



Havering
LONDON BOROUGH

CHILDREN & LEARNING OVERVIEW AND SCRUTINY COMMITTEE

Subject Heading:

Children and Young People with Learning Difficulties and Disabilities

CMT Lead:

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Special Educational Needs

Policy context:

SUMMARY

This report details the legislation and guidance underpinning services for Children with Learning Difficulties and Disabilities (LDD).

It also outlines key areas of service and support being provided with particular focus on early years, school and post-16 education.

RECOMMENDATION

That the Committee note the contents of the Report.

REPORT DETAIL

1. Introduction

- The Government wants all children to have the best start in life and the ongoing support that they and their families need to fulfil their potential. Disabled children are less likely to achieve as much in a range of areas as their non-disabled peers. Improving outcomes for them will also allow communities to benefit from the contribution that disabled children and their families can make, harnessing their talent and fostering tolerance and understanding of diversity.
- The Government wants all children with disabilities to have a coordinated response and the Common Assessment Framework and Early Support are two of the ways that children with disabilities benefit from a co-ordinated programme of support, given that they often need access to a wide range of services.

2. Background

- 2.1 Havering has a long history of commitment to inclusion, which is reflected in its policy and arrangements for special educational needs. As a consequence of this the large majority of children and young people with LDD are catered for within mainstream settings and support services have developed to assist schools, early years settings, families and the young people themselves to participate as fully as possible alongside their peers. However for those who require more specialist provision Havering has a range of specially resourced schools and separate special schools.
- 2.2 This overview of support arrangements is structured to show how these services are continuing to develop to improve the co-ordination of support
- In the early years
 - At school
 - Through Statements
 - Post 16

3. Legislation and Guidance

- 3.1 Working with children and young people with disabilities is supported and underpinned by legislative and policy actions taken by Government in recent years including:-
- The Children Act 1989, under which disabled children are defined as “children in need”. Under the Act, Local Authorities have a general duty to “Safeguard and promote the welfare of children in their areas who are in need to promote the upbringing of such children by their families, by providing a wide range and level of services appropriate to those children in need”.

- The Carers (Recognition and Services) Act 1995 gives carers a right to an assessment by the local authority under certain circumstances. Young Carers are also covered by the Act.
- The Carers and Disabled Children Act 2000 supplements the Carers Recognition Act by enabling local authorities to provide carers' services in response to an assessment of need and also enables carers to receive direct payments in lieu of services.
- The Carers (Equal Opportunities Act) 2004 which extended the rights of carers to have their employment, education, training and leisure wishes considered.
- The Education Act 1996, which outlines the responsibilities and procedures for assessing and meeting the needs of children and young people with special educational needs (statementing).
- The Disability Equality Duty introduced into legislation in 2005, requires organisations across the public sector (including schools and hospitals, local and central government) to be proactive in ensuring that disabled people are treated fairly and included in all aspects of policy development from the outset.
- The Child Care Act 2006, which requires local authorities to have particular regard to the needs of disabled children as part of their new duties to assess the childcare needs of families and to secure sufficient childcare for children up to and including age 14 (18 for disabled children); and
- The Apprenticeships, Skills, Children and Learning Act 2009 places a duty on the LA to provide education to learners with learning difficulties to age 25.
- The Equality Act 2010, which places a general Equality Duty from 5 April 2011 on most public bodies with further specific regulations, being enacted in due course, setting out how they will meet their responsibility to promote disability equality.
- The SEN Green Paper. This was released in March 2011 with an extended consultation period to the 30 June 2011 as it was lacking a significant amount of detail. Any legislative changes will not be able to begin until May 2012 at the earliest and it is likely only minor changes to the current system will come into effect before 2013/14.

4. Early Years

- 4.1 The importance of early identification and support for parents of children with significant LDD was recognised 30 years ago when Havering's Portage Service was created. The original Senior Portage worker was a founder member of First Step, a charitable provision for the families of young children with disabilities, and the close working relationship between the Council service and this parents' organisation has continued to the present. They have moved into shared accommodation.

- 4.2 More recently the original Portage Service has been renamed Home Learning Support and is now part of an expanded Under Fives Inclusion Service which includes family workers with a particular focus upon Autistic Spectrum Disorder (ASD) children, support and training for parents and Area SENCOs who provide support to early years settings. The regular feedback from parents and from surveys of service users has been overwhelmingly positive.
- 4.3 This incremental development of services has ensured a consistent approach across early years settings, a good understanding of local arrangements by the many participating agencies as well as good advice and support from First Step, which also provides some outstanding pre-school provision.
- 4.4 Additional funding has been directed to the most needy preschoolers in Private Voluntary and Independent (PVI) settings through the Foundation Stage Funding Panel. The panel consists of representatives from a number of sectors and meets regularly to consider funding requests from PVI settings. In exceptional cases funding can be agreed before a child starts attending a setting to facilitate a smooth transition into the setting. The work of the Panel is currently being reviewed and consideration is being given to implementing new processes which will allow settings a flexible approach to how they use funding to more effectively include the child.
- 4.5 The Under Fives Inclusion Service (UFIS) is one of a group of services which are line managed by the Principal Educational Psychologist; the others being as follows:
- Learning Support Service (LSS) – which focuses in the main on children of school age. It includes specialist teachers in hearing, visual and physical impairment, language and transition. Where appropriate these teachers collaborate with UFIS family workers in delivering support.
 - Social Communication Service (SCS) – which provides support for schools and parents of ASD children and collaborates closely with UFIS with regard to the early years. The SCS is co-located with a small specialist nursery, Bridge, which caters for up to 8 pre-schoolers with Autistic Spectrum Disorder both morning and afternoon. They both occupy part of Airfield Children’s Centre so promoting opportunities for joint working.
 - Child and Community Psychology Service (CCPS) – which includes a 0.9 fte Senior Educational Psychologist (EP) for early years who provides supervision for some UFIS staff. All EPs provide assessment and advice in respect of children with LDD in the locality they serve and have additional specialisms so that there is an extensive knowledge and skills base.
 - The SEN Section which administers the formal assessment process
- 4.6 While the Under Fives Inclusion Service is particularly aligned to the above services, there is close collaboration with paediatric, medical nursing, and therapy services in addressing the needs of children and

their families. UFIS promote Early Support as a method of coordinating services for the more complex pre-schoolers who have input from multiple agencies. Havering's Children's Centres provide targeted centre based and outreach support as appropriate. The PCT's Child Development Team arrange regular case discussions concerning children with complex needs and these are routinely attended by Children's Services staff from the services described above.

- 4.7 The much larger population of children with less pronounced LDD are supported in Havering's many early years' settings which are all committed to equalities and inclusion through membership of the Early Years Partnership. These are in turn supported by Area SENCOs from the Under Fives Inclusion Service and, where necessary, by Educational Psychologists or specialist teachers from the LSS. A major focus for all concerned is to ensure a smooth transition to school by providing advice and training where needed to ensure that the necessary support is in place.
- 4.8 Each year the Under Fives Inclusion Service co-ordinate the production of a comprehensive list of vulnerable youngsters transferring from early years provision to reception classes in schools so that their needs can be planned for before arrival at the school.

5. Children and Young People Attending School

- 5.1 There are clear arrangements for the identification and assessment of children with LDD which have been developed over many years, in consultation with SENCOs and partner agencies. OFSTED inspection reports indicate that the large majority of schools ensure that children and young people with LDD achieve well. Progress is being made on improving practice in monitoring the achievement of pupils with LDD in special schools through an ICT system, CASPA, and on the use of provision management and mapping to assist in ensuring special educational needs are effectively met within mainstream schools. In June 2010 guidance was issued to all schools in Havering on appropriate identification of young people with SEN who may go on to be placed at School Action of the Code of Practice.
- 5.2 The services listed above provide regular advice and support to schools and have the common aim of strengthening the capacity of schools to provide for diverse needs. Both informal and survey feedback indicate that these services are generally highly regarded by schools and parents. They provide consultation and training in addition to casework where required. The LSS for example took a lead in ensuring that all Havering's schools had Disability Equality Schemes in place and that these are reviewed and updated to meet new requirements. The CCPS has prioritised preparation for transfer between phases and is promoting the use of regular multi-agency solution focused consultation meetings to address general concerns and individual case issues more efficiently. There has also for the first time been a comprehensive collation of information on the most vulnerable youngsters transferring to secondary school in September 2011, paralleling the process in Early Years, so that the receiving secondary school can be alert to the needs of their new intake.

- 5.3 All services have identified the development of more effective multi-agency working as being a priority in recent years and this is part of Havering's Strategy for Implementation of the Children Act 2004 and the co-location of Children's Services. There are some excellent examples whereby provision has been greatly strengthened and improved through joint working and some are set out below.
- 5.4 For many years the lack of adequate Speech and Language Therapy (SALT) provision has been the subject of repeated complaints from parents and schools. This meant that the many children experiencing moderate delay in language development were unable to access any service apart from a limited amount of assessment. In order to begin addressing this issue in schools, the LSS appointed a specialist advisory teacher for language development and head teachers agreed to fund support assistants to work with this teacher to provide training and support on the use of a language development programme in schools. A successful conference on Language and Literacy was organised in April 2008 for Havering schools by the LSS Team.
- 5.5 Health and Education jointly commissioned an independent report into the provision of Speech and Language Therapy in Havering. This supported the development of an enhanced service in which Health and Education worked collaboratively. Health agreed to increase funding for Speech and Language Therapists by £255,000 and the Schools' Forum agreed to provide an additional £88,000 to expand the Language Team within the LSS and provide extra resources. This became fully established in January 2011.
- 5.6 Another example is the enhanced provision for children on the autistic spectrum, which includes the Good Beginnings Home Visiting Service, SCS, The Bridge special nursery and a specially resourced secondary school, the appointment of a 0.2 fte specialist senior EP to work in this area and the development of a multi-agency forum to co-ordinate support, which has produced a draft Autism Strategy.
- 5.7 In all such developments, the aim is to strengthen the capacity of those who work with the young people in question to address their needs on a daily basis, and Havering's Children with Disabilities and Special Educational Needs Group provides an appropriate context for discussing priorities for development.
- 5.8 For those with more complex needs all assessments are completed to Proposed Statement within 18 weeks however the new target is completion to final Statement within 26 weeks and for 2010-11 we completed 98.4% within this timescale. The Parents in Partnership Service is at the heart of the process and only 4 appeals have been fully heard at the First Tier Tribunal for SEN(SENDIST) since 2001, of which 2 were won by the LA. The support services also work closely with special schools, which can themselves provide some support to colleagues in the mainstream. Corbets Tey has achieved specialist status in language and this includes a specific commitment to outreach in this area. Officers of the LA meet regularly with the head teachers of the special schools to monitor progress and development.
- 5.9 Havering offers a range of special provision for those whose needs require it.

The first level of addressing this would be as an enhanced special resource within a mainstream school. This exists for:

Language difficulties (KS1/2)	Mead Primary
Language difficulties (KS3/4)	Redden Court
Partial hearing (Foundation/KS1/2)	Hacton Primary
Partial hearing (KS3/4)	Sanders Draper
BESD/ASD (KS1/2)	Primary Learning Support Group
ASD (KS3/4)	Hall Mead

Separate units exist for:

ASD(FKS)	Bridge Nursery
BESD(KS1/2)	Oglethorpe PRU
BESD(KS3)	Birnam Wood PRU
Emotional and medical difficulties	Tutorial Centre PRU
BESD(KS4)	ARC PRU

Separate all age special schools exist for:

Complex and moderate learning difficulties	Dycorts/Corbets Tey
Severe and PMLD	Ravensbourne

All three of the special schools have been judged outstanding in certain areas or across the board in their most recent OFSTED inspection.

A range of out of borough provision is also used where circumstances demand. We buy 44 day places at out of borough special schools for:

Moderate learning difficulties	St John's/Endeavour/Hatton/ Little Heath/ Treetops/William Morris/Cedar Hall/Woodcroft
PMLD/Autistic	Trinity/Doucecroft
PMLD	Newbridge
BESD	Caldecott School/ISP/Hopewell/New Rush Hall
Visually impaired	Joseph Clarke/ Dorton House
Severe learning difficulties	Beacon Hill

We buy 21 places at residential special schools for:

Severe epilepsy	St Elizabeth's
Physical Impairment	Ingfield Manor/St Margarets/ Bladen House

Profoundly Deaf	RSDM/ Mary Hare
Aspergers	Pottersbury Lodge
Visually impaired	Worcester College/Dorton House
PMLD	Sheiling/MacIntyre
BESD	Ryes/Apple Orchard/Hythe House/ Broadlands/Ferndearle/Coxlease
Autistic	Doucecroft/Eagle House
Language	Moore House

- 5.10 Any children requiring additional resources for addressing health issues, in addition to those provided by Children's Services, are discussed at a Joint Panel which was established some years ago to address cross agency issues and which includes representation from Children's Services, and the PCT.
- 5.11 In addition to the range of cultural and leisure opportunities available to young people in their schools, the Youth Support Service provides further opportunities through their 'Revellers' projects and the U project summer programme. There are specific key workers for young people who have intensive support needs from 11 years up to 25.

6. Statements

- 6.1 The table below shows the number and proportion of children aged 0 to 19 holding statements, updated to January 2011. The highest number of Statements was in 1996. Since then careful management often through intensive case work and a range of initiatives has reduced the number steadily.

	Total number of children with statements	Children with statements as proportion of Havering resident population aged 0-19
Jan 1997	1159	2.07%
Jan 1998	1150	2.06%
Jan 1999	1110	2.01%
Jan 2000	1130	2.05%
Jan 2001	1090	1.98%
Jan 2002	1050	1.91%
Jan 2003	1010	1.83%
Jan 2004	967	1.77%
Jan 2005	960	1.74%
Jan 2006	896	1.62%
Jan 2007	848	1.53%
Jan 2008	772	1.40%
Jan 2009	701	1.26%
Jan 2010	648	1.14%
Jan 2011	635	

- 6.2 The reduction in the number of Statements was not associated with a rise in the number of appeals to the Special Educational Needs and Disability Tribunal though there is recent evidence that parents are now more likely to lodge appeals. The outcomes for the last 11 years are as follows:

Calendar year	Number of appeals lodged	Number of appeals held	Number of appeals upheld against LA
2000	2	2	1
2001	2	2	1
2002	1	0	0
2003	2	0	0
2004	0	0	0
2005	0	0	0
2006	1	0	0
2007	4	1	0
2008	0	0	0
2009	0	0	0
2010	7	1	1

- 6.3 The work of the Parents in Partnership Service is particularly important in ensuring that the parents of children with LDD/SEN can obtain independent timely advice and assistance with all matters relating to their children's progress, placements and support. In the period from 1 April 10 to 31 March 11 the service received 197 referrals for whom case work support was provided. The two most common areas in which support was sought were requests for extra help for non-statemented pupils and assistance with change of school at phased transfer. A number of potential tribunal cases were resolved before they reached that stage by the timely involvement of the Parents in Partnership Coordinator.
- 6.4 Though Havering successfully administers the formal SEN procedure in accordance with its statutory duties it has long believed it is an expensive and time consuming bureaucratic process. For a number of years we have planned and extensively consulted on the introduction of a needs led formula which could delegate direct to schools the money otherwise distributed through statements. This was successfully implemented in April 2008. The Green Paper is proposing changes that the Government hope will reduce bureaucracy and is also reviewing funding for schools in general, including that for special needs and we will need to review our funding formula in the light of the developments that flow from these processes.

7. Post -16 Provision

- 7.1 Transition arrangements for Year 9 pupils with LDD are robust and ensure that young people are full involved in the process of planning for KS4 and their eventual move into further education, employment or training. Havering's Parents in Partnership Service hold an annual

meeting with parents to explain the transition planning arrangements in collaboration with colleagues from Learning Support and Connexions. A focus group of young people advises on expectations for the future and the transition process. The Connexions Service is key to monitoring plans and regularly tracks young people with personal advisers supporting them to ensure progress into education, employment and training.

- 7.2 Havering College of Further and Higher Education provides some Post-16 provision, principally at Quarles Campus and deals with some complex learners with learning difficulties although the majority of its LLDD have moderate to mild learning difficulties. Barking and Dagenham College also host a significant population of Havering post -16 LLDD. Both FE Colleges' provision is delivered in mainstream settings, which are currently considered unsuitable for a proportion of vulnerable youngsters with high support needs.
- 7.3 Of the 3 special schools in Havering only Ravensbourne has a sixth form and this caters for up to 18 young people with severe or profound and multiple learning difficulties. It predominately caters for its own students but occasionally takes students from Corbets Tey and Dycorts. This has meant that other students from Corbets Tey and Dycorts whose parents want them to continue in a school sixth form have had to go to out of borough schools. Though there was relatively low demand for this provision up to the 2009-10 academic year it was recognised as desirable that Havering develop its own provision and the proposals for developing the Learning Village in Harold Hill contained the addition of a 20 place sixth form in the rebuild of Dycorts School. The proposed development was to be funded through the Building Schools for the Future Funding.
- 7.4 In 2009-10 there was an unprecedented rise in the number of requests for sixth form places in special schools mainly from parents of pupils at Corbets Tey. This was associated with requests that Corbets Tey develop a sixth form, concern expressed by parents that they would prefer local provision and that the proposed developments at Dycorts would not come on stream until 2014.
- 7.5 The Local Authority commissioned an independent review of Post -16 Special Education in Havering, which reported in July 2010. It recommended development of special sixth forms at both Corbets Tey and Dycorts as a matter of urgency. However the report contained no detail as to funding and its completion coincided with the Government's withdrawal of funding for Havering's Building Schools for the Future Programme and the arrival of the current period of financial constraint.
- 7.6 In the absence of significant capital or revenue funding any local development would have to tap into external funding sourced through the Young People's Learning Agency (YPLA). Currently there are three main routes for funding learners aged 16 to 25 with LDD:
 - The SEN block grant, which Local Authorities receive to discharge their statutory duties towards those with SEN in special schools.

- Additional Learning Support (ALS) funding allocated to colleges and independent providers for learners aged 16 to 25 in local provision.
- Provision funded for individual learners with LDD aged 16 to 25 as part of the specialist placement budget, which includes provision at independent specialist providers where their needs cannot be met locally. This budget is managed by the YPLA.

While it is anticipated that these three funding streams will pass to Local Authority control in 2013-14 this does not help with the immediate pressure of securing Post-16 provision especially as much of this funding is only accessible through further education providers and not special school sixth forms i.e. students benefiting from YPLA funding in FE colleges cannot have Statements. The 14 to 19 Strategy Manager has worked with the Havering College of Further and Higher Education and Havering Sixth Form College to establish pilot schemes proposed to run from September 2011 in which students are on the roll of the colleges and so able to access participation funding and Additional Learner Support funding through the YPLA but receive their education through provision at Corbets Tey and Hall Mead respectively. The provision at Corbets Tey is for those students from Corbets Tey and Dycorts who might otherwise have gone to out of borough day special schools' sixth forms and that at Hall Mead is for higher functioning students, who may have some problems engaging in an unsupported fashion at the Sixth Form College without a supported transition.

- 7.7 The pilot programmes described in 7.6 above are only able to cater for small numbers of pupils so further work is proposed to develop local provision to cater for future cohorts of students. A key feature of the developments proposed is that they utilise provision across the borough so linking students in with their local communities and so offering better opportunities to prepare them for adulthood. The inclusion of adult social care services within the Directorate of Social Care and Learning will encourage the further development of the progressively closer working relationship between adults' and children's services. This is reflected in the production of a single comprehensive list of vulnerable young people from 14 on to assist the agencies in planning better to meet their needs and the establishment of a transition protocol to facilitate smoother transitions to adult services.

8. Conclusion

- 8.1 There is a wide range of services for children and young people with LDD in Havering and these have been developed over time to meet needs. Action has been taken to improve and enhance services where gaps have been identified, such as speech and language therapy, Post-16 Education and ASD. These are complemented by specialist settings, such as Special Schools so that choice and opportunities are not compromised. The commitment to working in partnership with children and young people and families is long-standing and is evidenced by the low numbers of appeals to the SENDIST which has been maintained over many years.

- 8.2 The creation of Children's Services and the Children's Trust provide scope for reshaping services so that the positive experiences for families demonstrated through the Early Support Pilot are extended. Havering's Children's Trust provides an effective structure for improving services and outcomes for children and young people with LDD as it brings together the key agencies and services.

IMPLICATIONS AND RISKS

9. Financial Implications and risks:

- 9.1 Children with disabilities and their families often require a variety of early support; coordinated intervention and on occasions residential placements. There can be significant cost implications as the cost of 1 52 week residential special school placement can be over £250,000 a year.
- 9.2 The Academies Programme initially caused the diversion of funds derived from the Dedicated Schools Grant (DSG) for SEN to the Academies in proportion to the number of pupils on their roll and the level of special needs. This potentially would reduce the capacity of the Learning Support Service to meet the needs of young people with low incidence needs as they are funded through the DSG. However, for the 2011-12 financial year the Government have withdrawn this element of academy funding and they will receive the same service as other schools for that financial year, while the Government reviews the entire funding arrangements for schools, including for SEN.
- 9.3 The overall budget for 2011-12 for children with special educational needs is £18.4 million broken down as below:

Area	Budget £m
SEN mainstream	11.82
Special Schools	4.97
Out of Borough Independent Schools	1.35
Total	18.14

- 9.4 Budgets may need to be adjusted accordingly in line with the council's virement procedures. No payments will be authorised unless there is sufficient funding available from within existing budgets. The Council has to make significant financial savings over the coming years due to the economic climate. There may therefore be the need to review budgets in line with available funding.

10. Legal Implications and risks:

- 10.1 There are clear statutory duties underpinning services for children with learning difficulties and disabilities, which are referred to in the body of

the report. As this Report is for noting there are no direct legal implications or risks arising.

11. Human Resources Implications and risks:

- 11.1 There are a variety of highly skilled staff and experienced employed across London Borough of Havering, working with children with learning difficulties and disabilities. These staff include specialist workers who are hard to recruit and retain so particular attention has to be paid to staff development and training opportunities for attainment of relevant competencies and clarity in terms of career pathway within the Council.
- 11.2 The Council needs to ensure that it continues to provide the type and shape of workforce that it is able to meet the needs of children with LDD, both now and in the future and must employ the most effective and appropriate workforce planning and development strategies in order to achieve and maintain this fundamental position.
- 11.3 It is also essential that continued partnership working with relevant health, private, voluntary and third sector organisations is a key feature of the provision of targeted services to children with LDD in Havering. This may lead to greater multi-agency delivery options in line with the transformation programme around services for children and young people and their families.

12. Equalities and Social Inclusion Implications and risks:

- 12.1 Disabled children are less likely to achieve as much in a range of areas as their non-disabled peers. Improving their outcomes, allowing them to benefit from equality of opportunity and increasing their involvement in society will help them to achieve more as individuals. It will also reduce social inequality.
- 12.2 Additionally the Disability Equality Duty (2005, 2010) requires organisations across the public sector to be proactive in ensuring that disabled people are treated fairly.
- 12.3 Havering has an active Parents' Forum, which hosted its first consultation event with senior officers across the Local Authority on the 31 March 2011. Parents are being consulted on a range of issues and are represented on the Children with Disabilities and Special Educational Needs Group and the Transition Strategic Group.

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