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**Decision Maker:** CHILDREN, EDUCATION AND FAMILIES PDS COMMITTEE

**Date:** 13 September 2023

**Decision Type:** Non-Urgent Non-Executive Non-Key

**Title:** EDUCATION HEALTH CARE (EHC) – DEEP DIVE

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## 1. BROMLEY CONTEXT

- 1.1. The London Borough of Bromley (LBB), South East London Integrated Care System (SELICS) and Your Voice in Health and Social Care (YVHSC) share a strong commitment to improving the education, health and wellbeing outcomes for Children and Young People (CYP) who have special educational needs and/or disabilities (SEND). This commitment comes from the highest levels and is implemented through effective joint governance which is driving, and will sustain, rapid improvement. Bromley aspires to provide outstanding services for children and young people which safeguard them, give them the right help at the right time, by the right professional in their lives and which achieve positive outcomes for their journey into adulthood.
- 1.2. 73,119 Bromley residents are aged 0 – 18, representing over a fifth of the population. Live births peaked at 4,230 in 2016/17 but have since fallen back below 4,000. The school age population has risen by 4.4% since 2010 but is projected to fall by 1.4% by 2027. The fall is due to a reduction in the primary aged population which will fall by 1,377 by 2027, whilst the secondary aged population will increase by 533. By 2027 the number of 0–3-year-olds is projected to decrease by 717 or 4.9%.
- 1.3. There are 27,203 children enrolled in state funded Bromley primary schools, 24,505 pupils in secondary schools and 868 in our Special Schools. Bromley is a net importer of pupils with 8,560 (16%) of pupils in Bromley schools being resident in another Borough, whilst 4,568 (10%) of Bromley pupils are being educated in another Borough. For special schools, cross borough flows are broadly equal with 14% of places at a Bromley special school being occupied by an out of borough pupil,
- 1.4. With regards school organisation, there are 100 open schools, with all but 6 being academies. 11 are standalone academies and the rest operate within 22 multi academy trusts (MATs).

There are four open special schools, plus a special free school in the pre-opening phase. There are currently 351 pupils at the Council's SEN units and resource provisions.

- 1.5. NHS SE London (Bromley Place) encompasses 44 GP practices. The main providers of community services for children and adults in Bromley are Bromley Healthcare (therapies, community nursing, school nursing, community paediatrics); Oxleas NHS Foundation Trust (health visiting, adult mental health, adult learning disability services, CAMHS) and Bromley Y, a voluntary sector organisation (providing a wellbeing and early intervention service).
- 1.6. Most CYP who have SEND will have their needs met by the help available through their education setting, which is known as SEN Support. For a relatively small number of CYP, their needs cannot be met by the provision that is normally available within the education setting (SEN Support) and an EHC Plan may be required in order to meet needs.
- 1.7. The number of CYP in Bromley recorded as accessing SEN Support was 6,597 (January 2023 census). As at 31<sup>st</sup> December 2022 (SEN nationally published data), the number of CYP who have an EHC Plan was 3,582, the number of requests for EHC Needs statutory assessments received was 913, with 634 being agreed (69.4%). Pupils with EHC Plans are placed within a range of settings both within Bromley and out of borough.
- 1.8. It should be acknowledged that the current pressures are recognised by Government in its SEND and AP Green Paper as being system wide, with all services under significant pressure. The SEND and Alternative Provision Improvement Plan is a clear reflection of the systemic challenges at a national level. Please see section 10 for further information.

## **2. EHCP PROJECTIONS**

- 2.1. Detailed analysis of the 2023 SEN 2 data is continuing, but initial analysis indicates that the number of children and young people in receipt of an EHCP has increased from 1,826 in 2015 to 3,582 in 2023, an increase of 91%. The number of Bromley EHCPs have increased by 44% since 2020 alone and growth outstrips the London and national averages across each of the last 4 years.
- 2.2. Nationally, the number of children and young people with an EHCP has continued to rise; 66,356 EHCPs were in place in 2022, which is a 7% increase on 2021. In Bromley, there were 3582 EHCPs in 2022 compared to 3241 in 2021, a 10.52% increase. Requests for assessment have also increased in line with national trends. Bromley has seen a 28.77% increase in 2022, compared to the previous year. Nationally the increase in requests for assessment increased by 23%.
- 2.3. The percentage annual rate of increase between 2022 and 2023 has slowed to 11%, however the actual number of net additional EHCPs is almost identical in 2023 to 2022 due to larger base EHCP population.
- 2.4. The Council has been working with a specialist data analytical consultant Mastodon C to project the future number, need and setting type of children with EHCPs. Their analysis of the 2022 SEN2 census predicts that based on their median projection model there would be 4,126 EHCPs by 2026 and 4,768 by 2031. Their high growth model shows EHCP numbers rising to 4,715 in 2026 and 5,468 by 2031.
- 2.5. The table below details how the projected increase in need will be distributed across Key Stages. This demonstrates that increases in EHCPs will be greater in older age groups, with the greatest increase amongst the 18+ age group.

	<b>2022</b>	<b>2026</b>	<b>2031</b>	<b>Change 2022-31</b>
KS1	410	473	424	3%
KS2	767	936	911	19%
KS3	699	957	1009	44%
KS4	416	625	706	70%
KS5	360	502	668	85%
18+	486	652	926	90%

- 2.6. The SEN2 data includes the stated primary need of each EHCP. The primary need most commonly stated on EHCPs in is Bromley is Speech Language and Communication Needs (SLCN) followed by Autistic Spectrum Disorder (ASD) and Social Emotional and Mental Health Needs (SEMH). SEMH is projected to overtake ASD as the second most common primary need by 2025. The projected number of CYPs with ASD, SLCN and SEMH in 2026 and 2031 are set out below.

	<b>2022</b>	<b>2026</b>	<b>2031</b>
<b>ASD</b>	638	884	1,010
<b>SLCN</b>	930	1,239	1,465
<b>SEMH</b>	598	934	1,096

- 2.7. The table below sets out the need by type of setting in 2026 and 2031. The projected overall increase in EHCPs as outlined in 2.3 above is going to place pressure on all setting types, It should be noted that the ARP and special school capacity is not currently sufficient to deliver the increase in need set out below. There also needs to be further consideration of the future need for FE provision arising from the increasing number of EHCPs post 16.

	<b>2022</b>	<b>2026</b>	<b>2031</b>
<b>ARPs</b>	398	451	462
<b>Further Education</b>	451	606	859
<b>Mainstream</b>	943	1,248	1,317
<b>Maintained Special Schools</b>	870	1,134	1,246
<b>Independent Special Schools</b>	229	329	392

- 2.8. Projects currently underway in order to increase capacity include the delivery by the Department for Education (DfE) of a new Special Free School in Chislehurst and new Additionally Resourced Provisions at Oaklands Primary School and The Highway Primary School.
- 2.9. The Local Area Partnership continues to work together in order to manage demand and is accountable to the SEND Governance Board. Key areas of work include:
- The EHC Needs Assessment Eligibility Guidance, which has been coproduced with partners and parent/carers, was published in January and has been positively received across the Local Area Partnership. Schools are reporting that they have a better understanding of the assessment process and are more confident in responding to parental requests. The quality of referrals has improved enabling a more robust decision-making process. This has led to a decrease in the number of assessments being agreed at the Needs Assessment Panel (NAP). There are early indications of a reduction in the number of requests for statutory assessment, which will continue to be monitored.
  - Data in the calendar year to 30 June 2023 shows that 418 requests for EHC Needs Assessment have been considered at Needs Assessment Panel compared to 490 in the

same period in 2022. Significantly, since the introduction of the EHC Needs Assessment Eligibility Guidance the number of EHC Needs Assessments agreed has reduced from 70% to 61%. This is attributed to more consistent decision making across weekly panels, which are attended by professionals on a rotational basis; increased confidence in schools to work with the Local Authority when SEN Support is required to meet presenting needs rather than an Education Health and Care Plan and the introduction of Funded Inclusion Plans.

- Health and Social Care representation on decision making panels is valued in supporting decisions for children and young people with complex presentations and/or family situations. This is contributing to more effective decision making at an earlier stage, leading to a reduction in the number of requests being agreed.
- The SEN Advisory Teams continue to support schools and settings, providing support and training across a wide range of areas, across the graduated approach, universal, targeted and specialist. As part of the Education Transformation (see section 11), the role of the Advisory Teams will be further strengthened with a greater focus on prevention and early intervention.
- The introduction of the Bromley Funded Inclusion Plan (FIP), following a review of the Pupil Resource Agreement (PRA) model supports a 'watch and wait' approach to determine if an EHC Needs Assessment is required, with resource available to provide short term interventions that sit above SEN support.
- The development of sessions to support parent/carers understanding of the statutory assessment process and the entitlement for their child or young person below the statutory threshold. This is contributing to a shared understanding between families and education settings, ensuring SEN support is being fully accessed, and monitored to assess impact, before consideration of an EHC Needs Assessment.

### **3. EHC PLANS**

- 3.1. The SEN service uses weekly data analysis to measure the progress and timeliness of EHC Needs Assessments and to forward plan the agenda for decision making panels.
- 3.2. Review of data compared to statistical neighbours, shows Bromley to be an outlier in the number of referrals made for Early Years children. Currently 26% or 115 children are under assessment.
- 3.3. This high level of demand has led to an enhanced focus on early help and Early Years SEN Support. In November 2022 a dedicated Early Years Needs Assessment Panel was introduced to specifically focus on the high levels of referrals and to enable signposting to specialist support services to help families receive the help that they need through SEN Support
- 3.4. Advice requests made to key partners in health, social care and Education Psychology are analysed and followed up weekly to ensure that cases progress to decision making panels at the earliest opportunity.
- 3.5. Decision making following EHC Needs Assessment in Bromley is through the Multi Agency Statutory Assessment Panel. The panel meets weekly and has representation from Health, Social Care and Education. On Average 88% of decisions are to Agree to Issue an Education Health and Care Plan which is in line with the national average.

3.6. The 20-week timeliness metric is carefully scrutinised through monthly SEN Assurance meetings, the SEND Governance Board and the Department of Education. Data to 30<sup>th</sup> June 2023 is as follows:

Description	2023 - Quarter 1						2023 - Quarter 2					
	Jan-23		Feb-23		Mar-23		Apr-23		May-23		June- 23	
<b>Number of EHCPs issued</b>	<b>35</b>		<b>51</b>		<b>39</b>		<b>34</b>		<b>30</b>		<b>33</b>	
<b>Of which, on time</b>	9	26%	7	14%	1	3%	5	15%	3	10%	5	15%
<b>Of which, late</b>	26	74%	44	86%	38	97%	29	85%	27	90%	28	85%
<b>Of which, late &amp; exception agreed</b>	18	51%	27	53%	11	28%	6	18%	4	13%	4	12%
<b>Revised 'count'</b>	<b>17</b>		<b>24</b>		<b>28</b>		<b>28</b>		<b>26</b>		<b>29</b>	
<b>20 weeks - % of revised 'count'</b>	9	53%	7	29%	1	4%	5	18%	3	12%	5	17%
<b>CUMULATIVE</b>	<b>17</b>		<b>41</b>		<b>69</b>		<b>97</b>		<b>123</b>		<b>152</b>	
	9	53%	16	39%	17	25%	22	23%	25	20%	30	20%

- 3.7. The Council recognises the significant ongoing challenges in meeting demand and its duties pertaining to the issuing of EHC Plans within 20-weeks. To this end, the Council has invested significant resource across a range of service areas in order to build capacity.
- 3.8. When an EHC Needs Assessment is agreed, a range of advice from professionals is requested (education, health and care), relevant to the child or young person's individual needs. In order for the Council to make a decision as to whether a child or young person requires an EHC Plan, it is normal practice to consider submissions from all the professionals that have been asked to provide advice.
- 3.9. All cases are considered on an individual basis, according to presenting need, however under the Children and Families Act (2014) Education Psychology (EP) advice is required for every Needs Assessment and is therefore impacted more heavily than other services.
- 3.10. The Council has commissioned an external organisation to provide EP advice, complimenting the existing EP Service. The additional capacity is showing significant improvements in the timeliness of EP advice being provided.
- 3.11. There have been challenges in meeting increasing need for therapy assessments to the EHC process from Speech and Language and Occupational Therapy. To address these issues Bromley Council and South East London ICB have been working with Bromley Healthcare to agree new delivery models and resources to meet increasing demands.
- 3.12. The speech and language offer is being transformed as part of a whole system approach from universal, targeted to specialist offer and the detailed modelling for this will be finalised in coming months. Whilst this work is being undertaken, resources have been agreed to increase capacity of SALT over coming months. The funding identified is being used to increase Speech and Language Therapists and Assistants to deliver provision.
- 3.13. The Occupational Therapy developments have included agreeing short term non recurrent funding to address children waiting for an assessment. It has also included recurrent funding for an ongoing arrangement to provide sustainable resources to meet demand for OT input into EHC assessments. This arrangement is overseen by Bromley Healthcare, currently via a subcontracting arrangement.

3.14. The Council has also invested further resource to support the SEN Service in the writing of EHC Plans. This is a commissioned service for a two-year period, which will provide much needed capacity to improve the timeliness of issuing EHC Plans, if agreed following an EHC Needs Assessment.

#### **4. PARENT/CARER ENGAGEMENT**

4.1. Bromley Council, Your Voice in Health and Social Care (YVHSC) and SELICB (Bromley) are strongly committed to “working in a way which ensures that children, young people and their families feel that they have participated fully in the process and have a sense of co-ownership” (Section 4.9 of the SEND Code of Practice: 0 to 25 years)

4.2. Effective engagement with parents, children and young people is central to the delivery of better outcomes and remains a SEND strategic priority. The Council in partnership with our strategic SEND Parent Engagement partner offer an active programme of engagement and support for children, young people, and their families.

4.3. Local Area partners are responsible for planning services for children and young people who have SEND. It is important that we can consider how engagement informs and supports the work of the Partnership as part of an integrated approach to shape the services we offer through the Local Offer and deliver better outcomes for children and young people with SEND in Bromley. This effective engagement allows partners to listen to parent/carers and understand their concerns. Together, we identify themes and issues that are being experienced by families across the borough and co-develop solutions. Examples include:

- Coproducing a pathway for children and young people with Down Syndrome
- A programme to increase the number of Changing Places toilets across the borough
- Monthly EHC Information sessions for parents where the Local Authority has agreed to undertake a EHC Needs Assessment for their child
- Co-produced EHC Eligibility guidance - Parent Friendly version
- Coproduction of the B-Hive Website to help families to access information, advice and strategies to support their child’s development
- Engagement opportunities to contribute to Ordinarily Available Provision and Graduated Approach Framework
- Introduction of SEN Support Information sessions for parents to help families to access universal and targeted support for their child
- Annual Review Information sessions
- Transition Events
- Embracing Diversity Project and Project Me

4.4 Further examples of the impact of our engagement with children, young people and families are captured in our quarterly ‘You said, We did’ engagement reports. These reports are available on the [Bromley Local Offer](#) and are shared with parent carer networks and voluntary section partners.

4.5 The council is working with Contact to develop a new Parent Carer Forum (PCF) which is funded by the Department for Education. Parent Carer forums provide an opportunity for parents and carers to express their views and input into the planning and delivery of SEND services. The forum will be a member of the National Network of Parent Carer Forums (NNPCF).

#### **5. PARTNERSHIP AND GOVERNANCE**

5.1. Partnership working is critical to the effective delivery of support for children and young

people who have SEND and their families. The Council has strong partnership governance, reporting to a range of boards, providing robust accountability.

5.2. The Children's Executive Board (CEB) brings together commissioners and providers across the local network of services for children, led by the Director of Children's Services. The CEB oversees the action being taken across agencies to tackle local priorities and it provides a problem-solving forum to raise and address barriers to improvement by agencies working collaboratively. Partners are committed to working together to develop practice across agencies, to increase integration of services where it makes sense to do so and to strengthen joint accountability for improving outcomes for young people in Bromley.

5.3. The SEND Governance Board is a multi-agency forum, led by the LBB Director of Children's Services and Director of Education, which leads implementation of the SEND Action Plan in line with the SEND Strategic Vision and Priorities on behalf of the Children's Executive Board.

5.4. The five main priority areas under the SEND Strategic Vision and Priorities for 2022-23 are:

PRIORITY 1 - Embed effective engagement with parents, children and young people and all partners as central to the delivery of better outcomes.

PRIORITY 2 - Children and young people receive early support through universal and targeted provision, reducing reliance on specialist provision.

PRIORITY 3 - Increase local capacity across education, health and social care for children and young people with more complex needs.

PRIORITY 4 - Ensure robust multi-agency decision making processes are embedded across the SEND Partnership enabling sustainable, timely integrated support for children and young people with more complex needs and their families.

PRIORITY 5 - Enable all our children and young people to transfer successfully to the next stage of their education or into employment, and to transfer to an independent adult life in their local community.

5.5. The SEND Governance Board has a range of responsibilities:

- agrees, owns and promotes the SEND Strategic Vision and Priorities, ensuring actions are implemented to improve outcomes for children and young people in the local area
- approves and monitors the implementation and impact of the multi-agency SEND Action Plan to ensure that our work across the local area is leading to improved outcomes for children and young people
- advises on the prioritisation of the agreed actions, tackling those areas of greatest concern to children, young people and families
- problem solves to remove any barriers identified and ensure milestones are met
- ensures resources are identified to complete the agreed actions
- reports on progress, challenges and outcomes to the wider stakeholders across the local area.

5.6. The Integrated Commissioning Board (ICB) is a forum for developing joint strategies and initiatives where joint commissioning decisions are made. The ICB agrees an annual work plan which identifies opportunities for joint commissioning, including work to deliver effective SEND services to improve and re-shape our local services to meet local needs. The leadership and director level membership demonstrates the significance that both health

partners and the Council attach to the work of this Board.

- 5.7. The One Bromley Children and Young People's Integrated Care Partnership is a partnership that is delivered within the governance of the One Bromley joint working arrangements. The objectives are aligned with the NHS Long Term Plan which intends that local areas will design and implement models of care that are age appropriate, closer to home and bring together physical and mental health services. These models will provide holistic care across local authority and NHS services.
- 5.8. The Health and Well-Being Board, chaired by a senior Elected Member, brings together LBB and partner agencies whose role is to understand the health needs of the local community and to encourage commissioners to work together to meet agreed priorities and ensures that health and wellbeing priorities for children are acted upon by the partnership. The Board keeps track of the implementation and impact of SEND through reporting from the SEND Governance Board.
- 5.9. The Children, Education and Families Policy Development and Scrutiny Committee regularly reviews progress made on SEND, including scrutiny of the Director of Education and continues to be a high priority on the annual work plan for scrutiny.
- 5.10. The Executive Portfolio Holder for Education, Children and Families and Deputy Leader of the Council meets regularly with senior officers to ensure further scrutiny and challenge.
- 5.11. There is strong input from Health and Social Care to the SEND Governance Board, EHC processes and partnership arrangements. This includes strategic oversight from the ICB and BHC and Oxleas into the SEND Governance Board and other associated strategic planning processes. It also includes input to the EHC decision making panels to ensure effective clinical input to decisions around children's needs and services provided. The areas of improvement around Speech and Language and Occupational Therapy are taken forward via a partnership approach across Health, Education and Social Care.
- 5.12. The social care landscape is increasingly complex with a number of overlapping pieces of legislation, such as the Children and Families Act 2014; the Care Act 2014; and the Children and Social Work Act 2017 all of which must interact with the existing duties set out in the Children Act 1989 and section 2 of Chronically Sick and Disabled Person's Act 1970 when we are thinking specifically about disabled children and young people and those with SEN.
- 5.13. The Council continues to review arrangements across the partnership to ensure high quality input and engagement. With this in mind, we are considering implementing the role of a Designated Social Care Officer (DSCO) within social care. Implementing this role will further strengthen the role of social care within the EHC process, bringing systems together and improving knowledge and understanding.

## **6. HIGH NEEDS FUNDING AND ESTATES REVIEW**

- 6.1. The High Needs Funding and Estates Review is a project to review both the funding model for specialist provision and the suitability of SEN premises to improve the quality of provision and make extra capacity available.
- 6.2. The estates review is currently part way through reviewing all specialist accommodation (Additionally Resourced Provisions (ARPs) and Special Schools) in Bromley to identify where additional capacity could be delivered. A number of schools/trusts have also expressed that they would like to consider opening new ARPs. This work will lead to a forward programme of work (dependent on available funding) to deliver additional capacity.



6.3. The Council receives High Needs Capital Funding (HNCf) to support the provision of new specialist capacity and to make improvements to existing provision to increase its effectiveness. £15,336k of which £2,626k is still to be allocated to schemes.

## 7. DEDICATED SCHOOLS GRANT – DEFICIT RECOVERY PLAN

7.1. The budgets for the DSG for 2023/24 for the four blocks are as follows:

<b>Block</b>	<b>Budget (ignoring recoupment)</b>
Schools	£257,152,000
High Needs	£74,299,000
Early Years	£22,251,000
Central	£2,045,000
<b>TOTAL</b>	<b>£355,747,000</b>

7.2. The deficit brought forward into 2023/24 was £12,705,000. The overall in year deficits are shown below and have risen due to recent grant announcements inferring a smaller increase in grant levels.

2023/24	£3.8m
2024/25	£5.4m
2025/26	£4.9m
2026/27	£4.8m

7.3. The Bromley DSG Deficit Recovery Management Plan has been prepared by the Children, Education and Families department of the London Borough of Bromley, in response to the growing financial pressures on the Dedicated Schools Grant (DSG), primarily within the High Needs Funding block, which is primarily where the pressure sits.

7.4. A report outlining the DSG Deficit Recovery Management Plan was presented to this PDS on 17<sup>th</sup> November 2022 (report number CEF22076) and Officers continue to meet with representatives from the Department for Education to discuss the Council's five year plan to address the DSG deficit. The most recent meeting took place in July 2023, with DfE colleagues noting that they were content with the actions being taken by Bromley and had no further suggestions to put forward to address the deficit position. This committee will continue to receive updates regarding the plan and the impact of actions taken on the DSG deficit.

## 8. QUALITY ASSURANCE

8.1. The Bromley Quality Assurance and Practice Improvement Framework (for ease referenced as the QA Framework) was introduced in 2019, responding to key actions set out within the SEND Reforms Action Plan, accountable to the SEND Governance Board.

8.2. The QA Framework is a multi-agency approach to improve the quality of the EHC process, spanning professional advice, EHC Plans and Annual Reviews. In addition, this approach contributes to valuable learning and professional development across the partnership in promoting a shared understanding of high-quality practice and strengthening multi-agency working across Education, Health and Care.

8.3. The cycle of quality assurance is one that drives continuous service improvements and encompasses four strands:



8.4. Each cycle focuses on a key theme/cohort, the most recent cycles have included:

- Preparing for Adulthood
- Youth Justice System
- Children Missing Education
- Elective Home Education
- Children Looked After (and leaving care)
- Early Years

8.5. The QA Framework is currently under review as part of the Education Transformation Programme to ensure that impact continues to be demonstrable. A new cycle of multi-agency quality assurance will commence in Autumn 2023.

## 9. AREA SEND INSPECTION FRAMEWORK

9.1. Ofsted and the Care Quality Commission issued the new framework and handbook for SEND area inspections, which came into force on 1 January 2023. The framework includes the introduction of a multidisciplinary inspection team comprised of education, health and social care inspectors.

9.2. The aim is to strengthen accountability and support continuous improvement across the SEND system. The framework has been designed to inspect the system as it is now. We await further details from the government on the SEND Review including the DfE plans to clarify the roles and responsibilities of partners across, education, health, care, and local government (SEND Partnerships) and how they will be held accountable in future.

- 9.3. The lived experiences of children and young people with SEND will be central to the assessment. This will be done through surveys, talking to parent carer and children and young people representative groups and looking at a minimum of six representative case studies chosen by the inspectors.
- 9.4. The strategies and plans Bromley have in place must demonstrate that they are making a real difference to, and improve the lives of, children and young people with SEND and their families. The inspection will also consider whether local authorities' approach to commissioning and overseeing alternative provision arrangements for children and young people in the local authority area meets their duties as set out in statutory guidance.
- 9.5. Inspectors will evaluate the impact of the local area partnership's SEND arrangements on the experiences and outcomes of children and young people with SEND, including the extent to which:
- children and young people's needs are identified accurately and assessed in a timely and effective way
  - children, young people, and their families participate in decision-making about their individual plans and support
  - children and young people receive the right help at the right time
  - children and young people are well prepared for their next steps, and achieve strong outcomes
  - children and young people are valued, visible and included in their communities.
- 9.6. Inspectors will also evaluate how the local area partners work together to plan, evaluate, and develop the SEND system, including the extent to which:
- leaders are ambitious for children and young people with SEND
  - leaders actively engage and work with children, young people, and families
  - leaders have an accurate, shared understanding of the needs of children and young people in their local area
  - leaders commission services and provision to meet the needs and aspirations of children and young people, including commissioning arrangements for children and young people in alternative provision
  - leaders evaluate services and make improvements
  - leaders create an environment in which effective practice and multi-agency working can flourish.
- 9.7. There will be three categories of judgement given to local areas following inspection and ratings will determine the type and time scale of the next inspection:

<b>Inspection outcome</b>	<b>Type and time scale of next inspection</b>
Local area SEND arrangements lead to positive experiences for CYP with SEND	Engagement meetings with a full inspection within 5 years
Local area SEND arrangements lead to inconsistent experiences of CYP with SEND	Engagement meetings with a full inspection within 3 years
Local area SEND arrangements show failings and lead to significant concerns about the experiences of CYP with SEND	Engagement meetings, priority action plan, monitoring within 18 months, full re inspection within 3 years

- 9.8. Through the accountability of the SEND Governance Board, the Bromley partnership is taking a number of key actions to ensure preparedness, including:

- Reviewing the Self Evaluation
- Reviewing joint commissioning arrangements
- Ensuring a shared understanding of accountability across partners
- Raising awareness of the forthcoming inspection across the partnership
- Continue to engage and work with children, young people and their families to capture and improve their lived experience.
- Actively monitoring outcomes from inspections that have taken place under the new framework and working in partnership with regional and national organisations to improve learning as the framework embeds

## 10. SEND AND ALTERNATIVE PROVISION IMPROVEMENT PLAN

- 10.1. The Government has published its [SEND and Alternate Provision Improvement plan](#) which sets out the plans to change the special educational needs and disabilities (SEND) and Alternative Provision (AP) system in England.
- 10.2. The Government recognises, that to deliver for children, young people and their families, a stronger emphasis is needed on improving the underpinning drivers that will make a national system a reality: a clearer workforce plan; strengthened accountabilities; and sustainable and fair resourcing. The Improvement Plan sets out its roadmap for implementing a single, national system and achieving real change in practice so every child and young person can thrive.
- 10.3. In reviewing the SENDAP Improvement Plan, it is clear that Bromley is 'ahead of the curve' in relation to several key actions set out in the plan including, the EHC online portal, the development of an inclusion dashboard and the High Needs Funding and Estates Review.
- 10.4. We await further information from the Department for Education in terms of next steps as the improvement plan progresses.

## 11. EDUCATION TRANSFORMATION

- 11.1. The Education Transformation programme seeks to restructure the Education teams which sit within the Council's Children, Education and Families Directorate.
- 11.2. The proposal is designed to enable the services to have greater impact and effectiveness in supporting the delivery of sustainable, high-quality services and reflects the Council's commitment to new ways of working that ensure children and young people, adults and their families, are well supported and empowered to lead full and rewarding lives.
- 11.3. The key principles informing the management proposals include:
- Staff wellbeing is a guiding principle. Staff are working incredibly hard and yet not able to keep up with current levels of need and demand
  - Education services are not sustainable in their current structure. Current levels of need are unrecognisable from when services were previously restructured – statutory requirement to ensure that services can keep pace
  - Greater focus on prevention and early intervention to improve outcomes for those we serve. Need to refocus our finite resources on early intervention for vulnerable children and working with partners to support those with the most complex needs
  - The Council has statutory and regulatory responsibilities to ensure that its services are able to respond effectively to external drivers, including:
  - Need for service realignment to maximise efficiency/reduce service pressure and ensure services are manageable and dynamic

- The department has a moral and legal duty to ensure we can serve children, young people, adults and families most effectively. Some areas of significant performance challenges indicate that systemic changes are required
- Requirement for all services to be manageable, efficient and effective
- Need to find creative ways to work differently and more effectively
- To improve staff retention and recruitment and identify and nurture talent/succession planning
- Ensure clear accountability through the department and partner agencies, with the expectation that partners will fulfil their responsibilities with support and challenge
- Ultimately, focus on improving the lived experience of children and young people, adults and families with high quality, sustainable services

11.4. Consultation on the proposal was open for 30 days (closed 12<sup>th</sup> July) and provided an opportunity for staff to feed in their thoughts and ideas, which were carefully considered by management.

11.5. Implementation of the proposal, if formally agreed, would take effect from 4<sup>th</sup> to 22<sup>nd</sup> September 2023.

## **12. FINANCIAL IMPLICATIONS**

12.1. The DSG budget implications are set out in an earlier section of this report. There are no direct financial implications in terms of the report to Children, Education and Families Policy Development and Scrutiny (PDS) Committee).

## **13. LEGAL IMPLICATIONS**

13.1 There are overlapping duties on local authorities and the NHS to support children and young people who have SEND. The Primary legislation includes:

- The Children and Families Act 2014
- The Care Act 2014
- Chronically Sick and Disabled Persons Act 1970
- Children Act 1989
- Children Act 2004
- National Health Service Act 2006
- Local Government and Public Involvement in Health Act 2007
- Equality Act 2010
- Health and Social Care Act 2012

13.2 Given the extensive crossover in statutory duties pertaining to education, health and care, there is an overriding need for different elements of public services to work together to provide excellent outcomes for children and young people and their families.

## 14. NEXT STEPS

14.1 The Council and the wider partnership have and will continue to actively take steps to make changes in order to address the challenges as outlined in this report. The SEND Governance Board will continue to oversee and scrutinise progress against the detailed local area SEND Action Plan and extensive partnership efforts to improve the consistency of the lived experience of CYP who have SEND in Bromley. The following actions are being prioritised by Officers as next steps:

- Restructuring services, through Education Transformation to ensure the right resource is in the right place
- Investment in additional staffing in order to free up resources dedicated to working with partners and providers, delivering effective case work
- Strengthening the early support model, focusing on the graduated approach ensuring families and partners are accessing the right support
- Working in partnership with our parent groups to strengthen our relationships and ensure meaningful co-production

<b>Non-Applicable Headings:</b>	Commentary, Financial and Legal Implications, Implications for other Governance Arrangements, Boards and Partnership Arrangements, including any Policy and Financial Changes required to Process the Item, Comment from the Director of Author Organisation.
Background Documents: (Access via Contact Officer)	