

OPEN

BRIEFING REPORT

Audit and Governance Committee

30 September 2024

**Revised 0-25 SEND Partnership
Governance Structure and Strategy**

**Report of: Claire Williamson - Director of Education, Strong Start
and Integration**

Report Reference No: AG/25/24-25

Purpose of Report

- 1 This report provides Audit and Governance Committee with an update on revised governance arrangements for the Cheshire East 0-25 Special Educational Needs and Disability (SEND) Partnership, which aim to ensure improvement actions undertaken through the partnership are completed effectively and at pace, and support the achievement of best outcomes for children and young people with SEND within a financially sustainable framework (in line with achieving a balanced budget by 2031).
- 2 Committee are asked to note the proposals to develop a new single SEND and Alternative Provision (AP) Strategy and Improvement Plan 2025-27 (which will incorporate mitigations identified in the Dedicated Schools Grant Management Plan during this time period).

RECOMMENDATIONS

The Audit and Governance Committee is recommended to:

1. Note the revised Cheshire East 0-25 Special Educational Needs and Disability (SEND) Partnership Governance structure
2. Note the proposals for developing the SEND and Alternative Provision (AP) Strategy and Improvement Plan 2025-27

Executive Summary

- 3 The current Cheshire East Special Educational Needs and Disability (SEND) Strategy 2021 – 2025 was last refreshed in April 2023. Due to the timescale of our current strategy, and major national and local changes relating to SEND and wider people services that have occurred since this date (including a clear focus on managing our Dedicated Schools Grant), plans are now required around the development of a new strategy and a refresh of the partnership governance structure that will oversee and drive the delivery of local SEND improvement actions. This report outlines proposed governance arrangements and plans for a new, single SEND and Alternative Provision Strategy and Improvement Plan.

Background

- 4 The Cheshire East 0-25 SEND Partnership is a multi-agency partnership arrangement which leads and drives developments around support, processes and provision for children and young people with Special Educational Needs and Disability (SEND) aged 0-25 years in Cheshire East.
- 5 The current Cheshire East Special Educational Needs and Disability (SEND) Strategy 2021 – 2025 was co-produced with a wide range of key stakeholders and sets out how the 0-25 SEND partnership will drive developments to our services so that we support children and young people with SEND to achieve the best possible outcomes. Originally prepared as The SEND strategy 2021 – 2024 and approved in November 2021, the document was refreshed in April 2023 to reflect significant changes within the national and local landscape for SEND.
- 6 Since the April 2023 strategy refresh, there have been further major national and local changes relating to SEND and wider people services, including:
 - (a) Work to address increasing financial pressure on the Dedicated Schools Grant (DSG)
 - We are continuing to ensure that improvement actions identified through the DBV programme and Safety Valve preparations, and all mitigations listed within the DSG Management Plan 2024/25 to 2030/31, remain active and will be captured in the proposed single SEND and AP Strategy and Improvement Plan for use going forward.
 - (b) Completing our self-evaluation and identifying areas for development
 - As part of our ongoing standard evaluation activity, alongside inspection preparation activities, colleagues across the SEND

Partnership regularly update our SEND self-evaluation to ensure that it reflects recent improvements and feedback. SEND improvement actions from a previous iteration of our self-evaluation were captured through a drafted improvement plan presented to the SEND Executive Leadership Board. We need to ensure that a new SEND and AP Strategy and Improvement Plan addresses the areas for development identified in our most recent self-evaluation, along with any actions that may still be needed from the previously drafted SEND Improvement Plan.

(c) ILACS inspection and Improvement Plan

- An Ofsted inspection in February and March 2024 gave Cheshire East's children's services an overall grading of inadequate. A comprehensive Children's Services Improvement Plan has been agreed which clearly sets out the actions that will be taken to address the inspection findings and improve our offer for children and young people. To aid consistency and joint working, we will aim to align the content and format of a new SEND and AP Strategy and Improvement Plan, and monitoring activity, with this document.

(d) National improvement work

- activity has been taking place nationally to develop and pilot the recommendations set out in the DfE's SEND and Alternative Provision Improvement Plan published in March 2023. It is not yet known if or how the July 2024 change in national government will affect the implementation of this plan.

Consultation and Engagement

- 7 As a partnership we have signed up to TOGETHER in Cheshire East as our shared definition of co-production as it is inclusive to all. It is important that our new strategy and improvement plan is co-produced with our key stakeholders, including the voice of children and young people and their parents/carers. To support this, we are planning to hold workshop sessions with stakeholder groups during the 2024/2025 Autumn Term.
- 8 The proposed governance arrangements support co-production of improvements and joint, multi-agency working between stakeholders at all levels.
- 9 We also plan to produce and maintain a communications plan detailing how and when progress updates on the improvement work undertaken by the 0-25 SEND Partnership will be shared with different stakeholder groups.

Briefing Information

- 10 Following the recent period of feedback and reflection arising from close work with Department for Education (DfE) Advisors, a proposed new governance structure has been developed for the Cheshire East 0-25 SEND Partnership which is shown in **Appendix 1**. Note that membership of each group is still pending final agreement between partners and may be subject to further changes.
- 11 This new structure aims to ensure that improvements are completed effectively and at pace, and that there is continual evaluation of the impact of improvements on children and young people's experiences and outcomes, and financial sustainability. Key points of note include:
 - (a) A refreshed **SEND and AP Strategy and Improvement Plan** is proposed to bring together all SEND and AP improvement actions into one single plan (which will incorporate all mitigations identified in the DSG Management Plan for the time period of the strategy).
 - (b) The new **SEND Executive Oversight Panel** will be chaired by the council's Chief Executive. It will include executive directors across education, health and care, along with elected members, and will provide executive level leadership and oversight of the progress, outcomes and financial impact of the work carried out by the 0-25 SEND Partnership.
 - (c) Membership of the **0-25 SEND and AP (Alternative Provision) Partnership Board** is being refreshed and streamlined to ensure key multi-agency partners are represented at a senior level and to reduce duplication of membership at different levels. Members of this board will provide senior level guidance, scrutiny, financial monitoring and direction to monitor progress of the SEND and AP Strategy and Improvement Plan.
 - (d) A new **SEND Transformation Action Group** will appoint and assign improvement actions to dedicated Task and Finish Groups, and hold delivery leads of these groups accountable for completion of actions in line with agreed timescales.
 - (e) Temporary **Task and Finish groups** will each have an appointed delivery lead and will remain active only as long as is required to complete their assigned improvement actions. Once these actions have been completed, the group will close, and the delivery lead will be assigned new actions to complete with a new task and finish group.
- 12 Implementation of the new structure will start from the new 2024/2025 academic year.

- 13 The new single SEND and AP Strategy and Improvement Plan will incorporate all mitigations identified in the DSG Management Plan that are required over the next 3 years (noting that the DSG Management Plan is a 7 year plan) and will clearly pull together and outline in a single document all of the improvement work to be carried out by the SEND Partnership over the next 3 years. In doing so, we will remove any confusion regarding multiple SEND improvement action plans and positively focus our resources in order to achieve successful improvements at pace.
- 14 We are currently aiming to co-produce a complete draft of the new SEND and AP Strategy and Improvement Plan by January 2025. The completed draft document will be shared with Children and Families Committee for approval. Improvement work will still continue during the development of our new strategy and improvement plan. The development proposals are outlined in **Appendix 2**.
- 15 This improvement work is a fundamental change programme that will affect the whole system and will require all partners to work as one and ensure co-production with parents is at the heart of our plan. We know that we must do this for financial sustainability, but most importantly because our children and young people deserve to have the right education and support, in the right provision, at the right time, in order to support them to prepare for adulthood and to achieve successful outcomes.

Implications

Monitoring Officer/Legal

- 16 Part 3 of the Children and Families Act 2014 ('the Act') sets out the legal duties on the Local area partnership (the local authority, health partners, settings, schools and colleges) to identify and meet the needs of children and young people aged 0-25 with special educational needs and/or disabilities (SEND). The Act together with associated regulations are underpinned by statutory guidance - Special educational needs and disability code of practice: 0 to 25 years - Statutory guidance for organisations which work with and support children and young people who have special educational needs or disabilities.
- 17 'Local area partnership' refers to those in education, health and care who are responsible for the strategic planning, commissioning, management, delivery, and evaluation of arrangements for children and young people with SEND who live in a local area.

- 18 Ofsted and the CQC carry out joint inspections of local areas at the request of the Secretary of State for Education under section 20(1) (a) of the Children Act 2004.
- 19 Inspectors assess the extent to which the local area partners are complying with relevant legal duties relating to arrangements for children and young people with SEND. Relevant legal duties may include duties under the Children and Families Act 2014, the Equality Act 2010 and the Human Rights Act 1998. The relevant guidance is Area SEND inspections; framework and handbook (updated 5 April 2024).
- 20 Under the Local Government Finance Act 1992, the council has a statutory duty to use resources efficiently and effectively against priorities and to achieve a balanced budget. Section 28 (budget monitoring: general) of the Local Government Act 2003 requires the Council to review its calculations from time to time during the year and to take such action, if any, as it considers necessary to deal with any deterioration in its financial position.
- 21 The Dedicated Schools Grant (DSG) is paid to the Council by the Secretary of State under section 14 of the Education Act 2002 (power of Secretary of State to give financial assistance for purposes related to education or children etc.). The purposes of the financial assistance are set out at s14(2) of the Education Act 2002. The grant is paid as a ring fenced specific grant and it must be used to support the schools budget as defined in the School and Early Years Finance (England) Regulations 2024 which cover the financial year 2024-2025. Local authorities are responsible for determining the split of the grant between central expenditure and the individual schools budget (ISB) in conjunction with local schools forums. Local authorities are responsible for allocating the ISB to individual schools in accordance with the local schools' funding formula.

Section 151 Officer/Finance

- 22 There are no financial implications or changes required to the Council's MTFS as a result of the recommendations in this report.
- 23 However the boards, partnerships, strategies and governance arrangements proposed in this report will support the delivery of the DSG management plan and its associated financial implications.
- 24 The DSG management plan 2024/25 to 2030/31 forecasts an unmitigated cumulative DSG deficit of £1.2 billion by the end of 2023/31, reducing to £285 million if the plan is implemented successfully.

Policy

- 25 Local authorities are under a duty to ensure sufficiency of school places in their area (section 14 of the Education Act 1996).
- 26 The SEND Code of Practice (January 2015) provides statutory guidance on duties, policies and procedures relating to Part 3 of the Children and Families Act 2014 and associated regulations and applies to England. The Code of Practice is statutory guidance for many members of the Cheshire East 0-25 SEND Partnership, including the local authority, the health ICB and trusts, and educational settings.
- 27 The statutory duties include:
- the need to undertake a needs assessment where a child may have additional needs
 - to issue an education, health and care plan within 20 weeks where assessment provides evidence this is required to meet the assessed needs
 - the local authority must then secure an appropriate school place and must consult with parental preference
- 28 In March to July 2022, the DfE ran a consultation on their green paper on the future on SEND services entitled: “*SEND Review: Right Support, Right Place, Right Time*”. The Cheshire East 0-25 SEND Partnership response was in support of the proposals and in promptly making those legal requirements which would support the council (and partners) in delivery of the necessary changes.
- 29 Following the green paper consultation, in March 2023 DfE published their SEND and alternative provision improvement plan which sets out their plans to change the SEND and alternative provision system in England. The partnership will ensure we keep up to date with the [DfE roadmap and change programme](#) as this is progressed nationally, along with monitoring for any impact on this work arising from the July 2024 change in national government.

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An open and enabling organisation	A council which empowers and cares about people	A thriving and sustainable place
	Support all children to have the best start in life. Increase opportunities for all children and young	

	adults with additional needs. Ensure all children have a high quality, enjoyable education that enables them to achieve their full potential	
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Equality, Diversity and Inclusion

- 31 The *SEND Code of Practice* looks to ensure the assessed additional needs of children with special educational needs are provided for, to enable them to reach agreed outcomes.
- 32 Our new *Special Educational Needs and Disability (SEND) and Alternative Provision (AP) Strategy and Improvement Plan* will set out what we want to achieve as a partnership for children and young people with SEND in Cheshire East, and the key actions that we will carry out to achieve our priorities is our commitment to children and young people with additional needs and ensures they have appropriate support to aspire to achieve in line with peers.

Human Resources

- 33 There is no impact on human resources.

Risk Management

- 34 Our partnership approach to risk is to operate in a culture of creativity and innovation, in which risks are identified, understood and pro-actively managed, rather than avoided. We recognise that risks are inherent within innovation and are sometimes unavoidable. We aim to adopt a structured and coherent approach to identifying, assessing and managing risk to ensure an appropriate level of control in place, without stifling developments. We seek to adopt recognised best practice in the identification and evaluation of risks and opportunities, and to ensure that these are managed to acceptable levels in a proportionate and cost effective way.
- 35 Risk and issue registers will be maintained throughout the implementation of the strategy and improvement plan to capture the details of any arising risks and issues, along with all agreed mitigations. All risks are scored using a “4 x 4” scoring methodology, measuring impact and likelihood of the unmitigated and mitigated risk. All risks are identified as either threats (a possible future event or action which could adversely affect our ability to achieve our objectives) or opportunities

(an uncertain event or action that could enhance our ability to achieve our objectives) and a decision made on the type of response that is required (avoid, reduce, accept, transfer, exploit etc.). Risk owners and actioners will also be identified and recorded.

- 36 The Terms of Reference document for each group articulates a clear escalation process to ensure risks are proactively considered and managed and escalated where needed, e.g., risks that score highest will be escalated throughout the governance structure and reviewed by the SEND Executive Oversight group, while lower-level risks will be considered and managed by the SEND Transformation Action Group.

Rural Communities

- 37 There are no direct implications for rural communities.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

- 38 The council has approved its Children's Vision which contains a priority around children with additional needs.
- 39 The existing SEND Partnership Strategy 2021-2024 sets out the Partnership vision for meeting the needs of children and young people with SEND. This strategy was refreshed to include the DBV opportunities and mitigations within the DSG Management Plan in 2023. This report outlines plans to produce an updated SEND and AP Strategy and Improvement Plan.
- 40 Our co-produced vision states that we want all our children and young people with special educational needs and/or disabilities to be HAPI:
- Happy and healthy
 - Achieving their potential
 - Part of their communities
 - Independent as possible, making choices about their future

Public Health

- 41 Health and Wellbeing Boards have a duty to produce a Joint Strategic Needs Assessment (JSNA) for their area. The "Statutory Guidance on Joint Strategic Needs Assessments and Joint Health and Wellbeing Strategies" published by the Department of Health in March 2013 outlines the required scope of JSNAs; to identify health and social care needs that can be met or affected by the local authority (Cheshire East Council) in collaboration with the NHS. Work is currently being

undertaken on a refreshed SEND JSNA for Cheshire East, and we will ensure a new SEND and AP Strategy and Improvement Plan aligns with the findings in this document.

- 42 One element of the vision contained in the existing SEND Strategy is to ensure our children and young people with special educational needs and/or disabilities are happy and healthy. There are a range of priorities within the strategy that focus on mental health and wellbeing and effective access to health services.

Climate Change

- 43 Many Cheshire East pupils with SEND are educated out of borough at high costs and with long travel journeys. Improvements around sufficiency of educational placements will aim to reduce travel for our pupils and increase the number of pupils that are able to access education within their local community.
- 44 Where possible when considering new initiatives or developments:
- (a) systems that save on energy consumption will be considered, particularly for electricity.
 - (b) any internal works required to update buildings to make them fit for purpose will include a comprehensive review of the impact on climate factors.
 - (c) any significant changes that may take place will require full compliance with the latest building regulations relating to such factors as insulation/heat loss and energy efficiencies. Such factors will be key considerations as each scheme is developed through to full handover.

Access to Information	
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Appendices:	There are 2 appendices to this report: <ul style="list-style-type: none">• Appendix 1. 0-25 SEND Partnership Governance - August 2024• Appendix 2. Proposed Plan for Developing our new SEND Strategy - Sept 2024

<p>Background Papers:</p>	<p>Update on the progress of the key areas of the Dedicated Schools Grant Management Plan 2024/25 to 2030/31 CEC Briefing Report Template (cheshireeast.gov.uk)</p> <p>Revised Dedicated Schools grant Management Plan 2024/25 to 2030/31 C&F Committee 29 April 24 CEC Report Template (cheshireeast.gov.uk)</p> <p>Appendix 1 - Safety Valve DSG Management Plan.pdf (cheshireeast.gov.uk)</p> <p>DSG Management Plan 2022-23 – C&F Committee September 2022 - Decision report template (cheshireeast.gov.uk)</p> <p>15 DSG Management Pan 2023-2024 – C&F Committee September 2023 CEC Report Template (cheshireeast.gov.uk)</p> <p>Delivering Better Value Update C&F Committee March 2023 - Decision report template (cheshireeast.gov.uk)</p> <p>SEND & AP Green Paper - SEND and alternative provision improvement plan - GOV.UK (www.gov.uk)</p> <p>Children and Families Committee 18 September 2023:</p> <ul style="list-style-type: none"> • SEND Strategy 2. SEND Strategy.pdf (cheshireeast.gov.uk) • SEND Sufficiency Statement CEC Report Template (cheshireeast.gov.uk) • Capital Programme CEC Report Template (cheshireeast.gov.uk) <p>This link provides information on Safety Valve agreements with other local authorities - Dedicated schools grant: very high deficit intervention - GOV.UK (www.gov.uk)</p>
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