans' that bring together early years, schools and post-16 education with health and care services, giving system partners more certainty on who is responsible and when;
- d) Improving oversight and transparency through the publication of new 'local inclusion dashboards' to make roles and responsibilities of all partners within the system clearer for parents and young people, helping to drive better outcomes;
- e) A new national framework for councils for banding and tariffs of high needs, to match the national standards and offer clarity on the level of support expected, and put the system on a financially sustainable footing in the future;
- f) Changing the culture and practice in mainstream education to be more inclusive and better at identifying and supporting needs, including through earlier intervention, and improved targeted support;
- g) Improving workforce training through the introduction of a new Special Educational Needs Coordinator (SENCo) National Professional Qualification (NPQ) for school SENCos and increasing the number of staff with an accredited level 3 qualification in early years settings; and
- h) A reformed and integrated role for alternative provision (AP), with a new delivery model in every local area focused on early intervention. AP will form an integral part of local SEND systems with improvements to settings and more funding stability.

11. The Office of National Statistics (ONS) produces population predictions. In 2018, ONS data shows that there were 226,690 children and young people and this is projected to increase by 7.1% by 2028.⁷

Local Context

12. According to the School Census January 2021, there were 124,208 pupils aged 0-19 years in Nottinghamshire schools, of which 13,699 children have SEND (11%).⁸ 1.5% have a recorded EHCP and 9.5% have SEN support, compared to 3.1% and 10.3% nationally. The School Census does not include children and young people attending out of county schools, independent schools or colleges and further education colleges.

13. The SEN2 survey shows 2840 children and young people with an EHCP aged 0 - 19 years and 3033 children and young people 0 to 25 years in Nottinghamshire. The SEN2 survey includes children and young people aged 0 to 25 years in settings as per school census, but also includes those attending out of county schools, independent schools or colleges and further education colleges.⁹

⁷ ONS population projections for Nottinghamshire. Source: ONS 2018

⁸ Total size of SEND population (0 to 19 years) in Nottinghamshire. Source: School Census Jan 2021

⁹ SEN2 data collection, Department for Education, (2023)

14. During February 2023 Nottinghamshire received a local area SEND inspection. This was undertaken jointly by the Care Quality Commission (CQC) and Ofsted. At the time of writing this report the outcome of the inspection has not been published.

Unmet needs and service gaps – What we still need to improve

15. The SEND code of practice highlights the importance of a Joint Strategic Needs Assessment (JSNA), to inform joint commissioning arrangements between the Local Authority and Integrated Care Board (ICB) to ensure the needs of children and young people with SEND are met. The full JSNA chapter on SEND is provided in **Appendix 1**.

16. There is a need for more specialised SEND provision in Nottinghamshire. For example, many children are awaiting placement at a SEN school where it has been identified that their needs would be best met, however due to a lack of capacity within current specialist provision, they are receiving their education at mainstream school. Funding is available, and the County Council have applied to the Department for Education to build a new free school.

17. Continued improvements need to be made in the quality of preparation for adulthood for children and young people with SEND. Work to better meet need is currently ongoing and the development of an all-age approach within SEND is a driver behind much of this work.

18. There are delays in accessing timely health support, and some gaps in commissioning. This leads to long waiting times for children, young people, and families to access the support needed.

Recommendations for consideration

19. The JSNA recommendations identify key changes needed to address needs of children and young people with SEND in Nottinghamshire. These are set out in the table below;

	Recommendation	Lead(s)
	Data collation and reporting	
1	Improved data capture and reporting for SEND indicators in all CYP and adult health services. Continue to develop a multiagency data dashboard to robustly capture and monitor outcome-based data (with a focus on health inequalities).	Nottingham and Nottinghamshire NHS Integrated Care Board (ICB), health providers
2	Routinely collate and analyse data about SEND children and young people transitioning to adult services.	ICB, health providers, Local authority (LA), Public health (PH)

3	Routinely collate and analyse data about children and young people with SEND in the Youth Justice Services.	ICB, health providers, LA
Service delivery		
4	Review the feedback from the SEND parent carer survey and use information to inform improvements in service provision.	ICB, health providers, LA
5	Ensure that Nottinghamshire can respond to the increasing children and young people with SEN needs which will lead to an increasing demand on services.	LA, ICB, health providers
6	When planning new Special Schools ensure there are secure, private clinic rooms with examination couches and handwashing facilities to facilitate health appointments in this setting.	LA
7	Review options to offer Special and Language Therapy in the Youth Justice setting.	Violence Reduction Unit (VRU), ICB, LA
8	Engage in review of Specialist Education provision commissioning framework review for the provision of Independent Non-Maintained Schools (due to end in September 2023).	LA
SEND Local Offer		
9	Continue to co-produce and refresh the current Local Offer website so that it is more easily navigated by parents and carers following earlier feedback that this was previously a challenge.	ICB, health providers, LA,
10	Develop a new communications plan for the SEND Local Offer to promote the site to members of the public and professionals.	ICB, health providers, LA,
11	Ensure the SEND Local Offer information is reviewed and kept up to date through the agreed review process and engage with service providers to ensure they keep their records as up to date as possible.	ICB, health providers, LA,
Covid-19 pandemic recovery		
12	Develop a Covid-19 pandemic impact assessment for SEND CYP across Nottinghamshire.	ICB, health providers, LA,
13	Use lessons learned during the pandemic to develop flexible ways of working including digital delivery if preferred and appropriate with children, young people, and their families.	ICB, health providers, LA,
National Guidance		
14	Implement as appropriate for Nottinghamshire the National SEND Improvement Plan- due for publication early 2023.	SEND Accountability Board

Other Options Considered

20. The recommendations are based on the current evidence available and will be used to inform decision making processes.

Reason/s for Recommendation/s

21. The JSNA has been written to reflect current local issues.

Statutory and Policy Implications

22. 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

23. There are none arising from this report.

RECOMMENDATIONS

The Health and Wellbeing Board is asked:

- 1) To approve the Joint Strategic Needs Assessment (JSNA) chapter on Special Educational Needs and Disability (SEND), provided in **Appendix 1**.
- 2) To receive an update from the SEND Accountability Board regarding implementing the JSNA recommendations following the inspection outcome being published.

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Constitutional Comments (GMG 23/02/23)

24. The recommendations set out in this report fall with the remit of the Board for determination under its terms of reference (see Section 7, Part 2, paragraph 8 of the Council's Constitution on page 117).

Financial Comments (DG 27/02/23)

25. There are no direct financial implications arising 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