

LONDON BOROUGH OF CROYDON

REPORT:	Cabinet	
DATE OF DECISION	28th June 2023	
REPORT TITLE:	Croydon SEND Local Area and Alternative Provision Strategy 2023 - 2026	
CORPORATE DIRECTOR / DIRECTOR:	Debbie Jones, Interim Corporate Director, Children, Young People and Education Shelley Davies, Director of Education	
LEAD OFFICERS:	Kathy Roberts, Head of SEND Delivery and Transformation Kathy.roberts@croydon.gov.uk Telephone: 07845 499572 Monique Morgan, SEND Strategy and Transformation Manager Email: Monique.morgan@croydon.gov.uk Telephone: 07536 101 410	
LEAD MEMBER:	Councillor Maria Gatland, Cabinet Member for Children and Young People	
KEY DECISION?	Yes	3023EM Decision significantly impacts on communities living or working in an area comprising two or more wards
CONTAINS EXEMPT INFORMATION?	NO	Public
WARDS AFFECTED:	All – Local Area Approach	

1 SUMMARY OF REPORT

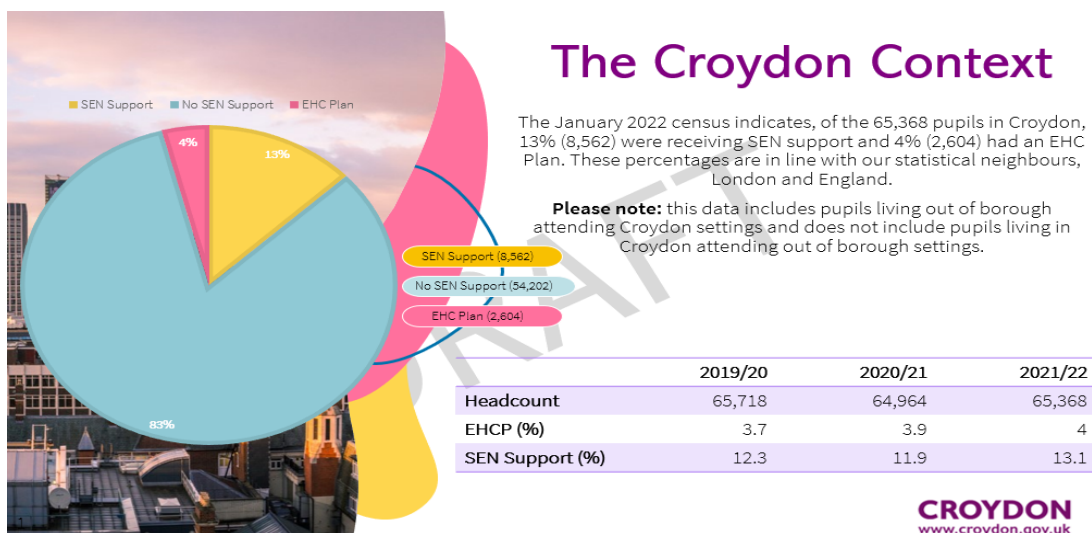
- 1.1 The purpose of this report is to outline the updated Special Educational Needs and/or Disabilities (SEND) and Alternative Provision (AP) Strategy 2023-2026. It sets out the aims, principles, and priorities for the next 3 years (2023-2026), with the aim to improve outcomes for children, young people with special educational needs and/or disabilities and their families and the whole system approach to achieve the improvements needed.

- 1.2** The updated strategy for Croydon Council has been developed collaboratively by Local Area partners and approved by the SEND Forum and SEND Strategic Board, as well as reference to required legislative frameworks, other related local authority strategies and recommendations.
- 1.3** This strategy is supported by Croydon Council, the NHS Integrated Care Board (ICB), Croydon's Voluntary Sector, Croydon's Alternative provisions, Children, Young People (CYP) and Families, Croydon Active Voices, and Croydon SENDIASS. Croydon Active Voices have supported the Croydon Local Area to hear the perspectives of Croydon parents and carers of children and young people with SEND.
- 1.4** It is vital that the strategy is currently adopted at a rapid pace, since the demand for Education, Health, and Care Plans (EHCPs) has expanded considerably, influencing the timeliness of the delivery of new plans. This has also resulted in increased demand for special school placements and a high number of out-of-area placements, all of which have a considerable impact on Dedicated School Grant (DSG) High Needs funds.
- 1.5** Croydon is in receipt of an allocation of £11.68m of High Needs Capital Grant which will support this strategy.
- 1.6** The current SEND Code of Practice guides SEND practice and is supported by law in the Children and Families Act 2014. The Children and Families Act 2014 defines Special Educational Needs and Disability (SEND) in the following way:
- **Special Educational Needs:** A child or young person has special educational needs if he/she has a learning difficulty or a disability which calls for special educational provision to be made for them.
 - **Learning Difficulty:** A child or a young person of compulsory school age has a learning difficulty or disability if they:
 - Have a significantly greater difficulty in learning than the majority of others the same age, or
 - Have a disability which prevents or hinders them from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions or in employment without support.

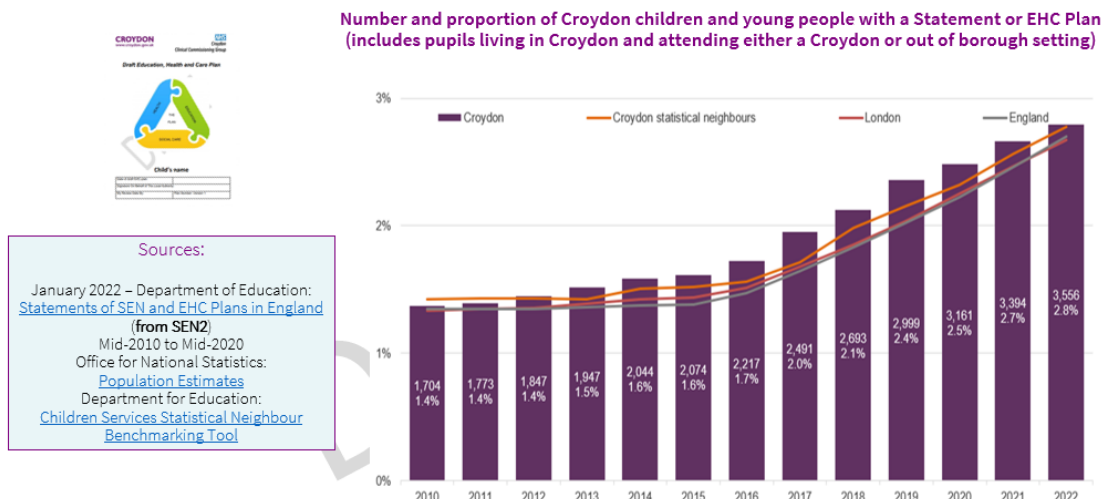
SEND needs can be met in a number of ways including:

- a) Support from a setting, school, or college’s own resources.
- b) Support from other agencies.
- c) Additional top up funding.
- d) And, for a number of children and young people, through an Education, Health and Care Plan

Local Context



National Context

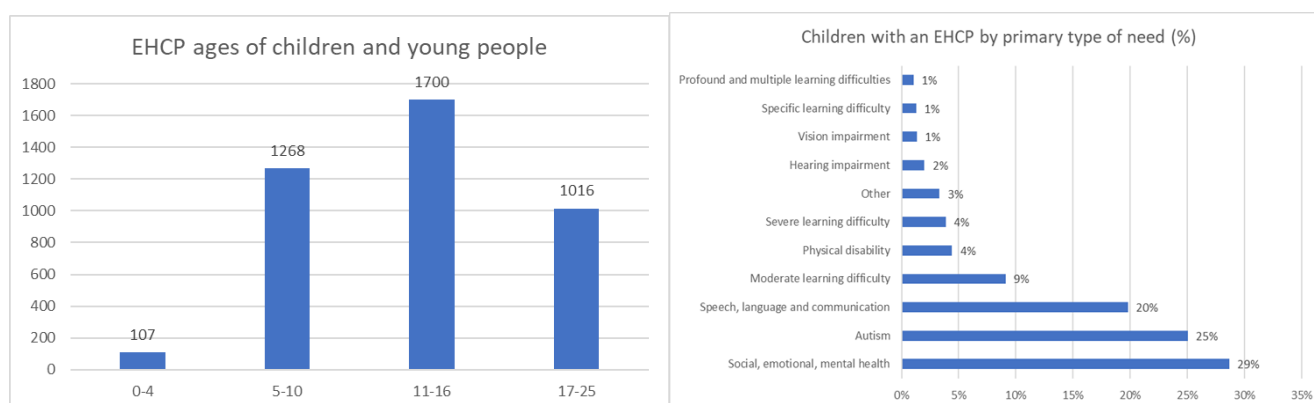


1.7 Croydon Context

In January 2023, there are just under 57,000 pupils in state-funded nursery, primary, secondary and special schools, non-maintained special schools, and pupil referral units. 13.6% of pupils were receiving SEN support and 4.4% had an EHCP in Croydon.

In line with national trends, the increasing growth of the population with an EHC Plan has been most pronounced since 2015, coinciding with the SEND reforms of 2014 when EHC Plans were introduced. EHC Plans have a lower threshold than the previous Statement of SEN and an extended age range up to the age of 25.

Latest data shows the number of EHCPs continue to increase. In January 2023, a total of 4091 children and young people living in Croydon had an EHCP, of which 73% are boys and 42% are aged between 11-16. The most common primary type of need is social, emotional and mental health (29%), followed by autistic spectrum disorder (25%) and speech, language and communication needs (20%).



1.8 The SEND strategy reflects Croydon and the Executive Mayor's vision to be "a place where children and young people thrive." The SEND strategy's aim is: "We want all of our children and young people with special educational needs and/or disabilities (SEND) to have access to excellent support and services so that we can provide timely, high-quality integrated services that allow children and young people to thrive in their own communities and celebrate their accomplishments."

We think that all children and young people should:

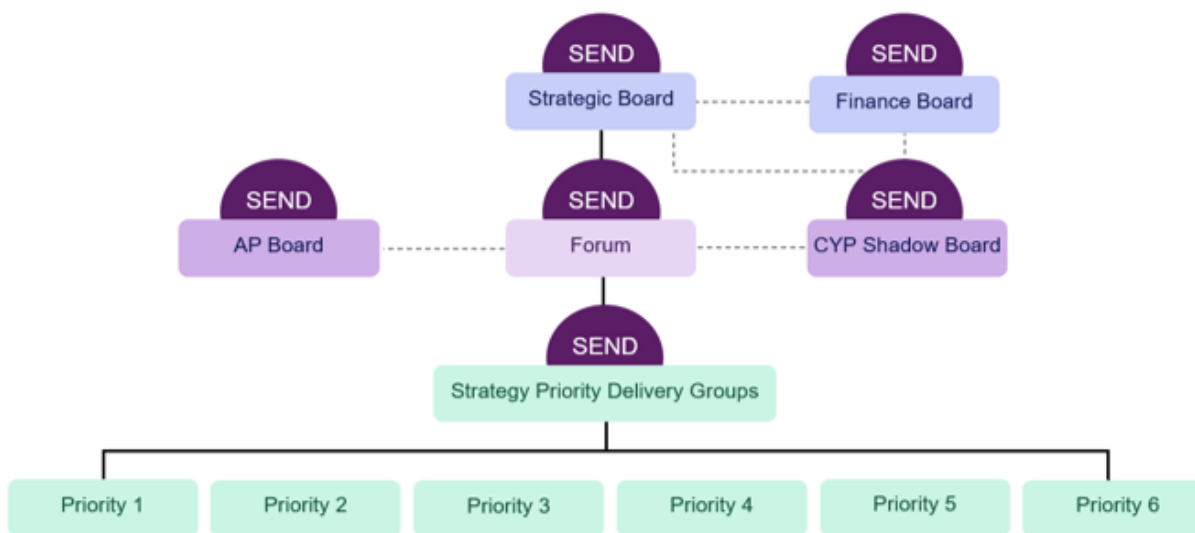
- Access accurate, easy to read information in a timely manner.
- Build trusting relationships with those who work with them.
- Feel confident and empowered to share their views, wishes and aspirations.
- Enjoy being with people that make them feel happy, safe, secure, and understood.
- Feel supported to reach their goals.
- Know that their health and wellbeing will be a priority to all who work with them.

The 6 Key priorities identified are:

- **Priority 1:** Early identification and support.
- **Priority 2:** Providing the support needed by children and young people with SEND during key life transitions.

- **Priority 3:** Children, young people and families, co-production, and collaboration.
- **Priority 4:** Partnership delivery of transparent robust and co-produced processes to deliver quality SEN Support and EHC plans.
- **Priority 5:** Integrated commissioning and data forecasting across all phases.
- **Priority 6:** Workforce development, support, and wellbeing.

1.9 A refreshed membership of the SEND Strategic Board, Forum and priority work streams will be introduced to oversee the delivery and governance of the strategy. The SEND Strategic Board is chaired by the Corporate Director for Children, Young People and Education, and the Forum by the Director of Education. The Local Area including Children’s Social Care (CSC), Health, Children, Young People (CYP) and their Families and School Leaders are represented at all levels of the governance structure. SEND and Inclusion is also a feature within the School Improvement Governance.



1.10 The final version of both the SEND Strategy and development plan are appended to this report for Cabinet consideration and approval.

2 RECOMMENDATIONS

For the reasons set out in the report and its appendices, the Executive Mayor in Cabinet is recommended:

2.1 To approve the Croydon, SEND Local Area Strategy 2023-26 for children and young people with special educational needs and/or disabilities (SEND) and those accessing alternative provisions (AP) and to agree to receive an annual update report on progress against the strategy.

3 REASONS FOR RECOMMENDATIONS

- 3.1** The recommended option is to fully implement the SEND Strategy as soon as possible to meet our statutory obligations as outlined in the SEND Code of Practice 2014, and to implement the recommendations from the SEND Green Paper (2022) and Alternative Provision (AP) Improvement Plan, in order to meet the needs of children and young people with SEND and avoid further overspending on the high needs budget in accordance with the medium-term financial plan.

4 BACKGROUND AND DETAILS

National Context

- 4.1** Councils faced a High Needs funding deficit of about £500 million in 2018/19, £806 million in 2019/20, and £1.2 billion in 2020/21, with an estimate of £3 billion by the end of 2022/23 (Local Government Association). In Croydon we are anticipating a cumulative overspend position of £11.68m in 2023-24.
- 4.2** The Government SEND Review, which was launched in 2019, concluded in March 2022, with the publication of the SEND 'Green Paper'. This paper acknowledged the current pressures around SEND nationally. The paper concluded that:
- Outcomes for children and young people with SEND or in alternative provision are poor.
 - Navigating the SEND system and alternative provision is not a positive experience for children, young people and their families.
 - The system is not delivering value for money for children, young people, and families.

The paper then sets out a programme of measures, which will create a new SEND system. In summary, this includes:

- Establish a national SEND and Alternative Provision system setting nationally consistent standards for every stage of a child's journey across education, health, and care.
- Establish new local SEND partnerships, bringing together education, health, and care partners with local government.
- Invest an additional £1bn in 2022-23 alone for children and young people with complex needs as part of a £7 billion increase in the total investment in schools' budgets by 2024-25, compared to 2021-22.
- Improve mainstream provision, building on the ambitious Schools White Paper, through teacher training and a 'what works' evidence programme.
- Set out a clear timeline that, by 2030, all children will benefit from being taught in a family of schools, with their school, including special and alternative provision, in a strong multi-academy trust (MAT), or with plans to join or form one.

- Deliver clarity in roles and responsibilities with every partner having a clear role to play and being equipped with the levers to fulfil their responsibilities.
- Introduce a standardised and digitised Education Health and Care Plan process and template to minimise bureaucracy and deliver consistency.
- Introduce a national framework of banding and price tariffs for funding, matched to levels of need and types of provision set out in the national standards.
- Establish a new National SEND Delivery Board to bring together relevant government departments with national delivery partners including parents, carers and representatives of local government, education, health and care to hold partners to account for the timely implementation of proposals.

4.3 In July 2021, the Department for Education (DFE) published a set of documents around their 'High Needs Safety Valve' project. Local Authorities with the greatest deficits in their high needs funding took part in a project to reduce deficits and build sustainable local systems. They set out 2 goals of a sustainable system:

- Appropriately managing demand for Education, Health, and Care Plans (EHCPs), including assessment processes that are fit for purpose.
- Use of appropriate and cost-effective provision. This includes ensuring mainstream schools are equipped and encouraged to meet needs where possible, whilst maintaining high standards for all pupils.

4.4 In March 2023, the Government published the SEND and Alternative Provision (AP) Improvement Plan which sets out how we will work alongside children, young people and their families, and those who work across every part of the SEND and alternative provision system, to deliver improvements for every child and young person with SEND and in alternative provision, which outlines the following recommendations:

- A national system underpinned by National Standards.
- Successful transitions and preparation for adulthood.
- A skilled workforce and excellent leadership.
- Strengthened accountabilities and clear routes of redress.
- A financially sustainable system delivering improved outcomes.

4.5 Croydon's SEND Improvement Journey

Since the changes in the 2014 Education Act the spend in our in-year High Needs Budget has increased and as a result we have seen a continual rise in our cumulative deficit.

There has been an extensive focus within the Education Department alongside colleagues in CSC and Health on ensuring that we are delivering a value for money service across all areas whilst maintaining a good level of support for children and young people with special educational needs and disabilities.

The coproduction of the 0-25 SEND strategy 2019-22 was one of the first areas of focus on our improvement journey, with five priority areas identified. All key partners including

young people were part of the consultation and development of the agreed priorities. The strategy was approved by Cabinet and young people joined the meeting to share their views about the priority areas.

To ensure delivery of the strategy we tightened our governance processes and oversight of SEND, establishing the SEND Delivery Groups, Forum and Strategic Board. All aspects of our governance structure include local area representation and leadership oversight.

As part of our improvement journey, we have developed a much more rigorous data process and we now have a comprehensive data dashboard which includes data across the local area. This enables us to focus on and identify priority areas and ensure robust actions are taken.

Our 2019-22 strategy was very much focused on educating children and young people with SEND within the borough, ensuring that they have the best provision to meet their needs without the need for extensive travel and time away from their community. We have done this through an increase of PAN at our special schools, opening a new special school and post 19 provision and developing Locality SEND support model for mainstream schools so that more children with SEND needs remain in mainstream where appropriate to support with meeting their needs.

To make it easier for multi-agency partners (including parents) to communicate information about individual children, the Council has invested in a digital case management system.

5. CONSULTATION

- 5.1 In July 2022, we worked with our special schools and post 19 provision council members to help us understand how we have supported them so far and what can we do to support them further.
- 5.2 In addition to our visits, we worked closely with our Croydon schools, parents/carers and professionals working with children and young people with SEND to identify what has gone well throughout 2019 -2022 and what aspect of our SEND practices need to be improved.
- 5.3 We worked collaboratively with members of our SEND Governance to gather feedback on what our SEND Local Area priorities should be moving forward.
- 5.4 We launched a SEND Local Area Survey which went live to the residents of Croydon on 8th July in 2022 and ended 31st October 2022 to gather feedback on what priorities are important to the SEND community.
- 5.5 We organised a series of SEND Consultation Roadshows across Croydon community that took place in January and February 2023, where we reviewed the suggested priorities for 2023-2026.

- 5.6 We arranged 5 SEND Partnership Working Groups sessions, where we worked closely with our local area partners to co-produce Croydon's Draft SEND Local Area Strategy 2023-26.
- 5.7 Finally, we reviewed final recommendations with members of Croydon's SEND forum and Health Management Board with a final sign off from members of Croydon's SEND Board.

6. CONTRIBUTION TO COUNCIL PRIORITIES

- 6.1 The SEND Local Area Strategy makes a significant contribution to the Council's priorities set in the Mayor's Business Plan 2022-2026. Croydon will support children and young people, including those with special educational needs and disabilities, to have a chance to thrive, learn and fulfil their potential.

Mayor's Business Plan priorities related to the SEND Local Area Strategy are as follows:

- Enable more pupils with special educational needs and disabilities to attend and thrive in Croydon schools.
- Develop an effective Education Partnership with schools.
- Work with schools to improve support for vulnerable pupils and to continue to reduce exclusion.
- Explore with young people, the VCFS, providers and businesses how we can improve access to youth services in Croydon.
- Work with all education providers to improve attendance, inclusion and standards for all, so that more of our children and young people can fulfil their potential.
- Celebrate the talents of our young people by supporting initiatives such as 'Croydon has talent'.
- Work with partners to provide mentors for young people in care or excluded from school.
- Transform and redesign services such as early help and family hubs so families can access the right support in the right place at the right time, reducing the need for statutory support and intervention.
- Implement a programme of continuous improvement to sustain the quality of services relating to children, young people and education.
- Implement inspection recommendations and benchmark services, bringing spending on social care for children down to the average for similar London councils by 2023/24.

7. IMPLICATIONS

7.1 FINANCIAL IMPLICATIONS

- 7.1.1 Whilst acknowledging the financial position of the Council in respect of the General Fund, the approval of the recommendations in this strategic paper has no direct bearing on the council General Fund budget. The overall strategy incorporates the High Needs Deficit Recovery plan which is expected to yield significant savings and

extinguish the overall £27m High Needs deficit within the next few years as shown in table 1 below.

7.1.2 All the High Needs budget shown in table 1 below will be paid to the schools. It is a ring-fenced Dedicated School Grant used for the purposes of providing education to pupils with Special Education Needs in the London borough of Croydon in accordance with The School and Early Years Finance (England) Regulations and DfE guidance.

Table 1 – DEDICATED SCHOOL GRANT – HIGH NEEDS BUDGET

	Forecast Year	3 Years - Medium Term Financial Strategy		
	2022/23	2023/24	2024/25	2025/26
	£'000	£'000	£'000	£'000
Revenue Budget Available	£82,293	£89,704	£92,396	£91,771
Expenditure Budget	£84,106	£90,429	£92,965	£91,658
Effect of decision from report overspend -Savings (-)	£1,813	£724	£569	-£113
Estimated cumulative High Needs Deficit at of Year (£24,502m is post Safety Valve position at end of 2021/22)	£26,315	£15,355	£7,812	£113
Deficit Amount to be Funded by DfE Safety Valve Team. Future years payment and amount is subject to conditions of the grant. Estimated figures used in 2023/24 and 2024/25*	-£10,960	-£8,268*	-£8,268*	0
Forecast Cumulative High Needs Deficit after payment from DfE	£15,355	£7,812	£113	£0

7.1.3 The Education Capital Programme with an annual budget of approximately £11.68m for 2023/24 to 2025/26 is also linked to the overall strategy hence a good strategic fit. All funded from Various government grants (School condition Allocation, Special Provision and Basic Needs funding).

7.1.4 Approved by Charles Quaye – Head of Finance (Education) on behalf of the Director of Finance on 05/05/2023

7.2 LEGAL IMPLICATIONS

7.2.1 The Council has a statutory duty under the Education Act 1996 to ensure the provision of sufficient schools for the provision of primary and secondary education in their area. Under s.14 of the Education Act 1996, a local authority shall secure that sufficient schools for providing primary and secondary education are available in their area. In meeting this duty, a local authority must do so with a view to securing diversity in the provision of schools and increasing opportunities for parental choice.

7.2.2 The Children and Families Act 2014 made significant changes to the way that educational provision was assessed and provided for to children and young people with SEND. Section 27 of the Act requires a local authority to keep under review its

educational, training and social care provision for children and young people who have SEND and to consider the extent to which the provision is sufficient to meet need. In exercising its functions, a local authority must consult prescribed persons, including children and young people with SEND and parents. The 2014 Act is accompanied by statutory guidance for organisations to follow through (The SEND Code of Practice: 0 to 25 years (2015).)

7.2.3 S149 of the Equality Act 2010 with respect to the Public Sector Equality Duty, details the requirement when taking decisions to have due regard to the need to advance equality of opportunity for people with protected characteristics, foster good relations between such groups and eliminate unlawful discrimination. It is necessary the impact on those groups is analysed as part of this strategy and its development.

7.2.4 Comments approved by Doutimi Aseh, Head Social Care & Education Law on behalf of the Director of Legal Services and Monitoring Officer.

7.3 EQUALITIES IMPLICATIONS

7.3.1 The Council has a statutory duty, when exercising its functions, to comply with the provisions set out in the Sec 149 Equality Act 2010. The Council must, in the performance of its functions, therefore, have due regard to:

- eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act.
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.3.2 Across the country, children and young people with SEND face inequalities in access and outcomes. This strategy outlines our local strategy for addressing these gaps and ensuring that they have access to high-quality educational provision and outcomes. Each of the priorities strives to address disparities faced by children, young people, and families. The basic work of expanding and upskilling mainstream provision will strengthen the values of inclusiveness and providing nurturing environments for everybody, regardless of their requirements.

7.3.3 An EQIA was carried out which identified a positive impact for age, disabled children and young people, between each sex and race. Further work is required to collate data across the range of characteristics including religion, sexual orientation and gender reassignment.

7.3.4 Comments approved by Denise McCausland Equalities Programme Manager
22/05/23.

7.4 HUMAN RESOURCES IMPACT

- 7.4.1** There are no direct human resources implications arising from this report for Council employees. However, workforce is a key aspect of the Croydon SEND Local Area Strategy, which may have HR implications for both the Council and our partners. Where this is the case, the relevant policies and procedures will be observed, and HR advice must be sought at an early stage.
- 7.4.2** Approved by: Debbie Calliste, Head of HR for Children, Young People and Education on behalf of the Director of Human Resources

7.5 RISK IMPLICATIONS

- 7.5.1** The National Health Service (NHS) and Integrated Care Board (ICB) recognise the growing need and national shortage of therapists for children and young people with special educational needs and/or disabilities in order to ensure they receive appropriate provision. Croydon is working hard to reduce waiting times for individuals affected by introducing a six-month contract that will provide Speech & Language Therapists to deliver specific interventions as a short-term solution. Our longer-term plans are for Croydon to re-commission our current therapies contract to ensure that we are providing quality statutory services and by prioritising the implementation of the new Autism Spectrum Disorder (ASD)/ Attention Deficit Hyperactivity Disorder (ADHD) clinical pathway for Croydon. This is designed to effectively reduce the waiting times for formal ASD assessment and enable early access to support services for our children and young people with special educational needs and/or disabilities from 0 to 25.
- 7.5.2** Croydon Locality SEND Support (CLSS) was established in September 2020 as a pilot project to ensure that Croydon mainstream schools had access to early identification and intervention for children and young people with Special Educational Needs and Disabilities (SEND). This was done to address the growing need for additional support within mainstream settings. The original pilot phase was a success, and the method of operation was extended to all Croydon Borough's mainstream schools. Croydon Locality SEND Support is now an embedded approach supporting children and young people with SEN at the earliest opportunity.

In the formal "Safety Valve" agreement signed by Croydon Council and the Department for Education, CLSS is now a vital component of the Dedicated Schools Grant (DSG) management plan. Full implementation of CLSS is critical to maintaining compliance with the agreement's terms.

8 APPENDICES

8.1 Appendix A - Croydon SEND Local Area Strategy 2023-26 – Special Educational Needs and Disabilities and Alternative Provision (AP).

9. BACKGROUND DOCUMENTS

- A. OFSTED Local Area SEND Inspection Recommendations December 21
- B. New OFSTED Local Area Inspection Framework
- C. SEND and Alternative Provision Green Paper March 22
- D. SENDPA Improvement Plan 2023
- E. Safety Valve (SV)
- F. Partnership Early Years Strategy
- G. A national Framework to deliver improved outcomes in all- age autism assessment pathways
- H. Developing and sustaining an effective local SEND system
- I. Autism Strategy

10. URGENCY

N/A