

HEALTH AND WELL-BEING BOARD

7 July 2022

Update on The Local Area SEND Strategy

Report by Hayley Good, Deputy Director of Children's Services/
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Recommendation

The Health and Wellbeing committee members are asked to note the Local Area SEND strategy, particularly in relation to its support on delivering the Board's Joint Health and Wellbeing Strategy. Members of the Board are asked to support the implementation of the SEND strategy within the work-programmes of their respective organisations

Executive Summary

1. The Local Area consists of social care (children's and adult's) health (including CCG), education settings, families and education within the Local Authority. All partners including parent and carers, children and young people have worked together to co-produce the Local Area SEND strategy over a four month period.
2. The Local Area SEND strategy is a key document to shape how services are delivered and how we all work together to meet the needs of children with Special Educational Needs and Disabilities (SEND) in Oxfordshire. The Local Area SEND Strategy is published on a dedicated [page](#) of the Oxfordshire County Council website.
3. A public consultation on the Local Area SEND strategy including the proposed changes to improve outcomes children and young people with Special Educational Needs and Disabilities (SEND) in Oxfordshire ran 10th January to 10th March 2022 and on the 24th May 2022, the Local Area SEND Strategy was approved by Oxfordshire County Council Cabinet and by Oxfordshire Clinical Commissioning Group Board.

Background

4. A Local Area SEND Strategy was co-drafted over a period of 4 months by a governance group of representatives from Local Authority Education, Social Care (Children's and Adult), Health, Education Setting and Parent/Carers.

5. Version 15 of the Local Area SEND Strategy was agreed by the governance group and an EasyRead version created for consultation.
6. Public consultation ran from 10th January to 10th March 2022.
7. In order to widely publicise the consultation, a range of online and offline communications channels (including a dedicated SEND consultation website, publicity emails to key stakeholders, Council newsletters and social media and a media release) with further targeted communication at four weeks and two weeks to go to ensure awareness among under-represented groups.
8. A series of five online roadshows were planned, one of which was specifically for children and young people. In response to demand, an additional two online roadshows were held (one for adults, one for children and young people). Over 200 people attended the seven independently chaired events.
9. On specialist legal advice, the consultation was a single survey with two distinct, inter-related elements:
 - The Oxfordshire Local Area SEND Strategy 2022-27 – developed collaboratively with and governed by Local Authority Education, Social Care (Children’s and Adult), Health, education settings and parent carers representatives
 - Oxfordshire County Council’s proposals for system reform for SEND – these proposals relate solely to education
10. With the consultation complete, the two inter-related elements will be uncoupled; this update accordingly relates solely to the Local Area SEND Strategy.
11. There were 866 consultation responses with 90+% of respondents agreeing with the five strategic objectives:
 - Improving outcomes for children with SEND
 - Developing a continuum of local provision to meet the requirements of children and young people with SEND
 - Good physical and mental health and wellbeing
 - Improving post-16 education, learning, employment and training
 - Positive move into adulthood for young people with SEND
12. Post consultation thematic analysis indicated overwhelming (90+%) support for the five strategic objectives set out in the draft document. No amendments were suggested to the five strategic objectives and no additional objectives were proposed.

Commonly occurring responses to the consultation included:

- “Difficult to comment without detail/implementation plans”
- “This will need to be adequately funded”
- “There will need to be training for staff”

13. The Local Area SEND Strategy did not include details of implementation by design. Implementation plans will be developed aligning with the agreed strategic objectives; these will be, by necessity, multi-agency, dual agency and single agency.
14. The implementation plans will need to be delivered within a sustainable financial envelope, including taking into account the pressures on the High Needs Block.
15. A comprehensive programme of continuous professional development will be required across education, health and social care.

16. Aligning with the Start Well Health and Wellbeing priorities

- Priority 'A - A reform of the 0-5 offer to ensure a best start in life and improvements in school readiness'
- Priority 'B - Early help and early intervention including SEND support and those with neurodiversity'. The Local Area SEND strategy supports the prevention framework whereby the key priorities in the strategy to support this priority in the H&WB Strategy include:
 - 'Developing a continuum of local provision to meet the requirements of children and young people with SEND'.
 - Good physical and mental health and wellbeing

These priorities support the need to meet needs earlier in mainstream services to prevent escalation of children's needs and prevent the need for more specialist interventions from services such as independent special schools and specialist health services such as CAMHS, NHSE T4 provision and therapy services.

- Priority 'C - Mental health and wellbeing of children and parents'. The 'Good physical and mental health and wellbeing' priority in the SEND strategy supports this H&WB priority. Implementation of the SEND strategy will link with programmes to support meeting this priority such as the Emotional Mental Health and Wellbeing strategy and the Early Help strategy which are both in development currently.
- The SEND strategy features two specific priorities to support the 16-24 age group:
 - Improving post-16 education, learning, employment and training
 - Positive move into adulthood for young people with SEND

There are several workstreams to better support young people aged 16-24 to better support their mental health and wellbeing through the Emotional Mental Health and Wellbeing strategy and through the 'Preparation to Adulthood' commissioning workstream to better support transition and access to accommodation and education for young people aged 16-25 and

Risk Management

17. The Local Area SEND Strategy was subject to monitoring by the DfE/NHS England as part of the local area's Written Statement of Action. It was the only outstanding action on the Accelerated Progress Plan. The Monitoring Visit was on 6th June 2022 with feedback awaited.
18. The Local Area SEND Strategy is a high level, overarching document that was given strong support via the public consultation (90+% of responses were Strongly Agree/Tend to Agree). The key risk is not delivering against the agreed strategic objectives.

Financial Implications

19. There is no immediate financial impact from the Strategy but there will be financial
20. implications as each element of the Strategy is implemented. Part of that implementation will be the development of a business plan. Each business plan will need to set out the financial impact.

Legal Implications

21. Legal Services provided support and advice prior to the consultation, during the period that the consultation was live and subsequently. In addition, specialist legal advice was sought and provided through the consultation process, from initial development through to consideration of any potential issues post consultation
22. The Equality Act confers an overarching duty on public bodies not to discriminate against individuals with protected characteristics. A change in procedure and policies such as the one which is being proposed is susceptible to challenges under this legislation and therefore it is necessary for the Local Area SEND Strategy partners to ensure that they have carried out the necessary Equality Impact Assessment giving consideration to all of the relevant factors in reaching its decision about the proposed policy change.
23. Legitimate expectation - a change in policy or introducing a new policy could give rise to a legitimate expectation. The wording of the policies and procedures should be carefully prepared and whilst it should be clear and unequivocal such wording needs to be honourable so that the Local Area SEND Strategy partners deliver what the policy and procedures contain otherwise this would give rise to a legal challenge for breach of a legitimate expectation.
24. Fettering of discretion and exercise of power is another factor which should be taken into consideration in conjunction with the relevant and relatable legislation/s to the issues involved in the policy and procedural changes. Where a duty is conferred on the public bodies by any relevant legislation the policy and procedure should endorse that and be written, followed and delivered in the

spirit of that. The policy cannot depart from the statutory provision which governs any specific rule. Where a duty is not expressly stated in legislation the policy and procedure should be applied under the doctrines of natural justice ensuring that it is fair, reasonable, proportionate and rational.

Equality & Inclusion Implications

25. An Equality and Climate Impact Assessment (ECIA) has been prepared for the Local Area SEND Strategy.

Sustainability Implications

26. As above, an ECIA has been prepared for the Local Area SEND Strategy.

Consultations

27. Public consultation on the Local Area SEND Strategy was open from 10th January to 10th March 2022.

28. There were 866 responses to the consultation, 37% of which were from parent carers.

29. Each of the five strategic objectives received over 90+% support. No amendments to these objectives were suggested not additional objectives proposed.

30. A detailed report of the consultation responses has been drafted with the expectation that it will be published to sit alongside the Local Area SEND Strategy.

Hayley Good, Deputy Director of Children's Services/ Education

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