

Lambeth Equality Commission

A Lambeth for all Residents

Briefing paper 8: Special Educational Needs and Disability (SEND)

Introduction

Special educational needs and disabilities (SEND) can affect a child or young person's ability to learn. They can affect their:

- behaviour or ability to socialise, e.g. they struggle to make friends;
- reading and writing, e.g. because they have dyslexia;
- ability to understand things;
- concentration levels, e.g. because they have ADHD; or
- physical ability.

Children and young people who have SEND may also have a disability under the Equality Act 2010¹. This would cover sensory impairments such as those affecting sight or hearing, and long-term health conditions such as asthma, diabetes, epilepsy, and cancer. Disabled children and young people do not necessarily have SEN, but there is a significant overlap and where a disabled child or young person requires special educational provision they will also be covered by the SEN definition.

The Equality Act 2010 sets out the legal obligations that schools, early years providers, post-16 institutions, local authorities and others have towards disabled children and young people:

- They must not directly or indirectly discriminate against, harass or victimise disabled children and young people,
- They must not discriminate for a reason arising in consequence of a child or young person's disability,
- They must make reasonable adjustments, including the provision of auxiliary aids and services, to ensure that disabled children and young people are not at a substantial disadvantage compared with their peers. This duty is anticipatory – it requires thought to be given in advance to what disabled children and young people might require and what adjustments might need to be made to prevent that disadvantage.

Across all schools in England, 14.4% of pupils had a special educational need in 2016 (down from 15.4% in 2015) and 2.8% of all pupils have a Special Educational Needs (SEN) statement or Educational Health and Care (EHC) plan.² In terms of ethnicity, 21.6% of children with SEN are Black Caribbean – the third highest group after Traveller of Irish heritage (34.5%) and Gypsy / Roma (30.8%).³

Consecutive governments have set out to improve outcomes for children with special educational needs, yet there is still a significant gap in attainment levels – with only 20% of children with SEN getting 5 A*-C grades at Key Stage 4, compared to 64% of children with no SEN. Pupils with SEN are also more likely to be eligible for Free School Meals – with 27.2% of pupils with SEN eligible in 2016, compared to 12.6% of pupils without SEN.

¹ Defined as a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities.

² 'Special educational needs: an analysis and summary of data sources' – Department for Education, September 2016

³ 'Special educational needs in England: 'National tables SFR29/2016' – Department for Education, January 2016

Why is support to children and young people with SEND so important?

The SEND Statutory Framework sets out that all children “have a right to an education that enables them to make progress so that they achieve their best; become confident individuals and live fulfilling lives; and make a successful transition into becoming an adult – whether that’s into further and higher education, training or work.”⁴

Historically, children and young people with SEND achieve less well than their peers and are more likely to be excluded or persistent absentees from school. Furthermore, adults supporting and working with children with SEND often have low aspirations for their futures, particularly where the child or young person’s needs are profound or more complex. These factors can have a significant impact on the individuals’ aspirations and ability to reach their full potential, limiting their life chances in terms of employment, and leading fulfilling and independent lives as adults. The SEND reforms introduced in 2014 are designed to tackle these issues by ensuring that all agencies working with and supporting the needs of children and young people with SEND all have the highest aspirations for them and that their needs are identified as early as possible so that the appropriate support can be provided to help overcome barriers to learning and equality.

The statutory framework for SEND

The current Statutory Framework is set out in the SEND Code of Practice 2014⁵ and reflects the changes introduced by the Children and Families Act 2014. It covers the 0-25 age range and has guidance relating to disabled children and young people, as well as those with SEN. It has:

- a clearer focus on the participation of children, young people and parents in decision-making,
- a stronger focus on high aspirations and on improving outcomes,
- guidance on the joint planning and commissioning of services to ensure close co-operation between education, health and social care (children’s and adults),
- guidance on publishing a Local Offer of support for children and young people with SEND,
- guidance for education and training settings on taking a graduated approach to identifying and supporting pupils and students with SEN (to replace School Action and School Action Plus),
- a co-ordinated assessment process for children and young people with more complex needs, with the new 0-25 Education, Health and Care plan (EHC plan) replacing statements and Learning Difficulty Assessments (LDAs),
- a greater focus on support to make a successful transition to adulthood,
- new guidance on supporting children and young people with SEN who are in youth custody.

The Local Authority role

The SEND Code of Practice applies to all local authorities as well as all types of schools, early years’ providers, colleges, the NHS, CCGs and Youth Offending Teams. The code states over 450 ‘musts’ that are the specific responsibility of local authorities, covering the following areas:

- **Participation:** local authorities must ensure that children, their parents and young people are involved in discussions and decisions about their individual support and about local provision.
- **Impartial information and advice:** local authorities must ensure that children, young people and parents are provided with the information, advice and support necessary to enable them to participate in discussions and decisions about their support.

⁴ ‘Special educational needs and disability code of practice: 0 to 25 years’, January 2015

⁵ <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

- **Consultation:** local authorities must consult children and young people with SEN or disabilities and their parents in reviewing educational and training provision.
- **Identification:** local authorities must carry out their functions with a view to identifying all those who may have SEN.
- **Parent Carer Forums** should be established in every local area.
- **The Local Offer** must be developed with children and young people and their parents and should reflect the services that are available across the local area.
- **Joint commissioning** arrangements must cover the services for 0-25 year old children and young people with SEN or disabilities, both with and without EHC plans.

Education, Health and Care plans (EHC plans)

A local authority must conduct an assessment and prepare an Education, Health and Care (EHC) plan whenever it may be necessary for special educational provision to be made for the child or young person.

Lambeth has appointed EHC Co-ordinators to act as key workers for a family during the EHC needs assessment process – providing a named person within SEND Service. EHC plans set out how a package of services will be delivered across education, health and social care and explain how they will deliver improved outcomes for the child or young person.

- An assessment can be requested by a child's parent, a young person over the age of 16 but under the age of 25, or a person acting on behalf of a school or post 16 institution.
- Following a request, the local authority must determine whether a statutory education, health and care needs assessment is necessary, make a decision, and communicate its decision to the child's parent or young person within 6 weeks of receiving the request.
- The whole assessment and planning process, from the point an assessment is requested until the final EHC plan is issued, must take no more than 20 weeks.
- Where it is decided special educational provision may be needed through an EHC plan, the local authority must notify the child's parents or young person, the health service, local authority officers responsible for social care, early years setting, school or post-16 institution.

Principles underpinning the assessment and EHC plans

Children, young people and families should experience a well-coordinated and planned assessment, leading to timely, well-informed decisions.

- The process should be 'person centred' and the child or young person and their parent(s) must be consulted throughout
- All the agencies involved must try to minimise disruption in the family life of the child or young person
- EHC plans must be focused on education and training, health and care outcomes that will enable children and young people to progress in their learning and, as they get older, to be well prepared for adulthood
- Young people and parents can ask for a personal budget to be prepared – these should reflect the holistic nature of an EHC plan and can include funding for special educational, health and social care provision specified in the plan as appropriate
- EHC plans should be used to actively monitor progress towards outcomes and longer term aspirations – they must be reviewed by the local authority as a minimum every 12 months and reviews must also consider whether the outcomes and supporting targets remain appropriate

- All reviews taking place from Year 9 onwards must include a focus on preparing for adulthood, including employment, independent living and participation in society. Where relevant, transition planning should include young people moving from children's to adult care and health services.

Involvement of Health and Social Care

- Therapy Services: Up to date information from therapy services (Speech and Language Therapy, Physiotherapy and Occupational Therapy) is written into plans, which is also useful for the early years/school practitioner and the family
- Paediatricians: Paediatric doctors are asked to provide information on health needs, making clear what needs are related to education or training and therefore needing provision from education services, and which needs require provision from health services, e.g. hospital reviews.
- Child and Adolescent Mental Health Services (CAMHS): The support CAMHS can provide is of crucial importance to the EHC planning process. There is a clear process for CAMHS inputting into EHC plans and this is overseen and monitored via the SEN/Health group, which is attended by a CAMHS Consultant and integrated commissioning colleagues to ensure effective implementation.
- Social care: There is a well-established pathway between SEND and Social Care teams, and the information held by social care teams and the importance of safeguarding and confidentiality in planning for EHCPs is crucial. Children and young people who are known to social care already have established a range of plans and meetings and all professionals involved meet regularly at Joint Commissioning meetings to review the provision for any individual child or young person.

Policy issues

There continues to be a great deal of debate about the best environment for learning and whether the inclusion policy, as called for by the UN Statement on Special Needs Education 1994 and favoured by the previous Labour government⁶, has achieved the outcomes it set out to in ensuring mainstream schools are better placed and equipped to support the needs of children with a range of educational abilities. A focus on inclusion was intended to result in a more systematic change, over and above previous attempts to simply integrate children with SEND into mainstream schools.

However, with the Education Select Committee reporting in 2006 that the SEN system was “not fit for purpose” and four separate inquiries over 2008 – 2010, a series of pressing concerns emerged around the lack of a clear enough framework to support children with SEN in mainstream settings and not enough support, guidance and training being provided to teachers and support staff in mainstream schools. Further in 2010, an Ofsted report entitled ‘A Statement is Not Enough’, outlined a number of concerns including the suggestion that schools were over-diagnosing children with SEN and that many children would not be diagnosed with SEN if they just had better teaching and pastoral support.

Inclusion is still seen as an issue of critical importance for those advocating for disabled people's rights with the idea that specialist schools and institutions can encourage the notion that disabled people are ‘hidden away’ rather than being fully included in the community. Furthermore, in recent years there has also been a shift towards providing services in a way that encourages young people to become more independent, and therefore less reliant on services and institutions, as they move into adulthood. An example is Lambeth's Independent Travel Training pilot, which will help and support young people to become more confident in getting around independently using public transport, if they are assessed as being capable to do so.

⁶ ‘Excellence For All Children’ – DfEE, 1997

After publishing the 'SEN Green Paper – 'Call for Views' in 2010, the coalition government announced a series of reforms that eventually culminated in the Children and Families Act 2014, which includes some of the most wide reaching changes to the SEND system for decades. The Act introduced Educational Health and Care Plans as a single assessment process, personal budgets, a more independent assessment process, more parental choice in terms of schools for either mainstream or specialist settings and a duty for local authorities to make 'local offers' setting out the provision in their area.

Children in residential specialist schools are more likely to move into another institution as a young adult rather than live in the community [need to check data from ASC on children who transition to adults].

SEND in Lambeth

In Lambeth 17.8% of pupils are identified as having SEN. This figure includes all those who have a statutory plan of SEN (statement or EHC plan) or are receiving SEN support (previously school action and school action plus). This compares to an average of 14.6% across All London Boroughs (excl City).

Across All London Boroughs (excl City), the proportion of pupils with statements or education, health and care (EHC) plans ranges from 0.8% to 4.0%. Lambeth has a value of 3.5%, compared to an average of 2.8% in All London Boroughs (excl City).

Identifying support needs in Lambeth

The majority of children with SEND are educated in mainstream schools alongside their peers, with their needs assessed and met without the need for an EHC plan. To ensure schools have a consistent approach to SEND, Lambeth developed a series of SEND Profiles that cover Autism; Learning Needs; Speech, Language and Communication Needs (SCLN); and Social and Emotional Wellbeing.

Each child or young person's SEND documentation must make reference to these profiles, as they are the tool Lambeth uses to secure the most appropriate provision and support the efficient use of resources to match a pupil's needs to specific settings and interventions. They provide transparency to the SEND assessment process, from the discussions at SEN Support level and in EHC meetings, to the writing of EHC plans, leading to an agreed final identification of the most appropriate setting for a child or young person.

Appendix 1 sets out the ranges of needs for pupils in Lambeth primary, secondary and special schools.

Identification and specialist support in the Early Years

Identifying a child's special educational needs as early as possible gives them the best possible early support to improve their ability to access education. For pre-school children, Lambeth has enhanced provision in the private, voluntary and independent sectors to support children whose needs cannot be met solely from within the nurseries' resources.

This is for children with significant social communication needs, either diagnosed with Autism or awaiting an Autism assessment, complex developmental needs, or a combination of both. At this stage, children will not have an Educational Health Care Plan but a child has to be accessing three or more specialist services, be known to the Early Years Alliance team and be aged between 2 and 5 to be able to access the enhanced provision. Lambeth's 7 Enhanced early years nurseries offer up to 4 places per nursery. These are:

- Coin Street Children's centre
- Stockwell Children's Centre

- Cherry Tree Children's centre
- Rainbow pre-school
- We Care child care
- Little Hazels
- Dew Drops

Specialist Mainstream Provision

In Lambeth, specialist provision is offered in mainstream schools in Resource Bases (RBs). The RBs are specialist provisions with their own admission numbers, and children and young people are admitted through the SEN admissions process (as with special schools). All children on the roll in RBs have Statutory Statements of SEN or Education Health and Care Plans (EHCPs).

The RB have service level agreements (SLAs) with the council specifying the number of pupils admitted (generally 15), the distribution across year groups and the levels of need that are appropriate for a child or young person to benefit from the provision. The SLAs clearly state that the primary aim is to achieve the maximum inclusion for the child or young person. The head teacher has to balance any new admission into the RB against the known needs of other pupils with Statements or EHCPs, especially those in the same RB and/or mainstream year group cohort. This is to ensure that an admission is not incompatible with the primary educational aim of inclusion into mainstream classes for all pupils in that year group.

Special Schools

A few children and young people with the most complex and profound needs may require a placement in a special school – all of these children will have EHC plans. A comprehensive needs analysis of carried out in 2012 was used to predict specialist capacity requirements from 2012 to 2018. This identified that provision for children and young people with ASD was the most prevalent need, as well as provision for children with speech, language and communications needs. The review resulted in:

- 131 additional primary ASD and SLCN places being created.
- 90 additional secondary ASD places have been created or are planned.

A detailed analysis of pupils' needs at The Michael Tippett School (Severe Learning Difficulties and Profound Multiple Learning Difficulties, many students with ASD) was done in 2014. This showed the needs of pupils had changed since the school was built, with needs becoming more complex and challenging and pupils requiring more therapy and other support.

The analysis also showed the school was functioning at around 8 places under its design size because some parents were choosing expensive alternative placements that offered a wider range of support and therapy. This resulted in the interior of the school being redeveloped to provide more appropriate accommodation to meet the needs of pupils, including spaces for therapy and medical support. The work was completed in September 2016 alongside the refurbishment of the Weir Estate premises for an additional 20 places. The Weir Estate premises were also identified as a suitable post-19 provision, supporting a minority of young people at post-19 to remain in education in suitable local provision. The Michael Tippett College opened in September 2016.

Key attainment outcomes

Lambeth has some exceptionally good attainment outcomes for children with SEN:

Key Stage 2 (2015/16)

- Lambeth is in Band A, national rank 6 for the % of children with SEN support (no statement/Plan) who achieved the expected levels of reading, writing and mathematics (RWM) and of grammar, punctuation and spelling (GPS).
- Lambeth is also in Band A for the % of Statemented children achieving the expected level of RWM and GPS.

Key Stage 4 GCSE (2014/15) – 2015/16 comparative data due to be published Jan. 2017

- Lambeth is in Band A, national rank 7 for the % of children with SEN support who achieved 5+ A* - C GCSEs; and Band A, national rank 13 for the same indicator including English and maths (E&M).
- Lambeth is in Band A, national rank 2 for the % of children with SEN support who achieved 5+ A* - G GCSEs; and Band A, national rank 4 for the same indicator, including E&M.
- GCSE attainment of children with a Statement is less good, but still better than the London and all England averages, placing Lambeth in Band B.

Post 16 (2014/15)

- Fewer 16 and 17 year olds with SEN are engaged in Education, Employment or Training (EET) than their peers elsewhere. Lambeth is the second poorest performing LA of its Statistical Neighbours at 81.68%, national rank 137, Band D
- However, the % of 19 year olds with SEN support, qualified to Level 2, including E&M was 55.9%, national rank 3, Band A. This continues a consistently, high performing trend.
- Equally impressive is the % of 19 year olds with SEN support, qualified to Level 3 at 50.1%, national rank 8, Band A.
- The % of 19 year olds with a statement, qualified to Level 2 and 3 contrasts to Lambeth's strong performance for young people with SEN support. The % of young people with a Plan qualified to levels 2 and 3 is one of the lowest of Lambeth's SNs, placing Lambeth in Band C.

Transition to adulthood

The transition manager and team are engaging with parents, carers and colleges to highlight the pathway to adulthood, how the service could be accessed and what's available to young people in transition.

- The preparation for adulthood project manager has been in post for a few months and is focusing on working with parents on gaps for education learning and skills for 19+
- Personal budgets and Direct Payment promoted to give parents and carers control and flexibility over resources, to meet individual needs.
- Shared lives and supported accommodation are being promoted.
- Initial joint work with housing and commissioning to look at specialist accommodation needs

Children with Disabilities service and role in SEND

The Children with Disabilities (CWD) team in Lambeth currently works with around 250 disabled children and young people between the ages of 0-18, typically providing a range of different care packages that meet their personal care needs (Chronically Sick and Disabled Persons Act, 1970) or needs pursuant to S17 Children Act, 1989 (Short Breaks).

Care packages may include the provision of domiciliary carers in the home, Direct Payments (where parents and carers employ a personal assistant to support them with their disabled child) and a range of commissioned services which provide parents and carers with short breaks.

All disabled children in the Service will have an EHC Plan or will already be going through statutory assessments at the time CWDT becomes involved.

Social workers in CWDT work closely with colleagues in SEN, contributing to EHC assessments and plans and attending EHC Review Meetings for their allocated cases.

VCS stakeholders and providers

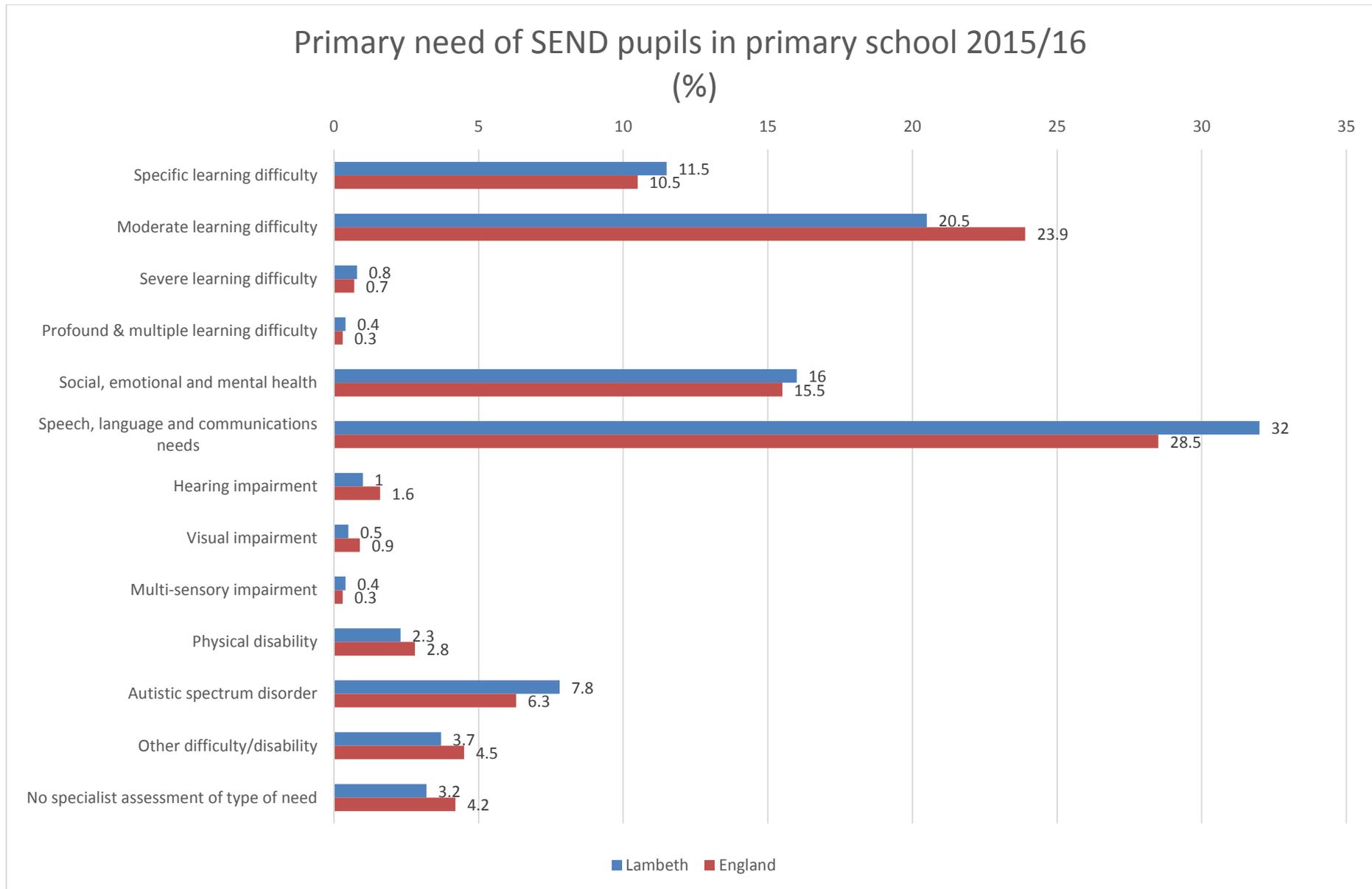
There are regular meetings with the Voluntary and Community Sector Forum who provide a range of opportunities and support for children and young people with SEND and their families. Examples include 'Cause You Can' (performing arts to build confidence); The Young Lambeth Co-operative; Help for Carers and the Princes Trust.

Family Lives offers an Independent Support service in Lambeth and Independent Supporters provide free and impartial information and support during the assessment and transfer processes of an EHC plan.

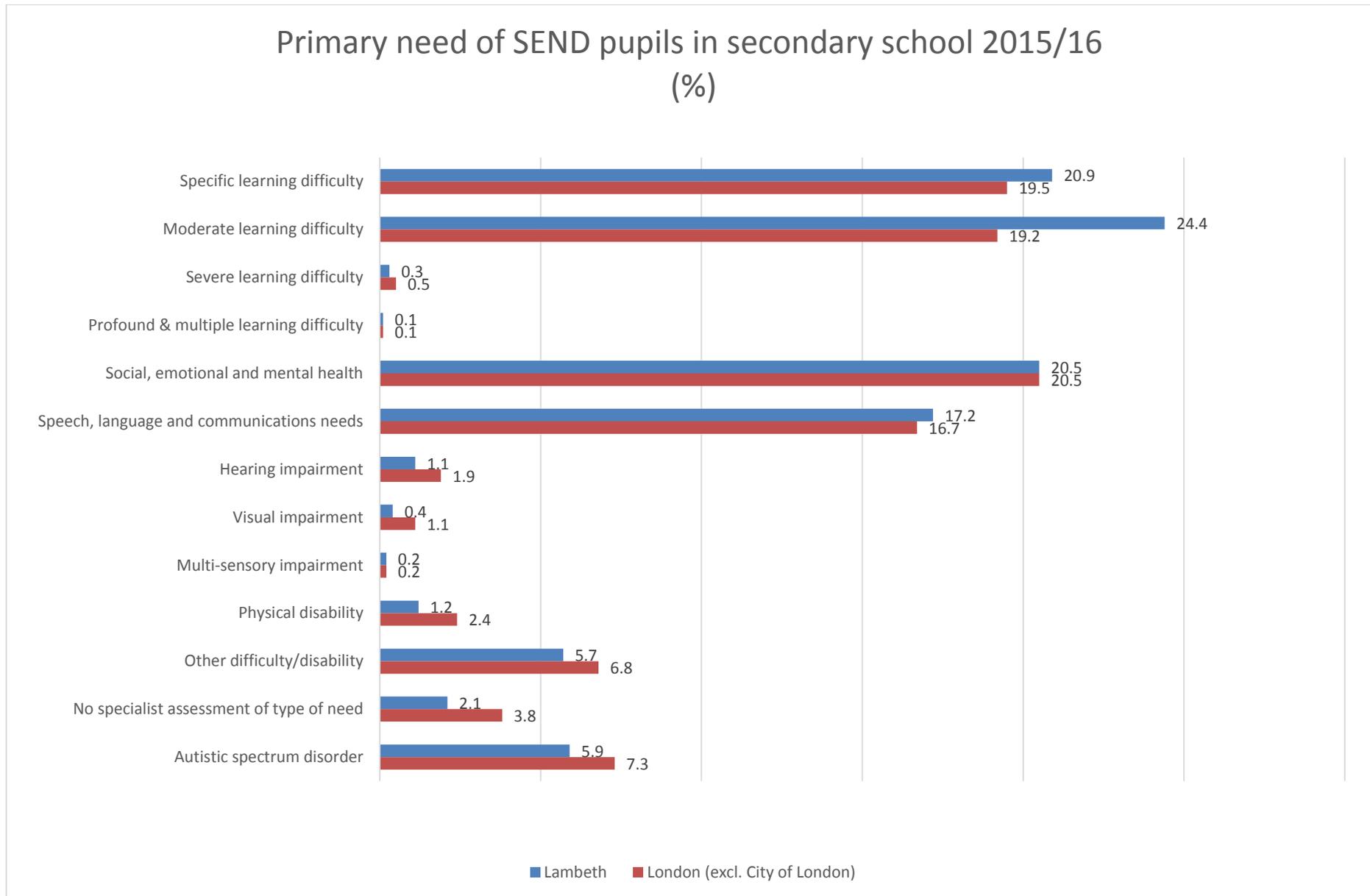
Contact a Family provides support, advice and information for families with disabled children and those with additional needs. The organisation also supports parent carers in Lambeth to have a voice in how local services for disabled children and their families are developed and delivered – through consultations and through supporting the work of Lambeth Active! Parents and Carers Forum.

The Local Offer includes links to these groups and information to help parents and carers and young people.

Appendix 1



Appendix 1



Appendix 1

