

Divisions Affected -

CABINET
24 May 2022

The Local Area SEND Strategy **Report by Corporate Director of Children's Services**

RECOMMENDATION

1. **The Cabinet is RECOMMENDED to approve publication of the Local Area SEND Strategy**

Executive Summary

2. A public consultation on 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.
3. The Local Area consists of social care (children's and adult's) health (including CCG), education settings, families and education within the Local Authority.
4. 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
5. With the consultation complete, the two inter-related elements will be uncoupled; this paper accordingly relates solely to the Local Area SEND Strategy.
6. 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

Background

7. 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.
8. Version 15 of the Local Area SEND Strategy was agreed by the governance group and an EasyRead version created for consultation.
9. Public consultation ran from 10 January to 10 March 2022.
10. 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.
11. 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.
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.
13. 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"
14. 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.
15. The implementation plans will need to be delivered within a sustainable financial envelope, including taking into account the pressures on the High Needs Block.
16. A comprehensive programme of continuous professional development will be required across education, health and social care.
17. The intention is for the Local Area SEND Strategy to be signed off via the individual governance arrangements of the strategic partners for publication by the end of May 2022.

Risk Management

18. The Local Area SEND Strategy is subject to monitoring by the DfE/NHS England as part of the local area's Written Statement of Action. It is the only outstanding action on the Accelerated Progress Plan. The next Monitoring Visit is on 6 June 2022.
19. 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

20. The adoption of the Strategy is inextricably linked to the long term financial position of the SEND budget funded by the High Needs block of the Dedicated School Grant. The immediate financial position for High Needs is a £15m to £20m deficit within 2022-23 and this continues in future years.
21. There is no immediate financial impact from the Strategy but there will be financial 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. Any additional financial requirements will be managed through the annual budget setting process but investment decisions will need to support the objective of bringing the High Needs budget back into balance.
22. Comments checked by: Sarah Fogden, Finance Business Partner
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Legal Implications

23. 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
24. 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 authority and its partner agencies 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.
25. 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 authority and its partner agencies deliver what the policy and procedures contain otherwise this would give rise to a legal challenge for breach of a legitimate expectation.

26. 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. [It is the author's responsibility to ensure that any potential legal implications of new proposals have been explored, in consultation with the Head of Legal as appropriate. If assessment highlights legal issues which should be taken into account by the decision maker, these need to be spelt out in the report.]

Comments checked by: Sukdave Ghuman, Head of Legal Services
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Equality & Inclusion Implications

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

Sustainability Implications

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

Consultations

29. Public consultation on the Local Area SEND Strategy was open from 10th January to 10th March 2022.
30. There were 866 responses to the consultation, 37% of which were from parent carers.
31. Each of the five strategic objectives received over 90+% support. No amendments to these objectives were suggested not additional objectives proposed.
32. The minor amendments to the draft Local Area SEND Strategy are annexed to this paper.

33. A detailed report of the consultation responses is being drafted with the expectation that it will be published in June 2022 to sit alongside the Local Area SEND Strategy.

Kevin Gordon, Corporate Director of Children's Services

Annex: Draft Local Area SEND Strategy
Amendments to Local Area SEND Strategy Following
Consultation

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