

**BIRMINGHAM CITY COUNCIL**

**PUBLIC**

**Report to:** **CABINET**

**Report of:** **Corporate Director, Children and Young People**

**Date of Decision:** **12<sup>th</sup> December 2017**

**SUBJECT:** **BIRMINGHAM'S STRATEGY FOR SEND & INCLUSION**

**Key Decision:** **Yes** **Relevant Forward Plan Ref:** **004335/2017**

**If not in the Forward Plan:** **Chief Executive approved** ☐  
**(please "X" box)** **O&S Chair approved** ☐

**Relevant Cabinet Member(s) or Relevant Executive Member:** **Councillor Carl Rice, Cabinet Member for Children, Families and Schools**

**Relevant O&S Chair:** **Councillor Susan Barnett, Schools, Children and Families**

**Wards affected:** **All**

**1. Purpose of report:**

- 1.1 To seek approval for the strategy for Special Educational Needs and/or Disability (SEND) and Inclusion (Appendix 1) as developed and recommended by the Inclusion Commission.

**2. Decision(s) recommended:**

That Cabinet; -

- 2.1 Approve the strategy for SEND and Inclusion (Appendix 1) as recommended by the Inclusion Commission, taking into account the findings of the consultation.
- 2.2 Approve the implementation of the priorities within the strategy from January 2018 by the SEND & Inclusion Steering Group and Programme Board

**Lead Contact Officer(s):** Jill Crosbie - Acting Assistant Director, SEND

**Telephone No:** 0121 303 2573

**E-mail address:** [jill.crosbie@birmingham.gov.uk](mailto:jill.crosbie@birmingham.gov.uk)

### **3. Consultation:**

#### **3.1 Internal**

A full public consultation was undertaken between 9<sup>th</sup> June – 31<sup>st</sup> July 2017 and Birmingham City Council colleagues were consulted as part of this.

#### **3.2 External**

A full public consultation has been completed 9<sup>th</sup> June – 31<sup>st</sup> July 2017, which included external partners such as Health, PVI providers (private, voluntary and independent sectors), schools, governors, parents and young people.

#### **3.3 Summary of Key Findings from the Consultation**

- People consulted agreed on the whole with the direction of travel of the vision, mission, objectives and priorities.
- However, there was a lack of confidence that professionals could deliver the strategy within current resources. While in agreement about the need to work together, there was a lack of belief that organisations could genuinely work in partnership, and recognition that all services are overstretched.
- There was a perception that the strategy is focussed on reducing Education Health and Care Plans and saving money rather than a focussing on the needs of the child.
- The strategy needs to be clearer about the application of the law – including disability discrimination.

#### **3.4 Summary of Key Recommendations from the Consultation**

The following key recommendations have been considered by the Inclusion Commission following consultation on the Draft Strategy.

##### **3.4.1 Building Trust and Confidence**

The re-building of trust and confidence is central to the successful implementation of the strategy. The document needs to be clearer and amended to clarify how this will be achieved. This theme of trust and confidence needs to be a golden thread running through all three priorities and made very explicit in the outline delivery plan and detailed implementation plans.

##### **3.4.2 Partnership working**

We need to be more explicit about how we are going to work in partnership and co-commission services as we implement the Strategy and we need to give it greater emphasis within the document.

##### **3.4.3 The Strategy and Outline Delivery Plan (Appendix 1) has been updated in light of these recommendations.**

3.4.4 The full Consultation Findings report can be found in Appendix 2

#### **4. Compliance Issues:**

4.1 The recommended decisions are consistent with the Council's policies, plans and strategies.

4.1.1 The strategy is aligned with the City Council priority for children – Birmingham a great place to grow up.

4.1.2. It is directly linked to the directorate outcome – Ensuring children and young people with SEND have their needs met in appropriate provision.

#### **4.2 Financial Implications**

4.2.1 The Dedicated Schools Grant High Needs Block, which funds special schools places, top-up funding for pupils in mainstream and prescribed SEN services has a budget of £144m for 2017/18. The City council has brought forward a deficit of £9m for the year ending 31st March 2017 and is currently forecasting an in-year deficit of approximately £6m. The cumulative deficit by 31st March 2018 is therefore potentially £15m. There are increases in grant from central government over the next 3 years (£4m in 2018/19), which will help alleviate the deficit but crucially will also need to be accompanied by implementation of the strategy.

4.2.2 The strategy is integral and critical, particularly the actions outlined in Priority 3, to providing a long term sustainable funding solution. The plans to reduce the use of independent and out of city placements in favour of developing our own high needs capacity will reduce pressure and will also reduce transport costs. Joint commissioning, development of a contract framework and improved quality assurance processes will reduce expenditure on residential and independent placements. Developing better inclusive practice across all schools will mean more children can have their needs met in their local school which will reduce costly assessment processes and transport costs.

4.2.3 The Department for Education issued a grant of £0.562m in late 2016/7 to support Local Authority reviews of High Needs provision. £0.505m has been carried forward into 2017/18 to support implementation of the strategy.

#### **4.3 Legal Implications**

4.3.1 The proposed strategy will support and facilitate the discharge of the Council's duties under the Children and Families Act 2014 and in particular sections 27 and 30 of that Act. Those sections require local authorities to keep their educational and social care provision for children and young people with SEN or disabilities under review, and to publish and keep under review their Local Offer of provision for 0-25 year olds with SEN or disabilities.

4.3.2 The strategy supports the delivery of the requirements contained within the SEND Code of Practice which provides statutory guidance on duties, policies and procedures relating to the Children and Families Act 2014 and associated regulations.

#### 4.4 Public Sector Equality Duty

4.4.1 An Equality Assessment has been completed in Appendix 3

4.4.2 Implementation of this strategy is focussed on improving service for children and young people with special needs and disabilities and therefore improving our delivery on the equalities agenda

### **5. Relevant background/chronology of key events:**

5.1 Birmingham City Council Members and Officers have identified the need for a root and branch review of the city's approach to making provision for children and young people with SEND. As a result, Birmingham City Council established the Inclusion Commission in October 2016 to explore the effectiveness of the current arrangements in the City across the 0-25 age range.

5.2 The membership of the Inclusion Commission has included representatives from parent groups, early years settings, mainstream schools, colleges, resource bases, specialist providers, independent non-maintained schools, independent specialist colleges and social care and health services. An independent chair has been appointed to oversee this work, Professor Geoff Lindsay from Warwick University.

5.3 Following the review, a draft strategy for SEND and Inclusion was developed, supported by an outline delivery plan, and was presented in March 2016 to the Inclusion Commission. Following this, the Inclusion Commission further developed a joint vision, mission and objectives to accompany the following three key priorities; -

- Develop a framework of SEND assessment and planning from 0-25 years to enable professionals and partners to meet the full range of individual need and raise achievement.
- Ensure there is a sufficient and appropriate range of quality provision to meet the needs of children and young people with SEND aged 0-25 years and improve outcomes from early years to adulthood
- Develop a unified resource allocation system to distribute the range of SEND funding across all schools and settings in order to make the most effective use of available resources and maximise the impact on outcomes for young people

5.4 Public Consultation on the draft strategy was undertaken 9<sup>th</sup> June – 31<sup>st</sup> July 2017

5.5 The key findings (Appendix 2) have informed an amended draft strategy and outline delivery plan (Appendix 1) which was endorsed by the Inclusion Commission on 18<sup>th</sup> September 2017, prior to seeking Cabinet approval.

5.6 A detailed implementation plan is being developed with heads of service leading on priorities. A programme board including health and social care is being established to track progress and promote joint working. The SEND stakeholders group will offer ongoing feedback and will be a vehicle for co-production. The Inclusion Commission will be replaced by a smaller steering group, chaired by Colin Diamond DCS – this group will be made up of relevant senior officers accountable for the delivery of the strategy.

- 5.7 Implementation is timetabled from January 2018 – July 2020  
Regular updates will be provided via Cabinet Member briefing and by the DCS at CLT.

5.8 Chronology of events:

October 2016	Inclusion Commission set up
Jan-Feb 2017	Inclusion Commission received feedback on SEND Review
March 2017	Draft strategy proposal completed
May 2017	Revised strategy proposal approved by the Inclusion Commission
9 June to 30 July 2017	Proposed strategy went out for Public Consultation
18 September 2017	Inclusion Commission approval of post Consultation updated strategy
12 December 2017	Consideration at Cabinet

**6. Evaluation of alternative option(s):**

- 6.1 The Inclusion Commission, which has wide representation from stakeholders and politicians, has drawn up the strategy and have considered the range of options for delivering our statutory duties effectively.
- 6.2 If the proposed strategy is not approved and implemented there would be a risk of failing to meet legal duties, and not using available resources effectively to enable children and young people with SEN or disabilities to achieve their ambitions, the best educational and other outcomes.

**7. Reasons for Decision(s):**

- 7.1 The direction of the strategy has been based on a desire to deliver the aspirational vision for all Birmingham families and fully deliver on our statutory responsibilities.
- 7.2 The decisions are proposed in the light of financial pressure and growing demand, supporting the use of existing funding to greater effect with improved commissioning.

## Signatures

	<u>Date</u>
Councillor Carl Rice Cabinet Member for Children, Families & Schools .....	.....

Colin Diamond Corporate Director Children & Young People .....	.....
--	-------

### List of Background Documents used to compile this Report:

1. As per Appendices

### List of Appendices accompanying this Report (if any):

1. Birmingham's Strategy for SEND & Inclusion
2. Consultation – Key Findings Report
3. Equality Assessment

Report Version v0.10

Dated 28/11/2017