

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Cabinet

Date: 05/06/2023

Subject: Special Educational Needs and Disabilities (SEND) Ordinarily Available Guidance, Profile of Need and Sufficiency Review

Report of: Councillor Alex Sanderson, Cabinet Member for Children and Education

Report author: Peter Haylock, Operational Director of Education and SEND

Responsible Director Jacqui McShannon – Strategic Director of Children’s Services

SUMMARY

The Special Educational Needs and Disabilities (SEND) Ordinarily Available Provision Guidance sets out provision that is expected to be made available by local Education, Health, and Care (EHC) partners for children and young people with special educational needs and/or disabilities in early years settings, schools, and colleges in Hammersmith & Fulham. Developing a stronger and more consistent mainstream offer through embedding the Ordinarily Available Guidance will support a shared understanding of EHC partner expectations, as sighted as best practice in recent DfE research.

The Profile of Need is a document that should be used jointly with the Ordinarily Available Guidance. This document is designed to give a clearer understanding of learner’s needs. Each case is different, so the document should be used only as a guidance profiling tool for the child/young person to provide a general indication of the level of provision that may be required.

The SEND Sufficiency Review sets out Hammersmith and Fulham’s local area approach to ensure sufficient provision for children and young people with special educational needs and disabilities in the borough, as well as the wider regional area in the context of what is ordinarily available.

There has been extensive engagement and coproduction in producing these documents which is detailed in the [Consultation](#) section of this paper.

RECOMMENDATIONS

Cabinet approves:

1. The publication of the Ordinarily Available Guidance and Profile of Need attached at Appendix 1 and Appendix 2.
 2. The publication of the SEND Sufficiency Review attached at Appendix 3.
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Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	Ensuring a person-centred approach that delivers the right level of support to meet presenting needs of children, young people and their families – and in so doing provide them with the best opportunities to thrive.
Creating a compassionate council	Listening and responding to feedback from professionals, young people, parents, carers, education settings and wider partners regarding what was working well, what needed improvement and where the gaps were with regards to current support available.
Doing things with local residents, not to them	The documents were developed following engagement with families. They have been further updated in response to feedback received through consultation with wider stakeholders.
Being ruthlessly financially efficient	This strategy will support local partners to meet the needs of children and young people in H&F and increase the confidence of parents and carers within the existing structure of funding.
Taking pride in H&F	These documents will ensure our support to children and young people with SEND enables them to lead happy, healthy, and fulfilling lives and achieve their life goals.

Financial Impact

Ordinarily Available Guidance and Profile of Need

There are no direct financial implications associated with this recommendation and it is not expected that this guidance will result in any additional costs.

The National Funding Formula for Schools and High Needs guidance sets out the Department for Education's approach for allocating Schools and High Needs funding for children and young people.

SEND Sufficiency Review

The associated Capital Plan which will detail the delivery of this programme will contain the associated financial implications. This should result in a more favourable revenue impact as a result of meeting more needs locally.

Finance implications Tony Burton, Head of Finance Children's Services and Education, 4th April 2023.

Verified by Reviewed by Sukvinder Kalsi, Director of Finance, 27 April 2023

Legal Implications

Ordinarily Available Guidance and Profile of Need

The SEN and Disability Code of Practice requires Ordinarily Available Provision for children or young persons to be provided in mainstream schools or settings within their own resources. Section 30 of the Children and Families Act 2014 mandates publication of the this 'Local Offer'. Approval of recommendation 1 therefore contributes to the fulfilment by the Council of those legal obligations.

SEND Sufficiency Review

Section 13 of the Education Act 1996 places a duty on a Local Authority to ensure sufficient primary and secondary education provision is available to meet the needs of the population in its area including pupils with additional Special Educational Needs.

The Council also has duties under the Children and Families Act 2014 to make special educational provision for children and young people whose needs cannot reasonably be met from the resources normally available to schools and post-16 institutions.

The Council has additional statutory duties under section 19 of the Education Act 1996 to provide education for pupils needing alternative education and under the Children and Families Act 2014 to meet the needs of pupils and young people up to the age of 25 with special educational needs.

Approval of the SEND Sufficiency Review and its recommendations contributes to the fulfilment by the Council of these obligations.

Implications completed by: Jade Monroe, Chief Solicitor, Social Care, 30 March 2023

Background Papers Used in Preparing This Report

None

DETAILED ANALYSIS

Proposals and Analysis of Options

1. The Ordinarily Available Provision and Profile of Need sets out the description of the provision that should be ordinarily available for pupils in education settings in H&F. These provisions should be made within the existing structures of funding for

- Early Years education settings
 - LA maintained schools, academies, and free schools
 - Colleges of further education
2. The descriptions and examples in the document define ordinarily or normally available educational provision for pupils and students who have SEND. Setting this out formally provides everyone concerned with a shared understanding and set of expectations about provision that should be made for most children and young people with SEND.
 3. The Profile of Need is a key document that works alongside the Ordinarily Available guidance and provides a profiling tool to provide a general indication of the level of provision that may be required through universal, targeted and specialist provision which aligns to our graduated approach to meeting needs in H&F.
 4. The SEND sufficiency review is a key document to enable the delivery of our vision for children and young people across H&F. To achieve this, we need to review our local SEND provision so it aligns with our SEND Strategy to ensure that we can meet needs of children and young people - at the right time and in the right place.
 5. The SEND Sufficiency review sets out a series of recommendations to ensure that there is sufficiency of placements to meet needs over the medium to long term in the borough in the context of what is ordinarily available in schools. The review commits to promoting inclusion, and excellent outcomes for children with SEND and those who need additional support to achieve their full potential.
 6. All documents have been extensively coproduced with partners across the borough. Feedback has been obtained from stakeholders across the local area including parent/carers, health, education, and social care to inform the final versions of these documents.

Option 1 – Publish the H&F Ordinarily Available Guidance, Profile of Need and SEND Sufficiency Review which takes account of development with key partners and recent consultation undertaken with stakeholders. (Recommended)

7. The documents have been developed in partnership and extensively coproduced with families, partners and providers across the local area, and a consultation exercise has been completed. The documents have been updated considering feedback received throughout the consultation period.
8. The documents clearly set out expectations of what should be ordinarily available in Education settings in H&F, the level of provision that may be required dependent on a child's needs and the subsequent placement requirements over the medium term; to meet the requirements of children and young people with SEND in H&F. These key delivery documents formulate how we will move forward as a local area to ensure children and young people receive the right support at the right time.

9. This option is recommended.

Option 2 – Do not publish the H&F Ordinarily Available Guidance, Profile of Need and SEND Sufficiency Review (Not recommended)

10. This option would prevent the publication of the Ordinarily Available Guidance, Profile of Need and SEND Sufficiency Review, therefore failing to implement a collectively agreed approach to working together to support children and young people with SEND, and their families.

11. This option is not recommended.

Reasons for Decision

12. The SEN and Disability Code of Practice requires Ordinarily Available Provision for children or young persons to be provided in mainstream schools or settings within their own resources. Part 4 of the Special Educational Needs and Disability Regulations 2014 mandates consultation on this 'Local Offer'.

13. Section 13 of the Education Act 1996 places a duty on a Local Authority to ensure sufficient primary and secondary education provision is available to meet the needs of the population in its area including pupils with additional Special Educational Needs.

14. The Council also has duties under the Children and Families Act 2014 to make special educational provision for children and young people whose needs cannot reasonably be met from the resources normally available to schools and post-16 institutions.

15. The Council has additional statutory duties under section 19 of the Education Act 1996 to provide education for pupils needing alternative education and under the Children and Families Act 2014 to meet the needs of pupils and young people up to the age of 25 with special educational needs.

16. Approval for the Ordinarily Available Guidance, Profile of Need and SEND Sufficiency Review contributes to the fulfilment by the Council of these obligations.

Equality Implications

17. There are no direct negative equality implications for groups with protected characteristics, under the Equality Act 2010, by the approval of these documents. An Equality Impact Assessment has been completed and will be kept under review during the implementation.

Risk Management Implications

18. The report recommends approval of the Ordinarily Available Guidance, Profile of Need and Sufficiency Review which have been subject to extensive

consultation with stakeholders, including partners, providers and young people. The documents formulate key delivery strands of the SEND Strategy; ensuring needs are met as early as possible. This is in line with being a compassionate council and in being ruthlessly financially efficient.

David Hughes, Director of Audit, Fraud, Risk and Insurance, 3 April 2023

Climate and Ecological Emergency Implications

19. There are no anticipated climate and ecological implications as a result of publication of these documents. Projects referenced in the SEND Sufficiency Review will form separate programmes of work within which the project team will liaise closely with the Climate Unit.

Hinesh Mehta, Head of Climate Change, 3 April 2023

Consultation

20. At the start of the sovereign H&F service in 2018, officers have worked with parents, schools, and partners to ensure services and provision is in place to meet identified needs. An early iteration of the Ordinarily Available provision was coproduced with families and key stakeholders, however following the implementation of several new early intervention programmes there was a need to ensure the guidance reflected the current landscape and expectations. These documents will be iterative and be updated on a regular basis.
21. The draft guidance and profile of need were developed by several professionals and public consultation was launched to gather the contributions from children and young people, parents and carers and practitioners who work with children and young people with SEND.
22. The SEND Sufficiency Review was undertaken jointly with our partners across the local area. A Reference Group was established with representation across H&F Council, the Integrated Care Board and school partners to share knowledge and expertise, support developing key lines of enquiry with the commissioned provider undertaking the review and to review and test assumptions.
23. Subsequently a series of thematic discussions were held during the Summer which included representation from across the Council, the Integrated Care Board, Health providers and parents and carer forum members (ParentsActive) to understand the current challenges of provision, consider future projections and potential solutions to challenges and scope recommendations for provision in line with H&F's inclusion agenda and the direction of travel in relation to the Governments SEND Review Green Paper.
24. Throughout the review we have utilised existing feedback from children and young people gathered through our Coproduction Lead and Youth Voice Coordinator. The thematic workshops, surveys, meetings, and individual

interviews have all shaped the local context, needs analysis and recommendations detailed throughout the review.

25. Draft versions of these documents were shared with our SEND Delivery Group which includes representation from schools, children centres, health providers, our Parent/Carer forum and representatives from across the Local Authority and Integrated Care Board prior to public consultation.
26. Public consultation ran from the 20 February 2023 to 24 March 2023. Information was shared on the consultation via Parentsactive, SchoolZone, the Integrated Care Board, Health providers and the Children's Services staff newsletter. During the consultation, a series of roadshows were held with key stakeholders to promote engagement. This included jointly facilitated sessions with Parentsactive where Senior Officers presented to parents and carers the proposals and were available to respond directly to any questions. Further sessions were also held with school partners, early years providers and Special Education Needs Coordinators (SENCO's).
27. The consultation was seen by 157 people. Five responses were received in relation to the Ordinarily Available Guidance and Profile of Need and six responses to the SEND Sufficiency Review which were largely positive in nature. A summary of the responses received and how these have been addressed can be found at Appendix 4. It is likely that the series of roadshows and prior engagement supported a shared understanding and resulted in a lower number of returns. Throughout the consultation and at the roadshows no significant concerns were raised.
28. We have committed to create an easy read version of these documents. This work is currently underway, supported by ParentsActive.

LIST OF APPENDICES

Appendix 1 – Ordinarily Available Guidance

Appendix 2 – Profile of Need

Appendix 3 – SEND Sufficiency Review

Appendix 4 - We asked, You Said, We Did – Consultation Responses

Appendix 5 – Equalities Impact Assessment (EIA)