

# **Children and Families Scrutiny Committee Agenda**

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**Date:** Tuesday, 13th December, 2011  
**Time:** 1.30 pm  
**Venue:** Committee Suite 1,2 & 3, Westfields, Middlewich Road,  
Sandbach CW11 1HZ

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

## **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

2. **Minutes of Previous Meeting** (Pages 1 - 8)

To approve the minutes of the meeting held on 15 November 2011.

3. **Declaration of Interest/Party Whip**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for members to declare the existence of a party whip in relation to any item on the agenda.

4. **Public Speaking Time/Open Session**

A total period of 15 minutes is allocated for members of the public to make a statement(s) on any matter that falls within the remit of the Committee.

Individual members of the public may speak for up to 5 minutes, but the Chairman will decide how the period of time allocated for public speaking will be apportioned, where there are a number of speakers.

Note: In order for officers to undertake any background research, it would be helpful if members of the public notified the Scrutiny officer listed at the foot of the agenda, at least one working day before the meeting with brief details of the matter to be covered.

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For any apologies or requests for further information, or to give notice of a question to be asked by a member of the public

**Contact:** Mark Grimshaw  
**Tel:** 01270 685680  
**E-Mail:** mark.grimshaw@cheshireeast.gov.uk

5. **Draft Special Educational Needs and Disability Policy** (Pages 9 - 56)

To consider a report of the Head of Strategy, Planning and Performance.

6. **Children and Families Budget** (Pages 57 - 62)

To consider a report of the Strategic Director of Children, Families and Adults.

7. **Work Programme update** (Pages 63 - 74)

To give consideration to the work programme.

8. **Forward Plan - extracts** (Pages 75 - 76)

To note the current Forward Plan, identify any new items and to determine whether any further examination of new issues is appropriate

9. **Consultations from Cabinet**

To note any consultations referred to the Committee from Cabinet and to determine whether any further action is appropriate.

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Children and Families Scrutiny Committee**  
held on Tuesday, 15th November, 2011 at Committee Suite 1,2 & 3,  
Westfields, Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

Councillor A Kolker (Chairman)  
Councillor K Edwards (Vice-Chairman)

Councillors L Brown, S Gardiner, P Hoyland, D Mahon, D Neilson, W Livesley,  
G Merry, M Sherratt and B Silvester

**In Attendance**

Councillors H Gaddum, R Bailey and D Flude.

**Apologies**

J McCann, J Kelly and Lorraine Butcher

**Officers**

Fintan Bradley - Head of Strategy, Planning & Performance  
Mark Bayley – Quality Assurance Principal Manager  
Anne Gadsden – Monitoring and Intervention Manager  
Diane Taylor - Partnerships and Planning Manager  
Steve Tatham - Commissioning Manager - Integrated Commissioning Unit  
Mark Grimshaw – Scrutiny Officer

**108 APOLOGIES FOR ABSENCE****109 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 18 October 2011 be approved as a correct record.

**110 DECLARATION OF INTEREST/PARTY WHIP**

Councillor Stewart Gardiner declared a personal interest on the grounds that he was a Governor of one of the schools referred to in item 7.

**111 PUBLIC SPEAKING TIME/OPEN SESSION**

There were no members of the public who wished to address the Committee.

**112 'CHILD & ADOLESCENT MENTAL HEALTH SERVICES' (CAMHS) OVERVIEW**

Steve Tatham introduced himself as the commissioning manager from the 'Integrated Commissioning Unit' – a service jointly provided by the Central and Eastern Cheshire Primary Care Trust (CECPCT) and Cheshire East Council.

In outlining the most salient points from the report, Steve Tatham firstly referred to the high and increasing demand for 'Autistic Spectrum Diagnostic Services' in the Eastern part of Cheshire East (Macclesfield, Congleton and Alsager). He reported that this had led to longer waiting times for assessment but that this was being addressed by implementing an integrated single point of access for children, families and professionals who might require advice, training, consultation, assessment and ongoing support.

Steve Tatham continued to note that 'The Integrated Commissioning Unit' commissioned mental health services on a continued support basis from two bases in Macclesfield and Crewe. He explained that this meant the service model was based around a 'tiered approach' of universal, targeted and specialist services respectively. Attention was drawn to the appendix provided which gave a more detailed breakdown of the range of services available.

Steve Tatham reported that within this service model, prevention and intervention were two key themes. He explained that in line with this, Cheshire East Council in partnership with Cheshire West and Chester, PCT's and Clinical Commissioning Groups were establishing two new nationally led evidenced based programmes which were due to start in April 2012. These were as follows:

- The 'Family Nurse Partnership (FNP) programme – Intensive and therapeutic support for 100 first time teenage mothers
- A 'Multi-Systemic Therapy' (MST) programme – Intensive support to prevent children and young people entering care and/or custody.

In terms of the 'Family Nurse Partnership' programme, it was queried whether it was appropriate to deal with teenage pregnancy as a mental health issue. Steve Tatham explained that as teenage parents tended to be isolated, evidence showed that they were more prone to post-natal depression and other related issues. Therefore the aim of the programme was to try and provide assistance to improve the life chances of both the parent and child.

It was questioned why the Eastern part of the Borough had longer waiting times for autistic spectrum assessments. Steve Tatham explained that this was due to the historical legacy of how the PCT footprint used to function. In the 'central' part of Cheshire which included areas such as Crewe and Middlewich there had been a history of integration and harmonisation of services which was not present in the East. It was expected that this would be addressed by putting in place an integrated single access point in the Eastern part of the Borough.

A comment was made with regards to the process of applying for Individual Pupil Funding (IPF). It was asserted that the process was difficult and that it was very rarely granted. It was queried therefore, whether the process could be simplified. Fintan Bradley reported that this was one of the issues that the ongoing SEN Review was looking at and that they were exploring reducing the bureaucracy around the IPF.

It was stated that a number of children in care would benefit from support from the CAMHS service. It was asserted however, that this care was very often slow to arrive and by the time it had been made available, the child had already moved on. It was queried therefore whether children in care had a 'fast track' option

available to them for accessing CAMHS services. Steve Tatham reported that the CECPT had invested £100,000 to support cared for children. He acknowledged however that the threshold for accessing these services was relatively high and that the challenge, as was with all children, was widening access to low-level preventative support; something which the service was seeking further investment in. Steve Tatham also noted that the service needed to start asking children themselves about the services they received in order to make improvements.

Referring to the recommendation which suggested the Committee support further investment into a preventative approach to the emotional health and wellbeing of children and young people and their families, a number of queries were made regarding how this investment would be constituted. Indeed, it was firstly asked what current funding was in place proportionately from each organisation and who managed this in terms of allocation for CAMHS as a whole and the preventative agenda. Secondly, it was questioned how the investment needs had been worked out, where it was expected the money would be spent and from which organisations proportionately would the extra funds come from. Steve Tatham confirmed that he would distribute this information to the Committee for consideration.

It was queried where a young person in Cheshire East would be placed in they required a residential bed. Steve Tatham confirmed that these beds were commissioned on a Cheshire and Merseyside footprint and therefore the beds were in Chester. He acknowledged that this was not ideal in terms of travel distance for relatives but that it was not affordable to have a unit in Cheshire East for three to four young people.

As a final point, it was suggested that it would be useful for the Committee to receive a geographical map indicating where services relating to CAMHS were located. Steve Tatham confirmed that he would distribute this to the Committee.

### RESOLVED –

- a) That the report be received
- b) That the Committee support the work to integrate the existing autism provision into a single 'multi-agency' pathway to improve the autism assessment and support pathways across the authority.
- c) That the Committee support further progress in preventative approaches and services to meeting the emotional health and wellbeing needs of children, young people and their families/carers.
- d) That more detail on the financial background and requirements for increasing investment into preventative approaches be circulated to the Committee for consideration. That this information include:
  - a. What current funding was in place proportionately from each organisation for CAMHS as a whole and for the preventative agenda?
  - b. Who managed the current budget in terms of allocation?
  - c. How the investment needs had been worked out.
  - d. Where it was expected the money would be spent and from which organisations proportionately would the extra funds come from.

- e) That a geographical map indicating where services relating to CAMHS were located be circulated to the Committee.

113 **CHILDREN'S TRUST AND CHILDREN AND YOUNG PEOPLE'S PLAN  
2011-2014**

Diane Taylor, Partnerships and Planning Manager attended to provide the Committee with the background to the Children's Trust, including its roles, plans, achievements and future challenges. She also presented the newly developed Children and Young People's plan which had been produced for and in consultation with Children and Young People.

Diane Taylor reported that the government had removed the requirement on local authorities to set up to set up Children's Trust Boards and the requirement on those Boards to prepare and publish a joint Children and Young People's Plan. However, she explained that Cheshire East Children's Trust had recognised the importance of strong partnership working in meeting the needs of all children. As a result, the Trust made the decision to continue to work together as an effective partnership and saw this as an opportunity to address the issues that are most important to the Children and Young People in Cheshire East with solutions that are based on local need.

Referring to the future of the Trust and the Young People's plan, Diane Taylor outlined the outcomes that she expected to be achieved how these would be delivered and managed. She suggested that a report be brought back to the Committee in six months to review progress on the proposed outcomes.

In opening the questions, a concern was expressed that in a climate of savings and spending restrictions, Cheshire East was continuing to proceed with a service that was no longer required by the government. It was queried whether this was worthwhile. Councillor Gaddum explained that she felt that it was vital to retain the Trust as it was a rare opportunity to bring together a number of agencies and authorities to work collaboratively in a meaningful way. She reported that this not only created efficiencies by reducing duplication and creating budgetary accountability but most importantly, created better outcomes for the wellbeing of children and young people in Cheshire East. Whilst the Committee accepted and supported this argument it was suggested that the budgetary implications of retaining the Trust could be brought as part of the update report along with evidence of any possible savings the joint working fostered by the Trust had produced.

It was also suggested that it would be useful for the Committee to receive the minutes of the Trust meetings as this would provide an insight to the work that was being done on a day-to-day basis. Diane Taylor confirmed that these would be circulated when available.

**RESOLVED –**

- a) That the report be received
- b) That the Committee supports the work of the Trust as the best way of achieving joined up, integrative working for the benefit of children and young people in Cheshire East.
- c) That an update report be brought back to the Committee in six months outlining the progress against the Trust's proposed outcomes and priorities and that this report

include the budgetary implications of retaining the Trust along with evidence of any possible savings the joint working fostered by the Trust had produced.

- d) That the minutes of each respective Trust meeting be circulated to the Committee for their information.

114      **ADDRESSING SCHOOL UNDERPERFORMANCE : LOCAL  
AUTHORITY INTERVENTIONS INCLUDING THE 'IMPROVING OUTCOMES  
PROGRAMME' (IOP)**

Mark Bayley, Quality Assurance Principal Manager and Anne Gadsden, Monitoring and Intervention Manager attended to firstly update the Committee on the systems that were in place to monitor underperforming schools and secondly to outline the process and impact of the Improving Outcomes Programme.

Mark Bayley explained that there had been a number of changes to the relationship between local authorities and schools, particularly with regard to monitoring and improving performance. He noted that a recent reduction in school improvement funding to Local Authorities had resulted in a major review of school improvement functions. A result of this was the retention of a small monitoring and intervention team with a commissioning budget to secure intervention strategies where required.

Anne Gadsden moved on to discuss the information provided in appendix c which outlined details on the schools being supported by Cheshire East through the Improving Outcomes Programme.

It was noted that several primary schools had not met the 60% SATS floor target for Level 4 in English and Maths. It was queried therefore why all of these schools were not in the Improving Outcomes Programme. Mark Bayley explained that it was only schools with yearly cohorts of over 10 pupils that were judged against the target criteria.

Attention was drawn to the fact that no information had been provided on what Cheshire East was doing to improve 'coasting' schools. It was suggested that it would be useful to have 'value added' information in future reports so that 'coasting schools' could be identified. Mark Bayley explained that it had been difficult to provide this information as the definition of a 'coasting school' was unclear. He reported that the Department for Education were due to publish some guidance on 'coasting schools' and when this was available, information would be incorporated into future reports.

It was suggested that when a school receives an Ofsted report, the relevant ward Councillor(s) should be informed and briefed by officers so that any constituent queries could be answered. Indeed, it was also suggested that ward Councillors should be informed of any problems in schools in their area.

It was queried why Oakefield Primary School was being allowed to expand its pupil number when it was in special measures. Anne Gadsden explained that Cheshire East were confident in the leadership team at the school to deliver on the expansion. She also noted that there was a population 'hot spot' in the area and therefore an expansion was necessary.

As a final point, Fintan Bradley drew attention to the fact that the landscape between schools, local authorities and performance had changed considerably in the last couple of years. He noted that there had been a significant erosion of national strategies and advising bodies and that Cheshire East only had three officers doing work related to school performance on behalf of the local authority. The Committee accepted this point but suggested that it was important that detailed school performance figures needed to be circulated so that informed questions could be asked regarding educational disparities in Cheshire East. It was also suggested that updated versions of appendix c be brought to subsequent Committees as part of any future general performance reports. As an aside, it was suggested that it would be useful to include the date of publication for the OfSTED report when it is referred to in the table.

RESOLVED –

- a) That the report be noted
- b) That when a school receives an OfSTED report and/or when a school has a number of issues identified, the relevant ward Councillor be made aware and adequately briefed.
- c) That detailed performance data relating to Cheshire East Schools be circulated to Members when available.
- d) That 'appendix c' be brought back to the Committee as part of the regular performance report and that this include the date of publication for respective OfSTED reports.

115      **DRAFT SPECIAL EDUCATIONAL NEEDS AND DISABILITY POLICY**

Fintan Bradley, Head of Strategy, Planning & Performance, attended to present the draft Special Educational Needs and Disability Policy. Setting the context, he explained that in 2010, Cheshire East began a process of reviewing its educational arrangements for children and young people with Special Educational Needs and Disability (SEND).

Fintan Bradley suggested to the Committee that they consider the proposed SEND policy and offer feedback on the draft document.

It was asserted that as this was a vital document for the Council, it needed further and closer scrutiny. It was suggested therefore that the item be deferred to the next meeting and that site visits to the respective special schools in Cheshire East be arranged.

RESOLVED –

- a) That the draft SEND policy be brought back to the Committee on 13 December 2011 for further consideration.
- b) That site visits to the special schools in Cheshire East be arranged.

116      **WORK PROGRAMME UPDATE**

Members considered the work programme.



RESOLVED –

- a) That the following items be deferred until January 2012:
  - a. The impact on council services following the opening of Academies
  - b. Out-of-Borough Care Placements Task and Finish Report from Lancashire County Council
  - c. Disabled Respite Care
- b) That the Quarter 2 budget report be brought to the next scheduled meeting.

117      **FORWARD PLAN - EXTRACTS**

The Committee gave consideration to the extracts of the forward plan which fell within the remit of the Committee.

RESOLVED – That the forward plan be noted.

118      **CONSULTATIONS FROM CABINET**

There were no consultations from Cabinet.

The meeting commenced at 1.30 pm and concluded at 4.30 pm

Councillor A Kolker (Chairman)

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## **CHESHIRE EAST COUNCIL**

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

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<b>Date of Meeting:</b>	13 <sup>th</sup> December 2011
<b>Report of:</b>	Lorraine Butcher, Director of Children's, Families and Adults
<b>Subject/Title:</b>	Draft Special Educational Needs and Disability Policy
<b>Portfolio Holder:</b>	Councillor Hilda Gaddum

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#### **1.0 Report Summary**

- 1.1 In 2010, Cheshire East Local Authority began a process of reviewing its educational arrangements for children and young people with Special Educational Needs and Disability (SEND).
- 1.2 The SEND plan has six key strategic priorities, which are supported by wider working groups which provide access and analysis to the networks represented by the members of that group.
- 1.3 The six key strategic priorities and remits are outlined below

1. Parental confidence	<ul style="list-style-type: none"> <li>Identify issues that are of concern to parents and carers of children with SEND and support recommendations</li> </ul>
2. Resourced provision	<ul style="list-style-type: none"> <li>Produce a model or range of models which will deliver early intervention &amp; prevention</li> <li>Consult on the identified model for resourced provision and implement.</li> <li>Commission resourced provision for Autistic Spectrum Condition (ASC)</li> </ul>
3. Funding	<ul style="list-style-type: none"> <li>Review funding arrangements</li> <li>Transfer, where appropriate, funding from high cost specialist arrangements to funding high quality prevention and early intervention services</li> </ul>
4. Current pathways for access to SEN Services	<ul style="list-style-type: none"> <li>Review current processes and practice</li> <li>Establish a 'lean' thinking model of access to services and funding</li> <li>Create an access pathway 0-25 using agreed thresholds</li> </ul>
5. SEND Policy	<ul style="list-style-type: none"> <li>Develop a SEND Policy</li> <li>Consult and implement SEND Policy.</li> </ul>
6. Alternative/Specialist provision	<ul style="list-style-type: none"> <li>Establish high quality alternative provision ensuring access to appropriate learning which meets the needs of children with SEND and improves their life chances</li> </ul>

- 1.4 The Special Education Needs review has received feedback from schools, partners and parents/carers that has highlighted the requirement for a clearly stated Special Educational Needs and Disability (SEND) policy, which reflects the priorities for SEND provision, principles, aims and objectives.
- 1.5 Cheshire East Children and Families Services has drafted a policy on SEND (Appendix A) which sets out the policy framework within which the local authority and its partners will maintain and develop provision for children and young people with special educational needs and disability from birth to 25 years of age.

## **2.0 Recommendation**

- 2.1 As part of the consultation process Children and Families Scrutiny Committee are asked consider the proposed SEND policy and provide feedback to officers on the draft document.

## **3.0 Reasons for the Recommendation**

- 3.1 The council has a statutory responsibility to have a policy that sets out how it will provide services and support for children and young people who have special educational needs and disability.
- 3.2 The policy reinforces Cheshire East Council's commitment with its partners to continue supporting, maintaining and developing a range of high quality provision to meet the needs of children and young people with special educational needs and disability

## **4.0 Wards Affected**

- 4.1 All

## **5.0 Local Ward Members**

5.1 All

## **6.0 Policy Implications including**

6.1 The SEND review has highlighted the requirement for a SEND policy. The Local Authority (LA) has a statutory responsibility to provide services for children and young people who have special educational needs and disability.

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

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

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

8.1 The LA has a range of statutory duties for SEND of which include<sup>1</sup>:

- Keep under review LA arrangements for SEND provision
- Identify and assess needs of SEND children, matching with additional appropriate provision
- Plan strategically with schools and other significant partners to develop systems for monitoring and accountability for SEND
- Provide high quality support and service delivery to schools
- Develop co-ordinated multi-agency SEND provision
- Promote high standards in education for SEN pupils
- Improve accessibility to curriculum, premises and written information for pupils with SEND
- Consult the governing bodies of maintained schools and nurseries in its area for the purpose of co-ordinating SEND provision

## **9.0 Risk Management**

9.1 The risks include:

- The Local Authority not fulfilling its statutory duties

## **10.0 Background**

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<sup>1</sup> SEN Code of Practice, SEN and Disability Act, Disability Discrimination Act 1995 and 2005, Government Strategy for SEN, ECM, OFSTED integrated inspection framework for Children Services, National Service Framework for Children, Young People and Maternity Services.,

**10.1** In 2010, Cheshire East Local Authority began a process of reviewing its arrangements for children and young people with Special Educational Needs and Disability (SEND).

**10.2** The key drivers of the review are:

- concern with addressing a number of issues raised by stakeholders,
- compliance of statutory responsibilities against the backdrop of a national radical recasting of services for SEND,
- limitations of the range of specialist and resourced provision,
- Individual Pupil Funding (IPF),
- lack of a clearly stated SEND policy,
- assessment pathways and,
- the implications of the Green Paper 'Support and Aspiration' ( A new Approach to Special Educational Needs and Disability) March 2011.

**10.3** The aim of the SEND review was to address the drivers set out above, address challenges, identify and formulate priorities for improvements in the effectiveness and efficiency of provision for children, young people with SEND and their families.

**10.4** The LA has a general responsibility to promote high standards for all pupils, including those who have special educational needs and disability. The aim of the SEND policy is to describe the provision of support for children/pupils with SEND within the LA.

**10.5** Underpinning the SEND Policy is a national framework, which provides guidance as to the way in which the LA and local partners will implement the policy.

**10.6** The framework includes:

- The United Nations Educational Scientific Cultural Organisation (UNESCO) Salamanca Statement (1994) which reinforces the notion that all pupils should attend their local community mainstream school "unless there are compelling reasons for doing otherwise."
- The Disability Discrimination Act 1995, which aimed to end discriminatory practices faced by many disabled people.
- The 1996 Education Act, which made provision for the publication of the SEN Code of Practice, designed to give education providers guidance on the identification and assessment of children and young people with special educational needs.

- The 1997 Government publication “Excellence for All Children – Meeting Special Educational Needs” which sets out a strategy for improving the standards for pupils with SEN
- The 1998 publication “Meeting Special Educational Needs – A Programme of Action” which, in conjunction with the 1999 Disability Rights Task Force Report “From Exclusion to Inclusion”, reinforces the rights of all pupils to be educated in mainstream schools
- The Special Educational Needs and Disability Act (2001), which amended the Disability Discrimination Act (1995) to make it unlawful for education providers to discriminate against disabled pupils, students and adult learners. As a result, education providers must make reasonable adjustments to ensure that disabled people in education do not suffer a substantial disadvantage in comparison to their peers who are not disabled. Part 1 of the Act strengthens the rights of children and young people with special educational needs to be educated in mainstream settings. The Act also requires schools and LAs to plan strategically to increase access to education.
- The revised SEN Code of Practice , which takes account of the Special Educational Needs and Disability Act (2001) and “provides practical advice to Local Authorities, maintained schools, early education settings and others on carrying out their statutory duties to identify, assess and make provision for pupil’s special educational needs.

10.7 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.

10.6 The Government will set out detailed plans by the end of 2011, which will form the basis for the legislative changes which will be taken forward from May 2012 at the earliest. The SEND policy reflects the main themes and ethos of the Green Paper.

## 11.0 Access to Information

11.1 Further background papers relating to this report include the:

- END Draft Policy (Appendix A) S
- END Consultation documentation (Appendix B) S

11.2 These can be inspected by contacting the report writer or are available from the Cheshire East Website [www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk)  
 Name: Fintan Bradley  
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**Appendix A – Draft SEN Policy Document**

**Appendix B Consultation Document**



# Special Educational Needs and Disability Policy

## (0-25)

### 2011-2014

Page 17

Version: 2.1

Issue Date: November 2011	Responsibility/owner: Fintan Bradley
Review Date: 2012	Equality Impact Assessment ref:CHI

## SEND POLICY

### Cheshire East Council 2011- 2014

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## Introduction

### No Child or Young Person is Left Behind

The Local Authority's (LA) Special Educational Needs and Disabilities (SEND) Policy 2011- 14 sets out the actions which will be taken by the Children and Families Service, and our partners, to ensure that the needs of children and young people aged 0 to 25 with SEND are met effectively, and that they have every opportunity to access high quality provision as close to their local community as possible.

The policy defines the roles and responsibilities of service providers and sets out the support that parents, children and young people can expect to receive, in order to ensure that ***NO CHILD OR YOUNG PERSON IS LEFT BEHIND*** and that every child and young person achieves the best possible outcomes.

## Vision

Cheshire East Council's vision for Special Educational Needs and Disabilities is:

***“To work together to ensure all children have a fair start in life”***

The overarching vision for Children and Families is:

***“For Cheshire East to be a place where all children and young people are supported well to maximise their life choices”***

***“To provide responsive, locally based services which makes sense to children, young people and their families, that addresses their needs earlier”***

***“To be a place where no child or young person is left behind because organisations do not work together”.***

It is our aim to work with a range of service providers to ensure that ***NO CHILD OR YOUNG PERSON IS LEFT BEHIND*** and that every child and young person receives the support they need to lead successful lives.

## Principles

Our vision is underpinned by a number of shared principles that guide the provision and commissioning of services for children and young people with special educational needs and disabilities.

Children and young people in Cheshire East with special educational needs and disabilities have an entitlement to:

- Effective early intervention based on a secure assessment of their needs
- Quality first teaching, wherever possible in a mainstream school, that is as close to their home as possible
- Specialist provision if their needs cannot be met in a mainstream school or college
- Provision which gives best value for money at the right time in the right place
- Support from services and agencies which work well together to provide the right service, at the right time, in the right way
- Services which listen and involve them in decisions about matters which directly affect them
- Services which involve their parents/carers as equal partners in their education
- High quality SEND information, which is easy to find, up to date, relevant and available in a range of formats
- The right support as they make the transition from one setting to the next, into the world of work and into supported or independent living

## Scope of the Policy

This policy applies to all children and young people in Cheshire East between the ages of 0 -25 who have SEND and to whom the Authority has a statutory obligation as defined by the Education Act 1996 and the SEN Code of Practice (2001). The policy applies equally to all pupils and their families whatever their gender, ethnic origin, home language, religion, disability or social circumstances.

This policy also has implications for all our partners in the SEND process, i.e. schools/colleges, independent specialist providers, governing bodies, parents/carers and statutory/voluntary agencies.



## Definitions

For the purpose of this policy the definitions provided in this section are taken from the legislative framework that underpins provision for pupils with Special Educational Needs and Disabilities.

**‘Children and young people aged to 0 – 25 with additional needs’** is a broad term used to describe all those at risk of poor outcomes as defined by the 5 outcomes (“Every Child Matters”). An estimated 20-30% of children have additional needs at some point in their childhood, requiring extra support from education, health or social care. This could be for a limited period, or on a long term basis.

Children have **special educational needs** if they have a learning difficulty which calls for special educational provision to be made for them.

Children have a **learning difficulty** if they:

- a) have significantly greater difficulty in learning than the majority of children of the same age (it is proposed there will be a set of national descriptors, which will define the term ‘significant’); and/or
- b) have a disability which prevents or hinders them from making use of educational facilities of a kind provided for children of the same age; and
- c) are under compulsory school age and fall within the definition of (a) or (b) above or would do so if special educational provision was not made for them.

Children and young people must not be regarded as having a learning difficulty solely because the language or form of

language of their home is different from the language in which they will be taught.

**Special educational provision** means:

- a) for children of two or over, educational provision which is additional to, or otherwise different from, the educational provision made generally for children of their age in schools maintained by the LA (other than special schools in the area); and
- b) for children under two, educational provision of any kind (Education Act, 1996)

**Children and young people with a disability** are defined under the Equality Act 2010 as having a physical or mental impairment, which has substantial and long-term effect on his or her ability to carry out normal day-to-day activities. Impairment does not itself mean that a child or young person has a disability; it is how this impairment affects normal day-to-day activities and whether or not this is a long-term and substantial impairment.

**‘Long-term’** is defined in the Equalities Act 2010 as having lasted or being likely to last 12 months or more. Ability to carry out day-to-day activities must affect one or more of the following:

- mobility;
- manual dexterity;
- physical co-ordination;
- continence;
- ability to lift or carry or otherwise move every day objects;
- speech, hearing or eyesight;
- memory or ability to concentrate, learn or understand;

- perception of risk.

**‘Physical impairment’** includes sensory impairment and mental impairment including learning difficulties and an impairment resulting from, or consisting of, a mental illness. The definition can include a wide range of impairments, including hidden impairments such as dyslexia, autism, speech and language impairments and Attention Deficit Hyperactivity Disorder (ADHD). Pupils with severe disfigurements are also covered by the Equalities Act 2010, as are those with progressive conditions that are likely to change over time such as cancer.

Many, although not all, children and young people with a disability will have a special educational need if they have difficulty accessing education or if they need special educational provision to be made for them.

The term Learning Difficulties and/or Disabilities (LDD) is used to refer to individuals or groups of learners who have either a learning difficulty in relation to acquiring new skills or who learn at different rates to their peers and who have a disability as defined under the Equalities Act 2010.

The terms **SEND** and **LDD** are often used interchangeably. However, for the purposes of this policy, and the LA’s Children and Young People’s Plan, children and young people with SEND include children with LDD but do not exclusively make up this vulnerable group.

## Cheshire East - Context

Cheshire East Council came into being in April 2009, when Cheshire County Council was disaggregated and two new unitary authorities were formed. As the Children's Act 2004 placed a new duty on agencies to co-operate to improve outcomes for children and young people and established new Children's Services Authorities, the new Cheshire East Children and Families Service was established in September 2009.

The mid-year estimates for 2007 suggested that Cheshire East had a population of 360,700. There are just over 80,000 children and young people aged 0 to 18 in Cheshire East. 19,800 aged between 0 to 4, 20,000 aged between 5 to 9, 22,100 aged between 15 to 19. Approximately 6,500 Cheshire East children and young people that live in

LSOAs fall into the 20% most disadvantaged in the country.

### ***Key strategies and priorities***

The following documents provide strategic direction to the policies of the Children and Families Service:

[The Cheshire East Sustainable Community Strategy 2010 – 2025](#)

[The Cheshire East Council Corporate Plan](#)

[The Children and Young People's Plan](#)

[The Children and Families Service Plan](#)

### ***The Special Educational Needs and Inclusion Team***

The Special Educational Needs and Inclusion Team discharge the LA's statutory responsibilities for children and young people with special educational

needs and disabilities. The team and consists of:

- Statutory Assessment and Monitoring Team
- Educational Psychology Service
- Sensory Inclusion Service (Vision and Hearing Support)
- Early Years Service
- The Child Development Service
- Autism Support Service
- Medical Needs
- Elective Home Education

The future pattern of provision, including support and outreach services for children and young people with Autism Spectrum Conditions (ASC) and/or Behavioural Difficulties (behavioural, emotional and social development or BESD) is under review.

The 14-25 Team discharge the LA's statutory responsibilities to secure suitable education and training opportunities for young people. The team must take account of autonomous schools, colleges and other education and training providers to ensure all sectors work in partnership with each other, and the local authority, to meet the needs of young people.

### ***Children and Families approach***

The Specialist Services described above provide support for schools based on an Early Intervention Model. This model describes provision across a continuum from Universal provision, for all children living within the borough, through to Targeted Complex and Specialist provision, which is targeted at children identified as having complex and special needs. The model of early intervention

provision for SEND is set out in Appendix 2.

Additional resources are also made available to some schools in areas of high deprivation, which recognises their greater need for input and supports collaborative working. This additional support leads to better outcomes for the children at these schools.

### ***Cheshire East Parents' and Carers' Voice***

This parental support group has produced a report entitled 'The Parents' Perspective on Special Education in Cheshire East', providing insights into their children's experiences of special educational needs in their schools, and providing some recommendations for action. [Link](#)

## National Context

### **Legislative framework**

The Local Authority must provide services for children and young people with special educational needs or disabilities in line with the statutory framework set out in:

- [SEN Code of Practice 2001](#)
- [Education Act 2002](#)
- [Education Act 1996](#)
- [Education and Inspections Act 2006](#)
- [Education and Skills Act 2008](#)
- [Apprenticeships, Skills, Children and Learning Act 2009](#)
- [Equality Act 2010](#)

### **Special Educational Needs and Disabilities Green paper**

The publication of the government's Green Paper, '[Support and Aspirations: A new approach to special educational needs and disability](#)', March 2011 marks the start of a period of consultation and testing in

local areas from September 2011. The Government will set out detailed plans by the end of 2011, which will form the basis for the legislative changes which will be taken forward from May 2012 at the earliest. This policy reflects the main themes and ethos of the Green Paper.

### **National policy framework**

The policy is also governed and informed by the following national policies and guidelines:

- [Supporting young people with learning difficulties to participate and progress, DfE \(2010a\)](#)
- [Ofsted Common Inspection Framework for Further Education and Skills, 2009](#)
- [Healthy Lives, Brighter Futures: The Strategy for Children and Young People's Health, 2009](#)
- [Aiming High for Disabled Children: better support for families, May 2007](#)

- [Improving the Life Chances of Disabled People, 2005](#)
- [National Service Framework for Children and Young People and Maternity Services, 2004](#)
- [Removing Barriers to Achievement - The Government's Policy for Special Educational Needs and Disability, 2004](#)
- [Inclusive Schooling - Children with Special Educational Needs, Guidance 2001](#)
- [REACT 2010 Commissioning Funding and Funding for 16-19 Education and Training - High Level Guide for Local Authorities](#)
- [Young People's Learning Agency \(YPLA\) Placement Technical Guidance for Independent Specialist Providers, 2011/12](#)
- [Assessments Relating to Learning Difficulties, 2010](#)

**Government reviews**

The policy is also influenced by strategic developments of the following Government reviews:

- [Ofsted Review SEND, 2010](#)
- [Salt Review, 2010](#)
- [Lamb Inquiry, 2009](#)
- [Bercow Review, 2008](#)
- [Rose Review, 2008](#)
- [Aiming High for Disabled Children, 2008](#)
- [Learning for Living and Work Framework, \(LflW\) 2010](#)

## Local Authority – Role and Responsibilities

The Local Authority has a number of key statutory responsibilities which are set out in this section of the policy.

### ***Providing Information***

The LA has a responsibility to provide information as set out under Schedule 2 of the SEN Regulations to:

- Promote high standards of education for children and young people with SEND
- Encourage children and young people with SEND to participate fully in their school and community to take part in decisions about their education
- Encourage schools in their area to share their practice in providing support for children and young people with SEND

- Work with other statutory and voluntary bodies to provide support for children and young people with SEND

The Children and Young People's Plan, together with key priorities in the Children and Families service plans, provide information about the actions that Services for Children and Families taking with respect to the above.

### ***Identifying children with SEND***

The SEND and Inclusion Team and the Early Years Team work on an ongoing basis with health services, all settings, schools and a range of agencies. They will identify children with SEND of all levels of intervention, taking into account the action taken by the setting or school, and the progress made by the child and young person, in accordance with the SEN Code of Practice.

### ***Monitoring the admission of children with SEND to maintained schools***

The schools admission team is responsible through the admissions forum for setting out the LA's policy in relation to the admission of children with SEND and

our response, where this gives cause for concern or complaint.

The statutory assessment and monitoring team is responsible for the admission to school of a child with a statement of SEN. The procedure followed is in accordance with schedule 27 of the Education Act 1996.

The LA Admissions Team and the SEND and Inclusion Team liaise to address concerns relating to admissions procedures and time scales.

The percentage of statements amended by 15th February each year for phase transfers is monitored and action taken where needed by The Statutory Assessment and Monitoring team.

### ***Organising the assessment of children's special educational needs***

Organising the assessment of children's special educational needs under section 323 of the Education Act 1996 is carried out by the Statutory Assessment and Monitoring Team, in accordance with guidance in Sections 7 and 8 of the SEN Code of Practice, 2001.

In 2007 the LA introduced a funding mechanism called Individual Pupil Funding (IPF). IPF is a funding stream for children and young people who in the past would have undergone a statutory assessment. IPF still acknowledges where the child has needs beyond the level which can reasonably be funded through the school budget. Individual Pupil Funding is currently under review.

***Organising the making and maintaining of statements including any local protocols***

This is carried out in accordance with guidance in Sections 7 and 8 of the SEN Code of Practice 2001, by the Statutory Assessment and Monitoring Team.

***Providing information for parents/carers, settings and schools***

Information for parents of children and young people with SEND is provided through the [Parent Partnership Website](#).

The [Family Information Service](#) provides a range of impartial leaflets for parents as well as links to other useful local and national organisations.

Cheshire East's SEND and Inclusion Team provide a range of published resources which sets out the LA's information in relation to SEND provision for children and young people.

The Statutory Assessment and Monitoring Team provides a booklet for parents which sets out the LA'S procedures and guidelines for the identification and assessment of children and young people with SEND, entitled 'The Graduated Approach' and the 'Companion', which were adopted by Cheshire East Council in 2009.

Pre- and post-16 institutions and other agencies provide information and guidance for parents/carers and young people.

Information on the process for the Independent Specialist Provider Placement Procedure is provided to parents, carers, schools, and specialist providers. This procedure outlines the process for new placements at an Independent Specialist Provider commissioned by the LA for young people with learning difficulties and/or disabilities, who are subject to a learning difficulty

assessment, who are over compulsory school age but under the age 25 is available. **Hyperlink not available yet**

***Securing training, advice and support for staff working with children with SEND***

The LA provides a learning and development programme aligned to local and national priorities. This programme includes:

- Special Educational Needs Co-ordinators (SENCO) Networks – induction for new SENCOs
- National training programmes – Ofsted 'SEN in Mainstream Schools' and 'Judging the achievement of children with Profound and Multiple Learning Difficulties'
- Targeted use of resources to support specific training programmes e.g. moving and handling, medical needs in school, Communication Aids Project, Let's Talk Project



- Signpost support for tailored development programmes aligned to specific aspects of SEND e.g. Dyslexia-friendly schools, Associate Member of the British Dyslexia Association
- Accredited training for staff working with children and young people on the autistic spectrum continuum
- School-based training aligned to identify developmental needs in individual schools or groups of schools
- Guidance to schools on entitlement to additional support
- Learning development programme for early years SEND consultants
- Family Support Workers carry out a Bridging Worker role for children and young people with disabilities who require after school provision
- Statutory Assessment and Monitoring Team support and advice to SENCOs

who are new to the post in statutory procedures / IPF requirements

In addition, an integrated Workforce Development training plan, as detailed in the Early Years Foundation Stage (EYFS), has been drawn up to address the needs of the practitioners from the different early years providers. The plan covers ten priority areas for training.

### ***Planning and reviewing provision for pupils with SEND***

The Council is expected to keep its pattern of provision for special educational needs under review. A comprehensive review was undertaken in 2005-2006 and a new pattern of provision for SEND was agreed by the Council. The Council is currently (2010-11) undertaking a review of SEND provision and has identified interim key priorities for improvement.

The Inclusion Quality Mark enables schools to self-evaluate the provision that

they make for all children, including those with SEND.

The LA's strategy for Monitoring, Challenge, Intervention and Support for settings and schools promotes high standards of education and well-being for all children and young people, and sets out how we will ensure that settings and schools make inclusive provision for children with SEND.

### ***Reviewing and updating SEND policy and development plans***

The SEN Policy will be reviewed on a 3-year cycle.

The CYPP objectives, targets and milestones are reviewed annually.

The SEND action plan will be reviewed on a 3-year cycle. This action plan has been developed by the Council and its partners to develop and implement an integrated approach to the delivery of services for children and young people with SEND, with the aim of improving outcomes.

Service development plans/action plans are reviewed at least annually.

### ***Auditing and monitoring performance***

The SEND database is monitored quarterly to provide management information relating to children with SEND. The Monitoring and Intervention Manager (in the Children and Families Quality Assurance Team) and the Principal Manager for SEND (2011) monitor the effectiveness of provision through a range of indicators. Specialist Services contribute to this process through:

- Monitoring and review of locality action plans to improve service delivery and outcomes for children and young people
- Annual meetings with Education Improvement Partnerships to agree how best to support and advise settings and schools
- Service involvement in individual casework and in developing the capacity of mainstream schools to better meet the needs of children with SEND

- Attendance at annual reviews of children with IPF and statements of SEND
- Fortnightly IPF panel meetings to allocate additional resources
- Half-termly educational psychology group consultations
- Weekly operational meetings of the Statutory Assessment and Monitoring Team to monitor, review and allocate a range of resources
- Bi-annual quality assurance board to ensure the consistency and quality of statements of SEND (as recommended in the Lamb Inquiry 2009)

The Statutory Assessment and Monitoring Team (within the SEND and Inclusion Team) provides data in line with the national performance indicators for the completion of Statutory Assessments within the expected time limits of 26

weeks. These are provided in June, based on the previous financial year, and published in November by the DFE.

The LA completes a self-evaluation of SEND provision, performance and progress and this is reviewed with the Children and Families Senior Management Team on a quarterly basis.

### ***Challenge and intervention***

The Local Authority must monitor, challenge, intervene and support schools in making provision for children with SEND. Schools are monitored to ensure that the local authority is able to account for the money which it delegates and spends itself in connection with schools, and gives best value for money. The Children and Families Service through the Quality Assurance Team's Monitoring and Intervention Service and its other Service Groups acts as the 'critical friend'; both

supporting schools and settings in what they do well, and challenging them, when appropriate, to do better. This requires:

- a detailed analysis of all performance data related to standards, wellbeing and finances;
- close knowledge of the current picture gained through regular visiting to targeted schools, with the school's agreement;
- a good grasp of a school's aspirations including its plans and targets;
- a system of regular meetings of those with knowledge and understanding of the schools.

If there is an issue with a school regarding the quality of SEND and or inclusion, further investigation and challenge will take place. This will be undertaken by the Monitoring and Intervention Officer and or personnel from the Special Education and Inclusion Team or an external specialist

adviser. The investigation will take the form of one or all of the following:

- Immediate communication
- School visit
- Paired visit
- Focussed review
- Themed review

If, following the monitoring review, serious and/or chronic concerns around SEND and/or inclusion are evident, a focused review will take place. This will occur with one to three days' notice.

### ***Providing education and training post-16***

For the majority of young people (over the age of 16) who have learning difficulties and/or disabilities, education and training provision will be delivered in a mainstream setting.

Local Authorities have a duty to secure enough suitable education and training to meet the reasonable needs of persons who have SEND who are over compulsory school age, but under 19, as well as for those aged 19 or over but under 25, who are subject to a learning difficulty assessment (section 15ZA of the Education Act 1996, inserted by the Apprenticeships, Skills, Children and Learning (ASCL) Act 2009).

Local authorities have existing duties to encourage, enable and assist the participation of all young people with learning difficulties and/or disabilities up to 25 years and also in respect of transport arrangements. It is important that all of these duties are aligned with the interests of the learner.

The Cheshire East Independent Specialist Provider Placement Procedure 2011/12

provides information in relation to the small number of young people in receipt of a learning difficulty assessment whose education and training needs can only be met by an independent specialist provider.

Local Authorities have a statutory duty as defined in Section 80 of the Education and Skills Act 2008 to undertake assessments relating to learning difficulties.

### ***Providing boarding accommodation post-16***

Section 46 of the ASCL Act provides Local Authorities with the power to secure boarding accommodation for persons who are over compulsory school leaving age but under 25 and subject to a learning difficulty assessment.

The documents below provide guidance and documented procedures in line with

national policy to facilitate and record placement decisions for provision at independent specialist providers, for young people aged 19 but not yet 25, with a learning difficulty assessment. These documents can also be used to communicate the procedures to young people, their parents, carers and advocates, referring agencies, schools, colleges and independent specialist providers.

- [YPLA's Placement Information: Learners with Learning Difficulties and/or Disabilities at Independent Specialist Providers 2011/12](#)
- Cheshire East Council's Independent Specialist Provider Placement Procedure 2010/12 **(Link not yet available)**

## Schools and Parents/Carers Roles and Responsibilities

This section of the policy sets out the role and responsibilities schools, parents and carers have for children and young people with special educational needs and disabilities.

### ***Schools must:***

- Ensure that the 5% nominal funding provided for SEND is used to deliver the necessary provision for any pupil who has SEND.
- Inform the pupil's parents/carers that special educational provision is being made for them because they have SEND (i.e. they are being supported at School Action of the SEN Code of Practice).
- Ensure that parents/carers have knowledge about the SEND provision that the school makes, is able to make their views known about how their child is educated and have access to

information, support and advice regarding their child's SEND.

- Ensure that, where the responsible person - the head teacher and the appropriate governor - has been informed by the LA that a pupil has SEND, those needs are made known to all who are likely to teach/support them.
- Ensure that teachers in the school are aware of the importance of identifying, and providing for, those pupils who have SEND.
- Ensure that a pupil with SEND joins in the activities of the school together with pupils who do not have SEND. The school must do this so far as is reasonably practical and compatible with the child receiving the special educational provision required by their learning needs, in relation to the efficient education of the pupils with

whom they are educated, and the efficient use of resources.

- Work in partnership with the LA and the governing bodies of other schools, when it seems to be necessary or desirable, in the interests of co-ordinating special educational provision in the area as a whole.
- Have a written SEND policy containing the information as set out in the Education (Special Educational Needs) Regulations 1999 (reproduced in the SEN Code of Practice), and report to parents on it in the school prospectus, including the name of the person responsible for coordinating SEN provision.
- Have regard to the SEN Code of Practice, which is designed to help schools make effective decisions, but does not set out what to do in each individual case

### **Performance information**

In order to support the Local Authority in its role of monitoring, challenging and supporting schools in making provision for children with SEND, schools should maintain the following information:

- Recent OFSTED inspection reports
- Fischer Family Trust/school data
- Self-Evaluation Form judgements about all aspects of provision;
- School's strategic plan
- Analysis of trend data and moving averages (very important for schools with small cohorts)
- Analysis of pupil progress data matching individual pupils' results between key stages
- Exclusion and attendance data
- SEND policy, process and protocols
- Financial data including open and transparent information about how the notional 5% SEND funding is spent

- Visits/information available from any other Service Group including - Human Resources, Specialist Support Services and the Parent Partnership Service
- Human resources data

### **Provision for children with statements**

For children and young people with SEND for whom the Authority maintains a statement, schools must:

- Use the funding allocated by the Local Authority to deliver the provision specified in statements
- Monitor the child and young person's progress against the objectives as set out in the statement
- Initiate the annual review of the statements, ensure that all relevant representatives are invited to the review meeting and provide a report to the LA no later than 10 days after the

annual review or the end of term, whichever is earlier

### **The duty to promote equality - disability equality scheme**

From 2007 schools must publish a three-year equality scheme or plan showing how they will promote equality of opportunity for disabled pupils, staff and those for whom they provide services. They must also publish an annual action plan showing how they are implementing their scheme. A school's equality plan should show:

- How people with an interest in the plan have been involved in its development
- The methods for assessing the impact of policies and practices on equality for disabled persons
- The steps that will be taken to promote equality of opportunity for disabled people
- The effect of policies and practices for disabled people, including information

on recruitment, development and retention of disabled employees

- Educational opportunities for and achievements of disabled pupils
- The arrangements for making use of this information to help promote equality of opportunity

### ***Planning***

Schools should plan well and make good provision for pupils with SEN by ensuring:

- Outstanding quality first teaching
- Learning targets for individual pupils are identified
- Additional or different provision from the differentiated curriculum is planned and offered to all pupils
- That SEND provision is reviewed in light of individual pupil progress
- That If a school has a policy of planning, target setting and recording the progress of all pupils, as part of

personalised learning, then there is not a need for the school to write Individual Education Plans for children and young people with SEND

### ***Responsibilities for governing bodies***

Governing bodies have a responsibility to ensure that:

- The school has a Special Educational Needs and Disability policy which includes the arrangement for both the identification and provision for special educational needs and disabilities, and that this information is available to parents
- The necessary provision is made for any pupil who has SEND through school action or school action plus
- A member of the governing body is named as the 'responsible person' for SEND

- Teachers in the school are aware of the importance of their responsibility for identifying and providing for SEND pupils
- The SENCO receives appropriate training and has the time to carry out their role and responsibilities

### ***Other responsibilities for headteachers and teachers***

In addition to many of the responsibilities outlined above, headteachers and teachers have a responsibility to ensure that:

- The school's special educational needs and disability policy is implemented in line with requirements of the current legislation
- Staff attend appropriate in-service training to meet the needs of CYP with special educational needs and disability

- Arrangements are in place to report on the use of SEND funding to the Governing Body and that systems are in place for setting, monitoring and reviewing Individual Education Plans (IEP's) and Individual Behaviour Plans (IBPs) and reviews of Statutory Statements
- Visits by the LA's are facilitated, when requested, and pupil records are made available for inspection, for those children at School Action, School Action Plus and with Statements
- High standards of SEND provision are promoted
- Children with SEND are encouraged to access and participate in learning in a setting or school as close to their home as possible

### ***Responsibilities for parents***

Parents are responsible for ensuring that their child receives full time education

suitable to their age, ability and aptitude and to any special educational needs they may have, either by regular attendance at school or otherwise.

Parents of pupils with statements of special educational needs and disabilities have a right to express a preference for school placement. They also have the right to appeal to the First Tier (SEND) Tribunal if it is not possible to reach an agreement with the Local Authority regarding appropriate special educational needs provision.

If parents/ carers have any concerns or questions about this process, or disagree with any part of the statement, advice or support is available from the local Parent Partnership Service. In addition, they can contact Global Mediation Ltd, which is an independent service set up to help resolve or prevent disagreements between parents/ carers and the Local Authority. Using either of these services does not prevent an appeal to the First Tier Tribunal (SEND) and their rights are not affected. An appeal to the Tribunal can run at the same time as any disagreement resolution. Parents/carers can also

request a copy of the school's published complaints policy which sets out the formal complaints process for the school community.



## The Pledge

Children and Families Services pledges to ensure that:

- ✿ 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.
- ✿ Each child and young person's special educational needs and disability will be identified, recorded and their progress will be regularly reviewed in a manner consistent with the Code of Practice on SEN 2002.
- ✿ 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.
- ✿ Parents/carers will be treated with respect and their expertise will be valued and will inform the provision put in place for the child or young person.
- ✿ Children and young people will be listened to and they will have a voice in deciding what happens to them.
- ✿ Children and young people with SEND will benefit from co-ordinated provision, because services work effectively in partnerships with parents/carers and each other.
- ✿ High quality support will be provided for parents/carers, settings and schools.
- ✿ The curriculum will be suitably differentiated and/or supported to ensure that there are clear objectives and targets which are appropriate for the child or young person.
- ✿ Schools will use their resources effectively, and where necessary seek external specialist support.
- ✿ Where appropriate, children and young people with SEND will be provided for in a local school alongside his or her peers in a local setting.
- ✿ 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.
- ✿ Effective transition from one phase to the next and into adulthood will be in collaboration with Services for Children and Families, parents/carers and external agencies working together.

## Resources

### ***The Management of SEND Funding***

Funding for SEND is provided through the Dedicated Schools Grant (DSG). The LA currently retains 11% of DSG and this funds the LA's statutory responsibilities for school age children and young people. The remainder is devolved to schools to meet their statutory responsibilities for children and young people. The DSG funding devolved to schools contains a **notional element** for SEND. The LA also receives funding from the Early Intervention Grant which funds early year's provision and support for SEND.

The LA has a notional budget to secure suitable education and training for young people aged 16-25, with a learning difficulty assessment, which will be used to contribute to:

- The learning costs of continuing and new learners with high level specialist needs in placements in Independent Specialist Providers commissioned by the LA;
- Learning support costs of continuing and new learners with high level support needs in placements commissioned by the LA, through special arrangements with mainstream providers;
- Actual learning support costs for continuing and new learners in a General Further Education College, where the costs of additional learning support are over £19,000.

In practice this means that the LA works closely with the Young Peoples Learning Agency (YPLA) to ensure that all commissioning decisions, for all learners, take into consideration the

YPLA national budget available. There is also a duty to ensure that the placement process is managed collaboratively and the funding is used with equity and transparency.

### ***The notional SEND budget***

The notional SEN budget comprises **5% of the relevant parts of schools budgets plus a general special needs allowance (GSNA)** which has been delegated on an attainment-based formula. These are represented by amounts 'A' and 'B' on the school's Special Educational Needs and Additional Educational Needs statement. Together these budgets are the notional amounts intended for **'Level 1' intervention and support at School Action and School Action Plus**. Early and effective use of this resource for additional and different interventions should enable pupils to

progress and increasingly **prevent** the need for additional resource at levels 2 & 3 under Individual Pupil Funding (IPF).

Depending on the number and type of children with SEN, many schools will need to spend more than this total figure for C&YP at School Action and School Action Plus. The 5% budget amount and the GSNA should not be regarded as a limit; it is intended to support the schools evaluation of SEN spending. Some authorities, for example, have suggested a notional figure of 7% of budget.

Expectations of effective interventions and support at Level 1 are set out in the IPF handbook.

### ***Individual Pupil Support***

Many schools will receive delegated funding (amount 'C') allocated via statements for classroom assistant hours, or more recently via Individual Pupil Funding (IPF). **IPF is only provided to support pupils with the longest standing most complex needs who in previous years would have required a Statement.**

One of the key criteria is the range and effectiveness of **Level 1** interventions through the graduated response, which in many cases will prevent the need for additional resource under IPF. Once IPF is agreed it is transferred quickly to schools and should be used flexibly, **rather than necessarily funding individual Teaching Assistant support.**

There continues to be pressure on the teaching assistant budget and there is

an ongoing review by the Authority into the overall approach to SEN funding and provision to ensure Value for Money within allocated resources.

Some primary schools are designated as specially resourced for Autism, Hearing Impairment, Complex MLD or BESD. These schools receive an additional resource in the form of a "lump sum" to support their additional responsibilities. Resource provision is currently being reviewed as part of the SEND review.

### ***Other budgets for use at School Action and School Action Plus***

Secondary schools receive a lump sum for the development of **inclusion resource provision** which is intended for early, targeted intervention for a range of vulnerable pupils including

those with learning needs or behavioural needs.

They also receive funding for **Additional Educational Needs (AEN)**. Whilst in some cases schools may be targeting support for specific groups, e.g. pupil mobility or English as an Additional Language (EAL), the Audit Commission has advised that, given the correlation between deprivation and SEN, many schools will use some of this funding to add to general SEN spending detailed in section 1 above.

#### ***Other funding available for SEN***

Over recent years Age Weighted Pupil Unit (AWPU) has grown due to the addition of specific amounts for **personalisation**. Whilst some of this has been delegated through the notional SEN budget described in

section 1 above, the remainder has been allocated as part of general AWPU.

In 2010-11 some schools received funding from national primary and secondary strategies to support intervention programmes for groups who are making less progress. The relevant amount included in the 2011-12 budget, and in future budget delivery, is no longer ring fenced and is included in the 'Source of Funds – Supplementary Information' statement. The same applies to the relevant amount previously received as School Development Grant, some of which has previously been used for staff development relating to SEN and Inclusion and/or specific projects to develop new approaches.

In some Education Improvement Partnerships (EIPs) there have been agreements to jointly fund specific activity and development particularly for outreach and staff development around SEN inclusion.

The LA retains DSG funding to support a range of SEND activities related to the statutory responsibilities defined in the SEN Code of Practice.

School transport may be provided for pupils due to the complex nature of their special educational needs which prevents them from either walking to school or using multi-occupancy vehicles. The Local Authority's [Complex Special Needs Transport Policy](#) sets out entitlement to transport on complex/special needs grounds and is reviewed annually.

### ***Evaluating Impact of SEN Spending – Audit Commission Value for Money Toolkit***

As part of self evaluation of the effective use of funding and ensuring successful outcomes for children, schools are strongly advised to use the Audit Commission on-line self-evaluation tool to evaluate the use of their budget for vulnerable children and the impact this is having on their progress. The DfE are concerned about the national growth of delegated resource for SEN and the lack of detailed evaluation evidence across schools, local authorities and nationally of the impact of SEN spending on outcomes for individual pupils. The inspection framework which will be introduced in January 2012 will enable inspections to make a judgement on the impact of expenditure on pupil outcomes.

### ***Proposed/Future funding restructure***

The SEN Green Paper, 'Support and Aspiration' makes reference to devolving funding to parents.

- **“To give parents confidence by giving them more control over the support their family receives,** we will introduce more transparency in the provision of services for children and young people who are disabled or who have SEN. Parents will have real choice over their child’s education and the opportunity for direct control over support for their family.
- We propose that **“Local authorities and other services will set out a local offer of all services available** to support children who are disabled or who

have SEN and their families. This easy-to-understand information for parents will set out what is normally available in schools to help children with lower-level SEN, as well as the options available to support families who need additional help to care for their child; and

- **The option of a personal budget by 2014** for all families with children with a statement of SEN or a new 'Education, Health and Care Plan', many of whom will have complex support needs. Key workers will be trained to advise families and help them navigate the range of help available across health, education and social care”.

## Equality

By law, all new policies, services and functions should be subject to an equality impact assessment (EIA).


The Equalities Act 2010 requires an assessment of impact, both positive and negative; to be made using robust data on the following protected characteristics:

- Age
- Gender
- Caring responsibilities
- Disability
- Religion and Belief
- Transgender
- Race (language barriers are seen as a race issue)
- Gypsies and Travellers
- Socio-economic disadvantage
- Sexual orientation

## Glossary

ADHD	Attention Deficit Hyperactivity Disorder	IBP	Individual Behaviour Plan
AEN	Additional Educational Needs	IEP	Individual Education Programme
ASC	Autism Spectrum Conditions	IPF	Individual Pupil Funding
ASCL Act	Apprenticeships, Skills, Children and Learning Act 2009	LA	Local Authority
AWPU	Age Weighted Pupil Unit	LDD	Learning Difficulty and Disability
CYP	Children and Young People	LLDD	Learners with Learning Difficulties and/of Disabilities
CYPP	Children and Young People's Plan	MLD	Mild Learning Difficulties
DfE	Department for Education	SENCO	Special Educational Needs Coordinator
DSG	Dedicated School Grant	SEND	Special Educational Needs and Disability
GSNA	General Special Needs Allowance	YPLA	Young People's Learning Agency

## Appendix 1 – SEND Early Intervention

	<b>Universal</b> <ul style="list-style-type: none"> <li>Quality first teaching (every teacher is a teacher of SEND)</li> <li>Fund school notional 5%</li> <li>Ofsted</li> <li>Inclusion development programme strands 1-4</li> <li>Information for parents</li> <li>Family Information Service</li> <li>All pupil voice</li> <li>Complaint procedure</li> <li>Reasonable adjustment</li> <li>Statutory compliance – sen code of practice, Equalities act 2010</li> <li>School 2 school support</li> <li>Transition review</li> </ul>	<b>Targeted</b> <ul style="list-style-type: none"> <li>Advice and guidance - SENCO</li> <li>Parent partnership service</li> <li>Individual Education Plan / Individual Behaviour Plan</li> <li>School Action and funded at school level with the notional 5%</li> <li>Early years school action</li> <li>CEASS</li> <li>SEN Register</li> <li>Opportunities for families to share success and challenges</li> <li>Clear, helpful advice</li> <li>Pre-CAF</li> <li>EWO's</li> <li>Access to local quality assurance team</li> <li>Parent partnership service</li> <li>Half termly SEND reviews</li> </ul>	<b>Complex</b> <ul style="list-style-type: none"> <li>School action plus where more than one agency is involved</li> <li>CAF Process</li> <li>Additional funding supplied above the 5% notional budget is provided using agreed funding criteria (IPF)</li> <li>Access to statutory assessment process</li> <li>Access to specialist services</li> <li>Access to multi professional team</li> <li>Access to out of year admissions protocol</li> <li>Learning difficulty assessment 19 - 25</li> <li>Individual specialist educational placement</li> <li>Mediation, parent partnership, multi professional team</li> <li>Half termly review</li> </ul>	<b>Specialist</b> <ul style="list-style-type: none"> <li>Statement of special educational needs</li> <li>Resourced provision place</li> <li>Special school place</li> <li>PRU</li> <li>Travel arrangements in accordance with the SEND policy</li> <li>Residential provision</li> <li>Learning difficulty assessment 19 – 25</li> <li>Individual specialist educational placement</li> <li>Statutory annual review</li> <li>Transition plan</li> <li>Access to statutory appeals process</li> <li>Mediation, parent partnership, multi professional team</li> </ul>
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## Section One: Background and information

Cheshire East Council is proposing to introduce a policy on Special Educational Needs and Disability (SEND). The draft policy describes the principles that the council will apply for SEND, and provides a summary of what everyone's roles will be under the policy.

We want to make sure that we get this policy right, and are asking for the views of everyone who has an interest in the policy or who will be impacted by it. A final decision on the content of this policy will be made once we have considered everyone's views.

Please read the Consultation Document ([link](#)) before you answer the questions in this survey. The full draft of the policy can be found at [link](#).

### Q1.What is your postcode?

*(This will help us to understand whether there are specific issues for your local area).*

### Q2. Please indicate whether you are a:

- ☐ Child/young person with SEND
- ☐ Parent / carer of child / young person with SEND
- ☐ Teacher
- ☐ Headteacher
- ☐ Governor
- ☐ Representative of support group / charity
- ☐ Other (please specify)

### Q2a. I have / my child has:

- ☐ 'School action' provision
- ☐ 'School action plus' provision
- ☐ Individual pupil funding
- ☐ A Learning Difficulty Assessment (S139a)
- ☐ A Statement of Special Educational Needs

**Q2b. I have:**

- ☐ General interest in policies
- ☐ Specific interest in / responsibility for SEND
- ☐ SENCO responsibilities

**Q3. Please indicate which kind of school you attend / your child attends / you teach at / you are a governor at:**

- ☐ A local authority mainstream school
- ☐ A local authority special school
- ☐ An independent mainstream school
- ☐ An independent special school
- ☐ A residential school
- ☐ Not applicable

Please provide the name of the school (optional):

**Q3a. The above school is:**

- ☐ Primary
- ☐ Secondary
- ☐ Post-16

**Section Two: Principles****Q4. Do you think that the principles in the draft policy document reflect all aspects of SEND services?**

- ☐ Yes
- ☐ No
- ☐ Don't know/Not sure

If no, please tell us which additional aspects you think should be included and give a brief explanation as to why:

**Q5. Do you agree with the wording of the principles?**

- ☐ Yes, agree
- ☐ Neither agree nor disagree
- ☐ No, disagree

If no, please tell us which words you think should be altered and why, and provide a suggested alternative if possible:

**Q6. Do you have any other comments to make on the principles?**

### Section Three: Cheshire East Council's role and responsibilities

**Q7. Do you think that the policy describes accurately the roles and responsibilities that Cheshire East Council has in the SEND process?**

- ☐ Yes
- ☐ No
- ☐ Don't know/not sure

If no, please tell us which additional roles and responsibilities should be included and why:

**Q8. Do you think that the wording which defines the role and responsibilities for Cheshire East Council is clear and easy to understand?**

- ☐ Yes
- ☐ No

If no, please tell us which words you think should be altered and why, and provide a suggested alternative if possible:

**Q9. Do you have any other comments to make on Cheshire East Council's roles and responsibilities?**

### Section Four: Roles and responsibilities for schools

**Q10. Do you think that the policy describe accurately the roles and responsibilities that schools have in the SEND process?**

- ☐ Yes
- ☐ No
- ☐ Don't know/not sure

**If no, please tell us which additional roles and responsibilities should be included and why:**

**Q11. Do you think that the wording which defines the role and responsibilities for schools is clear and easy to understand?**

- ☐ Yes
- ☐ No

**If no, please tell us which words you think should be altered and why, and provide a suggested alternative if possible:**

**Q12. Do you have any other comments to make on schools' roles and responsibilities?**

## Section five: Roles and responsibilities for parents and carers

**Q13. Do you think the policy describes accurately the role and responsibilities that parents/carers have in the SEND process?**

- ☐ Yes
- ☐ No
- ☐ Don't know/not sure

**If no, please tell us which additional roles and responsibilities should be included and why:**

**Q14. Do you think that the wording which defines the role for parents/carers is clear and easy to understand?**

- ☐ Yes
- ☐ No

If no, please tell us which words you think should be altered and why, and provide a suggested alternative if possible:

**Q15. Do you have any other comments to make on parents' and carers' roles and responsibilities?**

## Section Six: Other information

**Q16. Does the policy include the right information for all interested groups e.g. national and local policies, the Code of Practice, resource information?**

- ☐ Yes
- ☐ No
- ☐ Don't know/ not sure

If no, please tell us which additional information would be helpful:

## Section Seven: Equality impact assessment

**Q17. Have we considered the potential impacts for people with a 'protected characteristic' (age, carers, disability, gender, gypsies and travellers, race, religion and belief, sexual orientation, transgender, other socio-economically disadvantaged groups)?**

- ☐ Yes
- ☐ No
- ☐ Don't know/not sure

If no, please tell us about additional ways that this policy could impact on people:

## Section Eight: The pledge

**Q18. Do you think Cheshire East Council's Pledge for SEND services covers all the right aspects?**

- ☐ Yes
- ☐ No
- ☐ Don't know/unsure

**If no, please tell us which additional aspects should be included and why:**

**Q19. Do you agree with the wording of the pledge?**

- ☐ Yes, agree
- ☐ Neither agree nor disagree
- ☐ No, disagree

**If no, please tell us which words you think should be altered and why, and provide a suggested alternative if possible:**

**Q20. Do you have any other comments to make on the pledge?**

## Section Nine: Any other comments

**Q21. Please make any further suggestions, comments or proposals here:**

## Section Ten: About you

THE FOLLOWING QUESTIONS ARE OPTIONAL. ALL INFORMATION SUPPLIED WILL BE TREATED AS STRICTLY CONFIDENTIAL.

Information provided will help Cheshire East Council meet its obligations under the Equality Act 2010. We will use it to monitor equality to ensure everyone has opportunity and inclusion in relation to employment and access to services. No identifiable details will be kept with this information. Statistical data may be shared with other government agencies for equality monitoring purposes.

**Q1. What was your age on your last birthday?**

**Q2. What is your gender?**

- ☐ Female
- ☐ Male

**Q3. What is your relationship status?**

- ☐ Single
- ☐ Widowed
- ☐ Married
- ☐ Cohabiting
- ☐ Separated/Divorced
- ☐ Civil Partnership
- ☐ Other (please state)

**Q4. What is your religion?**

- ☐ No religion
- ☐ Christian (Roman Catholic)
- ☐ Christian (Church of England and Protestant)
- ☐ Christian (Other)
- ☐ Hindu
- ☐ Jewish
- ☐ Muslim
- ☐ Sikh
- ☐ Any other religion (please state)

**Q5. What is your sexual orientation?**

- ☐ Bisexual
- ☐ Gay man
- ☐ Gay woman/lesbian
- ☐ Hetrosexual/straight
- ☐ Prefer not to say
- ☐ Other (please state)

**Q6. Do you consider yourself disabled?**

**Definition: An impairment that as a long-term and substantial effect on a person's ability to carry out normal day to day activities.**

☐ Yes

☐ No

**Q6a. Have you ever chosen not to disclose your disability because you feel it may have an adverse affect on you at work or in your community?**

☐ Yes

☐ No

**Q7. Do you have caring responsibilities?**

☐ Yes

☐ No

**Q7a. Is the Council aware of your caring responsibilities?**

☐ Yes

☐ No



**Q8. What is your ethnic group?**

- ☐ White: British
- ☐ White: Irish
- ☐ White: Gypsy/Traveller
- ☐ Any other White background (please specify in the box below)
- ☐ Mixed or Multiple Ethnic Groups: White and Black Caribbean
- ☐ Mixed or Multiple Ethnic Groups: White and Black African
- ☐ Mixed or Multiple Ethnic Groups: White and Asian
- ☐ Any other Mixed/Multiple background (please specify in the box below)
- ☐ Asian or Asian British: Indian
- ☐ Asian or Asian British: Pakistani
- ☐ Asian or Asian British: Bangladeshi
- ☐ Asian or Asian British: Chinese
- ☐ Any other Asian background (please specify in the box below)
- ☐ Black/African/Caribbean/Black British: African
- ☐ Black or Black British: Caribbean
- ☐ Any other Black/African/Caribbean background (please specify in the box below)
- ☐ Other ethnic groups: Arab
- ☐ Any other ethnic group (please specify in the box below)

Other

**Q9. Do you belong to the Traveller or Gypsy Community?**

- ☐ Yes
- ☐ No

**Q11. Has the wording of any of these ethnic groups affected your decision to complete this section?**

- ☐ Yes
- ☐ No

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**CHILDREN AND FAMILIES SERVICE FINANCIAL SUMMARY****INTRODUCTION**

1. This section provides a summary of SERVICE forecast outturn positions on revenue and capital budgets at the mid-year stage, and a summary of the debt position at 30 September. It highlights the key budget pressures facing the Council, and remedial actions taken and planned, and summarises progress against savings policy proposals contained in the 2011-12 budget.

**OVERALL REVENUE SUMMARY****Table 1 - Service Revenue Outturn Forecasts**

	Net Budget £000	Variance from Budget £000	SRE's for Approval £000	Net Projected Variance £000	Forecast at First Quarter £000	Change from First Quarter £000
<u>Children &amp; Families</u>						
Directorate	1,110	584		584	-1,413	1,997
Safeguarding & Specialist Support	27,261	1,613		1,613	378	1,235
Early Intervention & Prevention	11,471	-717		-717	-472	-245
Strategy & Planning	39,714	-342		-342	249	-591
DSG - Non Schools	-22,063	1,822		1,822	1,822	0
Cross Cutting savings		0		0	408	-408
sub total	57,493	2,960		2,960	972	1,988

**KEY CHILDREN AND FAMILIES SERVICE REVENUE ISSUES**

1. Key issues impacting on service outturn forecasts are summarised below.

**CHILDREN & FAMILIES £2.9m overspend**

2. The outturn is forecast to be £2.960m overspent. The position has changed since First Quarter when Children and Families were predicting an overspend of £972k. The increase of £2.0m is due to more detailed information now being available around Cared for Children and external placements.
3. In arriving at this overspend, the service has absorbed budget pressures of £3.7m caused by the Pensions funding gap (£2.3m), the grant income shortfall (£0.8m), and cross-cutting savings (£0.6m). Without this pressure, the service would have been reporting an underspend of £0.8m.
4. The service has a proactive approach to budget management and continues to monitor expenditure closely. The Strategic Director had asked all service managers to deliver a 2% efficiency target in 2011-12 and this is being achieved in all areas with the exception of Cared for Children placements.

Managers are expected to continue to work to reduce the projected overspend and take whatever remedial action can be identified to ensure this happens.

### Safeguarding and Specialist Support (SSS) £1.613m overspend

5. The service is predicting an over spend of £1.613m, however the placements budget within the service is predicting an over spend of £2.0m. This prediction does not factor in the potential reduction in costs where the plan for a child is adoption, which will help to mitigate the overspend forecast.
6. The service received £780k growth for the policy proposal to develop residential provision within the borough. Progress has been made on the scheme, the tender document is being worked up, and potential properties have been identified.
7. Some of the growth has been used to purchase an additional 3 beds in Wilkinson House for 2011-12 whilst the scheme is implemented, leaving an under spend of £466k, which is offsetting some of the placements overspend.
8. Whilst the numbers of Cared for Children had increased in the first quarter of the year, from 439 at 1 April to 452 at the end of the first quarter, the number has remained broadly constant at 456 by the mid year. This reinforces the results from comparison with nearest neighbours, that this number of Cared for Children is typical for a borough the size of Cheshire East. The number of children has increased by 4 since First Quarter review, but the predicted outturn has increased considerably due to the nature of the placement activity, and the costs associated with each individual's placement.
9. However the service is active in addressing this overspend. Proactive intervention strategies are in place to reduce the numbers needing to be taken into care; the new placement service is up and running, with regular placement panels chaired by the Principal Manager, meaning the whole placements process is much tighter. Another action has been to ensure the Emergency Duty Team had a list of Cheshire East foster carers with availability for emergency placements, thereby reducing the need to use costly external agency placements which it can then be very difficult to change. Joining Placements Northwest has enabled the Commissioning team to secure savings of £59k to date by renegotiating existing contracts.
10. The placements data is now analysed to show the cost of the placements for children aged 16 and over under Section 20. There are now 41 children in this category costing a total of £1.7m over the whole year, of which several will be as a direct result of the recent Southwark judgement. This situation has been exacerbated by recent events involving a homeless hostel in the borough where the young people have engaged the services of a solicitor to challenge their legal right to be accommodated. This has resulted in the Council being faced with a number of threats of judicial review unless the children are placed. This is being managed by educating the hostels around safeguarding and the duty of care. In addition the department have requested growth for this area in next year's budget setting process.

11. During the remainder of the year it is anticipated that a number of children will be successfully adopted, not only providing stability for that child but helping to reduce the pressure on the Council's finances. Matches between children and adoptive parents already exist in a number of circumstances, whilst finding families continues for other children. It is anticipated that the impact of the adoptions will reduce the forecast during the remainder of the year.
12. As part of the monthly management meetings between Finance and the Senior Leadership Team, the high cost placements are reviewed to ensure strategies are in place to reduce them. However it can prove difficult to return children from external placements once the child is settled. Work and reviews are in hand to replicate reductions in placement costs in the first half of the year, including wherever possible restricting the cost of new placements.
13. For example, one child has been placed on an emergency placement out of county currently costing in excess of £100k per year, however he now has an advocate and is arguing against being moved as he is now settled, accessing education, and is no longer offending. The child and advocate are demanding he remain in this placement rather than being placed in a much more cost effective placement in Cheshire East, where they claim he would be more likely to reoffend. This case would have to go before a judge and it is likely the judge would uphold the existing placement.
14. There have been several instances recently where the proposed placements have been challenged in court. The Head of Service has made arrangements to meet with the Judge to discuss the impact of the judge's rulings, and will take evidence of the cost pressures the judge is placing on the authority by placing children in external placements rather than using in house. An average external foster placement costs around £800 per week compared to internal Cheshire East carers who cost around £400.

Early Intervention and Prevention £717k underspend

15. A new Early Intervention and Prevention service has been created which encompasses Children's Centres, Family Centres, the Family Service and the First Contact service, which includes the Family Information Service and the Common Assessment Framework (CAF). The Head of Service took up post in April 2011 and implemented a wide scale restructure, investing in front line staff and moving to a locality based service.
16. This new structure came into effect in September 2011, and there has been a hold on vacancies and a directive to curtail additional spend as much as possible whilst the new structure is implemented. This is now likely to continue, and the service is predicting an underspend in the current year.

Strategy, Planning and Performance £342k underspend

17. Most of the budgets in this area are expected to net nil by year end. Unspent Standards Funds grant has been carried forward from 2010-11 to offset additional planned expenditure in the early part of this year, recognising the funding being for the academic year.

18. The area of pressure here is Business Support which has been targeted with achieving £250k savings on staffing and £250k on Supplies and Services. Early indications are that the staffing savings will be achieved. However the service has centralised the Business Support function, and will need to keep spend on supplies and services under review, bearing in mind the wider Business Management Review.

Schools / Other School Related £1.822m overspend

19. In setting the Needs Led Budget for 2011-12, no budget was set aside for early retirement, pension and redundancy costs relating to schools. These are enhancements paid to teachers but which cannot be charged to the Dedicated Schools Grant (DSG). This currently costs £2.3m per year and is a pressure on the base budget.
20. Centrally retained DSG was not fully spent in 2010-11, allowing budget of £538k to be carried forward and used to offset the budget pressures on Redundancy (£280k) and SEN contingency (£200k). An increase in the amount of DSG allocated by the DfE for 2011-12 of £430k has added to this, creating an underspend in centrally retained DSG of £478k to help offset schools related costs such as the redundancy element of the pressure identified above.
21. The Individual Schools Budget (ISB) is assumed to balance as actual spend has to equal budget, with schools retaining in full any carry forward of either an over or under spend. During 2010-11 schools generally underspent their budgets by approximately £10m, increased from approximately £8m in the previous year. The school budgets for 2011-12 will increase by £10m when the 2010-11 carry forward is applied.
22. The DSG and V1th Form budgets from the Young People's Learning Agency will be reduced in year in direct proportion to reductions following any adjustment relating to schools converting to Academies.

Emerging Pressures

23. Part of the pressure on the current budget has been caused by the decision to transfer the VR costs into 2011/12 – they were originally intended to cover retirements prior to year end but a corporate decision to delay until 2011/12 has added this pressure to the service budget in the current year.

**CAPITAL PROGRAMME**

24. At the mid-year review stage the Council is forecasting expenditure of £74.334m in 2011/12 against an Approved Budget of £90.983m for the year. Officers have undertaken a fundamental review of the capital programme to ensure that it only includes schemes that fulfil the Council's priorities for service delivery to be carried forward and any unspent balances were deleted from the programme enabling resources to be freed up for future allocations.
25. Table 2 shows an analysis by Directorate of the in-year Approved Budget for 2011-12, and forecast expenditure for 2011-12 and the three following years to 2014-15.

**Table 2 – Capital Expenditure Forecasts**

Department	In Year Approved Budget	Forecast Expenditure			
	2011-12 £000	2011-12 £000	2012-13 £000	2013-14 £000	2014-15 £000
<b>Children &amp; Families</b>					
New Starts	9,943	7,257	9,582	1,511	0
Committed schemes	17,305	13,393	6,624	0	0
	27,248	20,649	16,206	1,511	0

**Key Service Capital Issues****Children and Families****26. Residential Development Programme**

Total Approved Budget	£1.150m
Revised Budget 2011-12	£1.500m

The requirements for residential provision for looked after children have been reviewed and three properties are to be purchased within the borough, two in the Macclesfield area and one in Congleton. It is anticipated, (dependant on the market) that a property in Congleton will be purchased before March 2012, to coincide and ensure the smooth transition of residential care following the closure of Wilkinson House. This property will include an assessment centre.

Additional funding will be required to support the property purchase prices in the designated areas to maximise the new guidance requirements, i.e., the residential provision should replicate family homes of no more than 4 bedrooms. Purchase prices in specific postcode areas have been evaluated to reflect a true reflection of the current market trends in these areas (one requiring additional space for the assessment unit). All associated costs including adaptation costs, fees, etc, have been estimated to give a gross total cost for each property.

Taking the above factors into consideration, an additional £350,000 is now required to enable the objective of providing 12 additional residential bids in the borough and to achieve the revenue savings.

**27. Special School for Children with Autism Spectrum Condition**

One of the priority recommendations emerging from the Special Educational Needs and Disability (SEND) review was the identified need to develop local specialist provision for children and young people with Autism Spectrum Condition (ASC). A report will be considered by Cabinet on 28<sup>th</sup> November 2011 seeking the approval in principle for the development/feasibility of specialist provision on the Church Lawton Primary School site. The capital cost for the refurbishment has been estimated at £1.617m and will be funded from the existing capital SEND allocation.

**DEBT MANAGEMENT**

28. Total Invoiced Debt at the end of September 2011 was £6.1m. After allowing for £1.3m of debt still within the payment terms, outstanding debt stood at £4.8m. The total amount of service debt outstanding over 6 months old amounts to £2.0m. This is unchanged from FQR, and £0.4m higher than the level of older debt at 31 March. Services have created debt provisions of £1.7m to cover this debt in the event that it needs to be written off.
29. An analysis of the invoiced debt provision by directorate is provided in Table 4.

**Table 4 - Invoiced Debt**

Directorate/Service	Total Outstanding Debt as at 30 <sup>th</sup> September £000	Total Debt Over 6 months old £000	Bad Debt Provision £000
Children & Families	613	292	268
Schools & Catering	63	50	15
<b>Total Children &amp; Families</b>	<b>676</b>	<b>342</b>	<b>283</b>



## **CHESHIRE EAST COUNCIL**

### **REPORT TO: CHILDREN AND FAMILIES SCRUTINY COMMITTEE**

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<b>Date of Meeting:</b>	13 December 2011
<b>Report of:</b>	Borough Solicitor
<b>Subject/Title:</b>	Work Programme update

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#### **1.0 Report Summary**

- 1.1 To review items in the 2012 Work Programme, to consider the efficacy of existing items listed in the schedule attached, together with any other items suggested by Committee Members.

#### **2.0 Recommendations**

- 2.1 That the work programme be received and noted.

#### **3.0 Reasons for Recommendations**

- 3.1 It is good practice to agree and review the Work Programme to enable effective management of the Committee's business.

#### **4.0 Wards Affected**

- 4.1 All

#### **5.0 Local Ward Members**

- 5.1 Not applicable.

#### **6.0 Policy Implications including - Climate change - Health**

- 6.1 Not known at this stage.

#### **7.0 Financial Implications for Transition Costs**

- 7.1 None identified at the moment.

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

- 8.1 None.

#### **9.0 Risk Management**

9.1 There are no identifiable risks.

## **10.0 Background and Options**

10.1 In reviewing the work programme, Members must pay close attention to the Corporate Plan and Sustainable Communities Strategy.

10.2 The schedule attached, has been updated in line with the Committees recommendations on 15 November 2011. Following this meeting the document will be updated so that all the appropriate targets will be included within the schedule.

10.3 In reviewing the work programme, Members must have regard to the general criteria which should be applied to all potential items, including Task and Finish reviews, when considering whether any Scrutiny activity is appropriate. Matters should be assessed against the following criteria:

- Does the issue fall within a corporate priority
- Is the issue of key interest to the public
- Does the matter relate to a poor or declining performing service for which there is no obvious explanation
- Is there a pattern of budgetary overspends
- Is it a matter raised by external audit management letters and or audit reports?
- Is there a high level of dissatisfaction with the service

10.4 If during the assessment process any of the following emerge, then the topic should be rejected:

- The topic is already being addressed elsewhere
- The matter is subjudice
- Scrutiny cannot add value or is unlikely to be able to conclude an investigation within the specified timescale

## **11.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Mark Grimshaw  
Designation: Scrutiny Officer  
Tel No: 01270 685680  
Email: [mark.grimshaw@cheshireeast.gov.uk](mailto:mark.grimshaw@cheshireeast.gov.uk)

**As of 05/12/2011**

**Children and Families Scrutiny Committee Workplan: September 2011 – April 2012**

**Portfolio Holder – Hilda Gaddum**

### **Historical Record**

<b>Date of Meeting</b>	<b>Agenda Setting Meeting</b>	<b>Topic</b>	<b>Purpose/Key issues (including origin)</b>	<b>Comments post meeting</b>
26 July 2011		Annual Announced Inspection	To receive a verbal update	That the Director of Children's Services be requested to submit a report at the next meeting of the Committee outlining the findings of the Announced Inspection and the resulting action plan.
		Children & Families Performance Report	To receive an update on the general performance of the service and to pinpoint areas for development	That the newly developed performance scorecard be brought to the Committee on a quarterly basis for review.
		Independent Reviewing Officers Report 10/11 – Annual Report	Members to consider the report and any issues arising from it	That in subsequent years, a summary page be provided in addition to the main report.  That a review of the CAMHS service in terms of its relationship with Cared For Children be added to the work programme.
		Cheshire East Family Service	Members to be briefed and to consider the CE approach.	That the policy be revisited in six months for review.

20 September 2011		Management Structure Update	Members top receive verbal update	That a breakdown of responsibilities aligned to each senior manager be distributed to the Committee.
		OFSTED inspection	Members to consider report,	That a special meeting be convened pre 18 October 2011 to discuss in further detail.  That congratulations be passed to staff and mgmt at Claremont rd.
		Summary of Schools Performance		Item be added to work programme relating to what CE do to improve underperforming schools.
		Training Requirements		Training sessions on: - LA's changing interface with schools and education - Architecture of partnerships.
18 October 2011		FOSTERING AND ADOPTION VIDEO		That the Fostering and Adoption team be congratulated for their work in producing the film.  That it be suggested to Stephen Kelly that he contacts other media outlets such as Cinemac, the BBC, BBC North West and ITV to see if the film could be distributed more widely.
		VIRTUAL HEAD		That the following additional information be provided in future Virtual School reports: a) The national 'mainstream' educational attainment figures for comparison b) The Cheshire East 'mainstream' educational attainment figures for comparison c) The number of students in each yearly cohort.
		WORK PROGRAMME UPDATE		That the item regarding what Cheshire East was doing to improve underperforming schools be added to the agenda for the meeting scheduled 15

				<p>November 2011.</p> <p>That the proposed 2012/13 budget be brought to the Committee for consideration at the next scheduled meeting.</p> <p>That thanks be extended to Gill Betton for drafting the Children's Directorate glossary.</p>
15 November 2011		'CHILD & ADOLESCENT MENTAL HEALTH SERVICES' (CAMHS) OVERVIEW	Members to consider and comment	<p>That the Committee support the work to integrate the existing autism provision into a single 'multi-agency' pathway to improve the autism assessment and support pathways across the authority.</p> <p>That the Committee support further progress in preventative approaches and services to meeting the emotional health and wellbeing needs of children, young people and their families/carers.</p> <p>That more detail on the financial background and requirements for increasing investment into preventative approaches be circulated to the Committee for consideration. That this information include:</p> <ul style="list-style-type: none"> <li>a) What current funding was in place proportionately from each organisation for CAMHS as a whole and for the preventative agenda.</li> <li>b) Who managed the current budget in terms of allocation.</li> <li>c) How the investment needs had been worked out.</li> <li>d) Where it was expected the money would be</li> </ul>

				<p>spent and from which organisations proportionately would the extra funds come from.</p> <p>That a geographical map indicating where services relating to CAMHS were located be circulated to the Committee.</p>
		CHILDREN'S TRUST AND CHILDREN AND YOUNG PEOPLE'S PLAN 2011-2014	Members to be briefed.	<p>That the Committee supports the work of the Trust as a way of achieving joined up, integrative working for the benefit of children and young people in Cheshire East.</p> <p>That an update report be brought back to the Committee in 12 months outlining the progress against the Trust's proposed outcomes and priorities and that this report include the budgetary implications of retaining the Trust along with evidence of any possible savings the joint working fostered by the Trust had produced.</p> <p>That the minutes of each respective Trust meeting be circulated to the Committee for their information.</p>
		ADDRESSING SCHOOL UNDERPERFORMANCE : LOCAL AUTHORITY INTERVENTIONS INCLUDING THE 'IMPROVING OUTCOMES PROGRAMME' (IOP)	Members to consider	<p>That when a school receives an OfSTED report and/or when a school has a number of issues identified, the relevant ward Councillor be made aware and adequately briefed.</p> <p>That detailed performance data relating to Cheshire East Schools be circulated to Members when available.</p> <p>That 'appendix c' be brought back to the Committee as part of the regular performance report and that this include the date of publication for respective OfSTED reports.</p>

		DRAFT SPECIAL EDUCATIONAL NEEDS AND DISABILITY POLICY	Members to consider and comment	<p>That the draft SEND policy be brought back to the Committee on 13 December 2011 for further consideration.</p> <p>That site visits to the special schools in Cheshire East be arranged.</p>
		WORK PROGRAMME UPDATE	Members to comment	<p>That the following items be deferred until January 2012:</p> <ul style="list-style-type: none"> <li>a) The impact on council services following the opening of Academies</li> <li>b) Out-of-Borough Care Placements Task and Finish Report from Lancashire County Council</li> <li>c) Disabled Respite Care</li> </ul> <p>That a line by line analysis of the Quarter 2 budget report be brought to the next scheduled meeting.</p>

**Next Agenda Setting Meeting: tba**

## **Ongoing items/reviews/Monitoring Papers**

Item	Reporting:	Committee Meeting							
		20/9	18/10	15/11	13/12	17/01	14/2	13/3	10/4
<b>PERFORMANCE REPORTING</b> (key exceptions – red/amber and explanations/commentary) to include adoption rates, staffing information and profile of children in Cheshire East	Quarterly	X		X					
<b>INDEPENDENT INSPECTIONS OR REVIEWS</b> <ul style="list-style-type: none"> <li>• Annual Unannounced Inspection</li> <li>• Children Services Performance Rating</li> <li>• Schools Inspection</li> </ul>	Quarterly	X							
<b>SAFEGUARDING</b>	When Appropriate								
<b>REGULATION 33</b>	Bi-annual					X			
<b>BUDGET PROCESS – summary of budget position update given to Cabinet.</b>	When Appropriate				X				
<b>REVIEW OF WORK PROGRAMME</b>	Regular	X	X	X	X				



## Possible Future Issues / Items (Chronology)

### Meeting dates:

**17 January 2012, 14 February 2012, 13 March 2012, 10 April 2012**

Item	Corporate Priority / Targets	Suggested Action	Notes	Due Date and Status
The future of careers advice, targeted youth support and update on connexions.	Support our Children and Young People	Members to be briefed	Requested at Committee in June 2011 – possibility of a Headteacher or careers advisor to be invited to this.	<b>January 2011</b> <b>Deferred from December 2011</b>
Disabled Respite Care	Support our Children and Young People	Members to be briefed on the future direction of respite care.	Requested at Committee in May 2011	<b>January 2011</b> <b>Deferred from October 2011</b>
The impact on Council Services following the opening of Academies	Support our Children and Young People	Members to consider	Requested at Committee in June 2011	<b>January 2011</b> <b>Deferred from November 2011</b>
Cabinet response to fostering review	Support our Children and Young People	Members to be updated		<b>February 2011</b> <b>On track</b>
Family Support	Support our Children and Young People	Members to be updated	To include: - Update on Cheshire East Family Service - Update on Proposed changes to children's centres - Cabinet response to family support task and finish report	<b>February 2011</b> <b>On track</b>
OFSTED inspection paper	Support our Children and Young People	Members to go over in more detail the paper discussed in		<b>March 2011</b>

		September 2011 and to be updated on the progress made on the action points.		On track
School Organisation Plan	Support our Children and Young People	Members to consider		March 2011 On track

### **Possible future items for consideration:**

- IT Systems
- Every Child matters
- Director of Public Health inc. work on Obesity and Diabetes (when appointed)
- Childcare support for working parents
- How safeguarding issues are checked in schools
- Complaints – tba

### **Training Requirements/Planned sessions**

- Local Authorities' changing interface with schools and education -**19<sup>th</sup> Jan 2012**
- The architecture of partnerships and consideration of the value they add – **20<sup>th</sup> Feb 2012**
- Site visit to CAT teams

### **Disregarded / Discontinued Items**

<b>Item</b>	<b>Date</b>	<b>Reason</b>
Post 16 Transfer of Funding to Local authorities	22.09.10	Responsibility no longer with LA
Analysis of School Performance	22.09.10	To be merged with educational attainment item
Early Years Funding Reform	22.09.10	Briefing heard on 27.07.10
Children's Centres	26.10.10	Dealt with as part of the Family Support review.
School Status report	26.10.10	Merged with Academies item
Interventions in Schools	26.10.10	To be dealt with in the schools inspection item.
School Admissions Policy / TLC review	14.12.10	Superseded by White Paper item
Redesign of Children's Services	17.02.11	Incorporated into Safeguarding item
Teenage Pregnancy	17.02.11	Superseded by Director of Public Health Item
NEETS	17.02.11	Superseded by Connexions Item
Macclesfield High School Review	04.05.11	Item no longer needing consideration
Transport for Young People	18.05.11	Superseded by Home to School Transport Review
Aiming Higher Report	13.06.11	Superseded by Disabled Respite Care item.
Member Engagement in Social Services Systems	03.08.11	Superseded by Training session on Contact, Referrals and Assessments

### **Task Groups – potential/current/completed**

<b>Title</b>	<b>Progress Notes</b>	<b>Actions</b>
Managing the Provision of School Places (formerly TLC)	Went to Scrutiny November 2009.	
Residential Provision	Recommendations agreed 07.09.10 – went to Cabinet 20.09.10 for consideration.  Members to review action plan following Officer's response to recommendations.	
Family Support	Reported to Committee 07.12.10. Went to Cabinet 20.12.10	Cabinet Response required ASAP
Education attainment	Set up Task and Finish Group to review the work of the multi agency improvement and achievement group	
Foster services	Recommendations agreed 04.11. Went to Cabinet 06.11	Cabinet Response required December 2011
Health and Looked After Children	Discuss with Health and Wellbeing Scrutiny Committee.	To set up with conjunction with the Health and Wellbeing Committee.
Cared for Children 16 plus service.	Set up Membership 28/06/2011 – deferred to January 2012	
Home to School Transport	Following recommendation from Cabinet meeting.	Membership approved.
Health and Cared for Children	Following Fostering service review – in partnership with H&W Committee	Membership approved

#### **Dates of Future Cabinet Meetings**

9 January 2012, 6 February 2012, 5 March 2012, 2 April 2012 and 30 April 2012.

#### **Dates of Future Council Meetings**

15 December 2011, 23 February 2012, 19 April 2012 and 16 May 2012.



## **FORWARD PLAN 1 DECEMBER 2011 - 31 MARCH 2012**

This Plan sets out the key decisions which the Executive expect to take over the next four months. The Plan is rolled forward every month. It will next be published in mid December and will then contain all key decisions expected to be taken between 1 January and 30 April 2012. Key decisions are defined in the Councils Constitution.

Reports relevant to key decisions, and any listed background documents may be viewed at any of the Councils Offices/Information Centres 6 days before the decision is to be made. Copies of, or extracts from these documents may be obtained on the payment of a reasonable fee from the following address:-

Democratic Services Team  
Cheshire East Council ,  
c/o Westfields, Middlewich Road, Sandbach Cheshire CW11 1HZ  
Telephone: 01270 686463

However, it is not possible to make available for viewing or to supply copies of reports or documents, the publication of which is restricted due to confidentiality of the information contained.

A decision notice for each key decision is published within 6 days of it having been made. This is open for public inspection on the Council's Website, Council Information Centres and Council Offices.

The law and the Council's Constitution provides for urgent key decisions to be made. A decision notice will be published for these in exactly the same way.

Forward Plan 1 December 2011 to 31 March 2012

Key Decision	Decisions to be Taken	Decision Maker	Expected Date of Decision	Proposed Consultation	Relevant Scrutiny Committee	How to make representation to the decision made
CE11/12-24 Proposed Expansion of Oakefield Primary School, Crewe	To authorise officers to publish a notice of the Local Authorities plans to expand the Primary and Nursery School from 315 to 420 places with effect from September 2012.	Cabinet	22 Dec 2011	School Organisation, East Cheshire Association of Primary Heads, local Headteachers.	Children and Families	Lorraine Butcher, Strategic Director (Children, Families and Adults)
CE11/12-4 Business Planning Process 2012/2015 - Business Plan	To approve the Business Plan for 2012/2015 incorporating updated budget and policy proposals together with the Capital Programme.	Cabinet, Council	6 Feb 2012	With all Members and a range of local stakeholders including PCT's, Parish Councils, social care representatives, businesses, trades unions, the schools forum and the public.	To be determined but expected to be a scrutiny budget consultation group.	Lisa Quinn, Director of Finance and Business Services