

## **CHESHIRE EAST COUNCIL**

### **REPORT TO: Children and Families Scrutiny**

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<b>Date of Meeting:</b>	23 <sup>rd</sup> April, 2012
<b>Report of:</b>	Lorraine Butcher, Strategic Director Children, Families and Adults
<b>Subject/Title:</b>	Special Educational Needs and Disability Policy
<b>Portfolio Holder:</b>	Councillor Hilda Gaddum

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#### **1.0 Report Summary**

- 1.1 The Local Authority has a general responsibility to promote high standards for all children and young people, including those who have special educational needs and disability.
- 1.2 Launch of the public statutory consultation of the Special Educational Needs and Disability (SEND) Policy commenced on the 1<sup>st</sup> November, 2011 until the 1<sup>st</sup> April, 2012.
- 1.3 The responses from the statutory consultation period and the comments of Children and Families Scrutiny Committee have now been considered and amalgamated into the final SEND Policy.

#### **2.0 Introduction**

- 2.1 The SEND Policy is built on its vision that 'no child or young person is left behind' and that every child and young person achieves the best possible outcomes. The policy sets out the principles, pledge, commitment and the responsibilities for all those involved with Special Educational Needs and Disability provision.
- 2.2 The SEND policy reinforces Children and Families Services commitment with its partners to continue supporting, maintaining and developing a diversity of high quality provision to meet the needs of children and young people with special educational needs and disability.

#### **3.0 Decision Requested**

- 3.1 To note, invite final comments and endorse the SEND Policy.

#### **4.0 Reasons for Recommendations**

- 4.1 The final SEND Policy has considered all the views from the statutory consultation and made the necessary amendments. A summary of the views captured throughout the consultation are reflected in Appendix A.

#### **5.0 Wards Affected**

- 5.1 All

#### **6.0 Local Ward Members**

- 6.1 All

#### **7.0 Policy Implications including**

- 7.1 The SEND Review has highlighted the requirement for a Special Educational Needs Disability policy. This has been factored into the SEND Review project plan and the policy has undertaken a statutory consultation process.

#### **8.0 Financial Implications (Authorised by the Borough Treasurer)**

- 8.1 The cost of the design of the document commissioned to Opening Doors is £2,000.

#### **9.0 Legal Implications (Authorised by the Borough Solicitor)**

- 9.1 The local Authority has a range of statutory duties for Special Educational Needs and Disability of which include
- Keep under review Local Authority arrangements for Special Educational Needs and Disability provision
  - Identify and assess needs of children and young people with special educational needs and disabilities, and put in place appropriate provision
  - Plan strategically with schools and other significant partners to develop systems for monitoring and accountability for special educational needs and disability
  - Provide high quality support and service delivery to schools
  - Develop co-ordinated multi-agency Special Educational Needs and Disability provision
  - Promote high standards in education for children and young people with special educational needs and disabilities
  - Improve accessibility to curriculum, premises and written information for children and young people with special educational needs and disabilities

- Consult the governing bodies of maintained schools and nurseries in its area for the purpose of co-ordinating Special Educational Needs and Disability provision

## **10.0 Risk Management**

10.1 The risks include:

- Not  
fulfilling our statutory duties

## **11.0 Background**

11.1 Cheshire East Children and Families Service began a process of reviewing its arrangements for children and young people with special educational needs and disabilities in April 2010.

11.2 The SEND Review has six key strategic priorities which are outlined below:

- Development of a ASC-specific special school
- Review Resourced provision
- Review Funding for individual pupils
- Current pathways for access to SEND Services
- SEND Policy
- Early Years and Settings

11.3 A key outcome of the SEND Review to date, particularly feedback from schools, parents, guardians and carers highlighted the requirement for a clearly stated SEND policy.

11.4 In response, Cheshire East Children and Families Service drafted a SEND Policy, (enclosed as a separate document), which sets out the policy framework within which Cheshire East Children and Families Service and it's partners will maintain and develop provision for children and young people with special educational needs and disability from birth to 25 years of age.

11.5 The publication of the government's Green Paper, '[Support and Aspirations: A new approach to special educational needs and disability](#)', marks the start of a period of consultation and testing in local areas from September 2011. The SEND policy reflects the main themes and ethos of the Green Paper.

## **12.0 Access to Information**

12.1 Further background papers relating to this report include the:

SEND Policy

12.2 These can be inspected by contacting the report writer:

Name: Fintan Bradley

Designation: Head of Service; Strategy Planning and Performance

Tel No: 01606 271504

Email: [Lorraine.butcher@cheshireeast.gov.uk](mailto:Lorraine.butcher@cheshireeast.gov.uk)

## Appendix A – Summary Feedback on the Special Educational Needs and Disability (SEND) Policy

After receiving a number of comments via the consultation process and through Cheshire East scrutiny committee the SEND Policy has been amended as follows:

Original Draft Policy & Respondent Comment	Amended to
<p>Original Policy: Effective early intervention is based on a secure assessment of their needs from a range of agencies.</p> <p><i>Comment - I was wondering if the term 'secure assessment' may be open to too much interpretation.</i></p>	<p>Effective early intervention based on an assessment of their needs from a range of agencies</p>
<p><i>Minutes from Scrutiny Committee (Members comments) – It was suggested that it would be useful to put 'the pledge' at the beginning of the document as this was easy to understand and helped put the rest of the policy in context.</i></p>	<p>Moved the Pledge nearer to the front of the SEND Policy, after Introduction and Vision.</p>
<p>The needs of children and young people with special educational needs and disability will be identified early, assessed quickly and matched effectively to appropriate provision.</p> <p><i>Comment - Take out 'assessed quickly'. This comment may be misleading for some readers.</i></p>	<p>The needs of children and young people with special educational needs and disability will be identified early, and matched effectively to appropriate provision.</p>
<p>Original Policy: Formal assessments of a child's and/or young person's special educational needs and disability will be undertaken by the local authority, and all agencies involved will endeavour to do their best to complete these within the recommended timescale.</p>	<p>Formal assessments of a child's and/or young person's special educational needs and disability will be undertaken by the local authority, and all agencies involved will endeavour to do their best to complete these within the recommended statutory timescale.</p>

<p><i>– Comment “If this is a pledge to effectively enable children and young people with SEND to achieve their full potential I would like to see this changed to “will complete these within the recommended statutory timescale” to include a ‘get out clause’ waters down the potency and intent of this pledge”.</i></p>	
<p>Original Policy: Parents/carers will be treated with respect and their and their knowledge will be valued and used to inform the provision put in place for children and young people.</p> <p><i>Minutes from Scrutiny Committee (Members comments) – It was suggested that the wording of this be change to reflect the following “Parents/carers will be listened to and their views treated with respect. Their expertise will be valued and help to inform the provision put in place for children and young people.</i></p> <p><i>Comment - Parents have extensive knowledge of their child and aspirations but that does not make them experts in education. Their knowledge and wishes should be considered and inform the provision but I feel to refer to it as expertise could cause difficulties in deciding upon appropriate provision for the pupil.</i></p>	<p>Parents/carers will be treated with respect and their knowledge will be valued and used to inform the provision put in place for children and young people.</p>
<p>Original Policy: Out of borough placements and residential provision will only be considered when it is clear that the child or young person's needs cannot be met appropriately in a Cheshire East setting.</p> <p><i>Minutes from Scrutiny Committee (Members comments) – It was</i></p>	<p>Currently checking the wording of the pledge with Legal.</p>

<p><i>suggested that it was necessary to look carefully at the wording of this point in order to protect the Council from legal challenge. It was agreed that it was important to state clearly that the Council would have the final say on whether a child's assessed needs could be met appropriately in a Cheshire East setting or not"</i></p> <p><i>Comment - Out of borough placements should not be a last resort. Out of borough placements should be monitored and if a gap in the education service in the borough is noted, services should be put in place.</i></p>	
<p><i>Comment – I feel the roles and responsibilities should be set out within a tabular format which possibly indicates cross over in responsibilities if these exist. From my understanding, there is sometimes conflict with different agencies about whose responsibility and role something is. This should be clearer within this document and is in far too much detail. For example, providing information could be everyone's responsibility but there will be different aspects and I feel this would be clearer if indicated in a table. I think this would enable you to see at a glance whose responsibility something was, rather than trying to read through every element.</i></p>	<p>As set out in the draft SEND policy, each partner has a clear understanding of their respective roles and responsibilities and although there is some cross over between the LA and schools/governing bodies there is still a clear distinction in terms of duties and roles each holds within the process.</p> <p>To put the roles and responsibilities in to a tabular format may even confuse the reader due to the lack of defined dual roles and responsibilities. From looking at other SEND Policies such as Wigan, Essex, Devon, Hampshire and Bracknell Forest they do not use a tabular format and have defined the various partner roles in a similar format to the draft SEND Policy. Also, the SEN Code of Practice defines each partner role separately and only sets out the role and responsibilities between mainstream schools and maintained schools in a tabular format.</p>

	Other than the comment about 'parents not being the experts' in terms of parent responsibilities we haven't received any further comments regarding the roles and responsibilities section.
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