

# Special Educational Needs and Disability Policy 2019

For Children and Young People with SEND to achieve well in their early years, at school and in college, and lead happy and fulfilled lives.

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### Version Control

Version	Date/Author	Approval
V.1.0	August 2019 Sue Talbot	

### 1. Wirral Local Area Policy for Special Educational Needs 2019

- 1.1 This policy represents Wirral Local Authority's response to Part 3 of the Children and Families Act 2014 and associated regulations.
- 1.2 The regulations associated with the Children and Families Act 2014 are:
  - The Special Educational Needs and Disability Regulations 2014
  - The Special Educational Needs (Personal Budgets) Regulations 2014
  - The Special Educational Needs and Disability (Detained Persons) Regulations 2015
  - The Children and Families Act 2014 (Transitional and Saving Provisions)(No 2) Order 2014
- 1.3 This policy reflects the statutory guidance contained within the Special educational needs and disability code of practice: 0 to 25 years January 2015.
- 1.4 This policy relates to children and young people with special educational needs (SEN) and disabled children and young people. A 'young person' in this context is a person over compulsory school age and under 25. Compulsory school age ends on the last Friday of June in the academic year in which a pupil becomes 16.
- 1.5 In all of the decision making we must give consideration to what the Code says. We must fulfil our statutory duties towards children and young people with SEN or disabilities in the light of the guidance set out in it. These can be summarised as: 'Identify SEND; assess and meet SEND, and improve outcomes for children and young people with SEND.
- 1.6 This policy applies to the range of need identified with SEN Support and Education, Health and Care Plans (EHCPs). Most needs can be met by the mainstream (universal offer), including additional SEN Support. EHCPs are appropriate for a small proportion of those who generally present with the most significant, complex and lifelong needs. EHCPs can be issued at any time from 0-25, although there is no entitlement to an EHCP after the age of 19 and we would make a decision on this based on individual needs.

### 2. Principles

- 2.1 The changes brought in by the Children's Act 2014 and the underlying principles provided a golden opportunity to improve all our services for Children and Young People with Special Educational Needs and Disabilities.
- 2.2 The delivery of the Local Area SEND is underpinned by the following principles:
  - We will achieve the ambition and vision set out in the Wirral Plan and associated pledges.
  - We will have robust accountability and governance arrangements ensuring that new,

existing and evolving statutory responsibilities continue to be met.

- We will have full engagement with parents, leading to good participation and co-production of policies and procedures that shape future provision.
- We will promote inclusion and participation in family, school and community life.
- We will embed an integrated service of support across education, health and care from 0-25.
- We will ensure that children and young people with SEND access high quality, local services, which meet their needs and enable them to achieve to the best of their ability.
- We will achieve improved outcomes for Wirral children, young people and their families.
- We will have regard for the views, wishes and feelings of the child or young person, and the child's parents.
- We will acknowledge the importance of the child or young person, and the child's parents, participating as fully as possible in decisions, and being provided with the information and support necessary to enable participation in those decisions
- We will support the child or young person, and the child's parents, in order to facilitate the development of the child or young person and to help them achieve the best possible educational and other outcomes, preparing them effectively for adulthood

### 3. Key Partners

- 3.1 Our policy reflects a team around the child person centred approach. At the frontline the child or young person, their parents/carers, services and providers currently are potentially involved.
- 3.2 At whole system level there is engagement and representation from children and young people, parents/carers services and providers from children's and adults services across education, health, social care, early help and the voluntary sector.
- 3.3 Key partners are: The Wirral & Cheshire West CCG, Cheshire & Wirral Partnership, Parent/Carer Forum], Wirral Youth Council, Wirral headteacher associations, local authority services, Wirral University Hospital Trust and a range of health practitioners.

### 4. Key Structures

#### 4.1 Governance

Operational and strategic managers report to Elected Members through the Cabinet Member for Children's Services, associated Children's Overview and Scrutiny Board and the Children's Improvement Board for accountability and co-production of policy and practice.

#### 4.2 Leadership

The SEN Manager's group, the multiagency SEN Strategic Board and the multiagency SEND Operations groups provide leadership and review.

### 4.3 Disagreement Resolution

We aim to resolve complaints and disagreements as quickly and simply as possible; starting with informal local arrangements to discuss issues/concerns and seek solutions at service level. We aim to find solutions as close to the point of disagreement as possible. A recently reviewed complaints process enables all parties to understand the process when a concern is formalised into a complaint. Formal disagreement resolution and formal mediation is available for parents who wish to pursue this option.

## 5. Transforming Policy into Practice

- 5.1 The aim is always to be clear and transparent in decision making. To achieve this there must be a consistent process in line with the SEND Code of Practice 2015 and consistent application of criteria that ensures eligibility for services, resources and provision is fair and appropriate to the level of need demonstrated.
- 5.2 We are a learning organisation – our self-evaluation framework (SEF) forms the basis of service and staff performance planning across agencies and for all service user age groups. We consider what is working well, or not and how to improve what we do.
- 5.3 We use a range of different information and data in a performance management framework; and feedback from various service users, staff and stakeholders to review how well we are working and what difference we are making to children and young people. We use this to help us improve further.
- 5.4 We implement a graduated approach to our statutory responsibilities to:- identify SEND, assess and meet SEND, and to improve outcomes for children and young people with SEND. This is seen as everyone's responsibility. Mainstream services are expected to meet most SEND with support as needed. There must be evidence of 'plan – do- review' over time to be sure what the nature and level of SEND is and inform decisions about next steps. This may include a statutory needs assessment and may result in issuing an EHCP.
- 5.5 We prepare children and young people for adulthood and independence. The local offer website has further information on moving into adulthood.

## 6. Graduated Approach

- 6.1 The graduated approach in Wirral applies from the early years to post school provision and is predicated on a range of inclusive mainstream provision and services that ensure: -
  - the early identification and intervention of SEND,
  - removing barriers to learning increasing the capacity and developing the expertise of mainstream schools to meet an increasing range and complexity of SEND
  - Children and young people with SEND and their parents/carers are supported and empowered so that we foster independence. We provide the support that is needed and aim to reduce this as independence develops.

- 6.2 The graduated approach is set out in the Thresholds document. This supports mainstream education providers to meet a range of SEND; providing an inclusive approach that removes barriers to learning and appropriately meets SEND and secures improved outcomes. SEN Support is the main feature of the graduated approach and involves a number of cycles of 'plan-do-review' cycles to identify, assess and meet SEND over time. This will meet the majority of special educational needs and lead to the achievement of good outcomes for children and young people's learning and development.
- 6.3 For those with significant, complex and long term special educational needs that require a specialist multi-agency response – a statutory assessment of education, health and care needs may result in a decision to issue an EHCP. The decision to commence this assessment process will be based on consideration of the evidence of what has been put in place to meet needs previously (plan-do-review). This evidence enables us to correctly determine what provision and support is needed.
- 6.4 All needs, provision and support is reviewed annually with a view to adjusting it to meet changing needs.
- 6.5 Children and young people with an EHCP may be educated in a mainstream provision, a resourced provision (RP) or a special school. The local authority makes the placement decision based on the outcomes detailed in the EHCP and consideration of what provision is best suited to achieving these.
- 6.6 An EHCP is required for admission to a special school. The local authority is the 'admitting authority' for places in a Resource Provision or special school. Decision making is moderated by a multi-agency panel, the Decision Making Group(DMG) that considers recommendations for issuing an EHCP and the placement that will be stipulated in the Plan.

## 7. Local Offer

- 7.1 Our local offer is the total picture of services and provision that children, young people and their parents/carers can reasonably expect to be available in Wirral. This encompasses mainstream services, targeted and specialist services at SEN Support and specialist services and provision identified within Education, Health and Care Plans.
- 7.2 Our local offer website is produced, reviewed and updated in co-production with children and young people who have SEND and their parents/carers. This contains all the available information about the local offer and provides an opportunity to tell us what is good, what could be better and where there are gaps.
- 7.3 We review our local offer annually to identify and address any gaps in services and provision. We publish the results of this review and any action taken as a result.
- 7.4 We seek regular feedback from service users and stakeholders on the local offer and the website; findings and subsequent action is published on the website.

### 8. Special Education Provision

- 8.1 We aim to keep children and young people local so that they remain an active and confident member of their local community, equipped for adulthood and life beyond school/education.
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- 8.2 All mainstream provision is expected to be inclusive and offer high quality SEN Support that meets the needs of the majority of pupils with SEND.
- 8.3 Where children and young people require specialist staff, approaches, environment and resources, we offer a range of special educational provision.

### 9. SEN Pupils

- 9.1 Wirral's overall pupil population in 2016 was 51,108 and In 2018 was 51,579. Wirral has 7,010 children and young people identified as requiring SEND support in a mainstream school or college. The number of children and young people identified as requiring SEND support by a mainstream school was 7,050 in 2016. There was a slight drop to 7,010 in 2018. The average in England of children and young people identified as requiring SEND support is 14.6%. Wirral's average is significantly higher at 16.8%.
- 9.2 The number of children and young people with a statement of an Education, Health and Care Plan was 1,528 rising to 1,633 in 2018 - an increase of 105 over a 2 year period. Wirral's EHCP average at 3.2% is higher than the England average of 2.9%.
- 9.3 The local FE College and 6<sup>th</sup> Form College are committed to developing their provision for students with learning difficulties and disabilities.
- 9.4 30.6% of Wirral children and young people with an EHCP are placed in mainstream schools against the average in England of 49.1%. 69.4% of Wirral children and young people with an EHCP are placed in special schools against the average in England of 50.9%. 3.1% are based in SEN units/ resourced provision attached to a mainstream school which is in line with the national average. We believe that some of the children who are currently supported in our special schools could be supported in their local mainstream school and it is a priority to address this.
- 9.5 Of the specialist placements 13.7% are in independent and non-maintained Special schools compared to the average in England of 10.1%. Some of these placements are because of parental choice for a non-maintained special school situated within the Local Authority.

### 10. SEN Pupils in Mainstream and Specialist/ Special Schools

- 10.1 There are currently 10 special schools on Wirral; 4 catering for Complex Learning Difficulties. In other authorities these are referred to as Severe Learning Difficulties (2 at primary/ 2 at secondary), 2 catering for Moderate Learning Difficulties and Autistic Spectrum Condition (1 primary/ 1



secondary),1 catering for Specific Learning Difficulties and Autistic Spectrum Condition at primary and 3 catering for Social, Emotional and Mental Health (1 primary, 2 secondary). In addition there is a Hospital School and a Pupil Referral Unit.

10.2 There are 12 resource bases in primary schools and 4 in secondary schools. These are all operated in very different ways and were established by the Local Authority to promote inclusive opportunities for CYP.

10.3 Special schools are at maximum capacity within current buildings and resource. All primary resourced base provision is also at capacity. There is some spare capacity in secondary resourced base provision.

Schools	Learning Difficulty	Places	2007	2017	2018
Clare Mount School (S)	MLD & ASC	216	201	232	223
Elleray Park School (P)	Complex (PMLD,SLD, SLD-ASD)	110	61	116	124
Foxfield School (S)	Complex (PMLD,SLD, SLD-ASD)	133	138	135	137
Gilbrook School (P)	SEMH	55	52	60	50
Hayfield School (P)	MLD & ASC	120	120	129	121
Kilgarth School (boys) (S)	SEMH	55	51	48	51
Meadowside School (S)	Complex (PMLD,SLD, SLD-ASD)	75	64	66	73
Orrets Meadow School (P)	SpLD & ASC	70	63	75	70
Stanley School (P)	Complex (PMLD,SLD, SLD-ASD)	120	85	121	140
The Observatory School (S)	SEMH	55	44	46	74
Emslie Morgan Academy (S)	Alternative Provision	80	53	96	47
Wirral Hospital School (S)	Physical & Mental Health	80	51	74	Not SEN Team related
<b>Units and Bases</b>					
Bebington High Sports College (S)	MLD	20		12	20
Hilbre High School (S)	MLD & Aspergers	30		23	17+15
Oldershaw Academy (S)	MLD	20		14	26
Woodchurch High School (S)	Aspergers	15		16	15
Townfield Primary (P)	Hearing Impairment	10		10	10
New Brighton Primary (P)	Language & MLD	22		20	22
The Priory CE Primary (P)	Language	10		9	
Devonshire Park Primary (P)	Language & ASD- KS1&2	26		22	15
Bidston Village CE Primary (P)	MLD	24		20	24
Woodslee Primary (P)	ASD KS2	8		7	8
Fender Primary (P)	ASD KS1&2	16		15	16
Eastway Primary (P)	ASD KS1&2	16		15	16
Riverside Primary (P)	SEMH	8		8	Not SEN Team related



St Michael and All Angels Catholic Primary (P)	SEMH	8		8	Not SEN Team related
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10.4 We will keep our provision under review to ensure that we have sufficient places of the right type; that these represent best value in terms of cost effectiveness and quality [standards and performance]. We strive to offer outstanding provision where children and young people make good and outstanding progress, achieving their aspirations and meeting our high expectations.

10.5 Where children and young people have particularly complex and significant needs that cannot be met by maintained provision in Wirral or neighbouring authorities, we will conduct additional assessments to determine if specialist independent provision is required. We will have regard to the best use of public resources in such decision making as this consumes a disproportionate share of a finite resource and more importantly, it takes children and young people out of their community, making it more difficult for them to take a place in the community when education is completed. We will endeavour to ensure that provision is an appropriate and necessary match to individual SEND.

## 11. Wirral SEN/D Strategy

11.1 The development of this Strategy has been informed by the local and national policy agenda, together with the legal requirements and responsibilities for SEND provision.

11.2 The development of the Strategy has been endorsed by the Local Area SEND strategic management Group. This Group comprises of representatives from Social Care (Children's/ Adults), CCG, relevant NHS Trusts, SEND lead and lead school commissioner.

11.3 It is recognised that the success in the delivery of the strategy is dependent on ensuring that there is an effective infrastructure in place and that parents, children and young people are involved at each stage. The following diagram depicts the key partners in Wirral's SEN/D local area.

11.4 The SEND strategy lies closely with the Schools Strategy and gives regard to the All Age Disability Strategy and the 2020 vision. These plans and the SEN/D Strategy aim to ensure that there is high-quality provision that ensures all children and young people with SEND reach their potential. The Local Authority is committed to ensuring that all stakeholders focus on inclusive practice and removing barriers to learning.

## 12 Personal Budgets

12.1 In producing an Education, Health and Care Plan (EHCP), we will ensure that strategies and provision reflect a personalised response to individual needs. This will include the opportunity to consider the appropriateness of allocating a Personal Budget where this is needed in order to achieve the outcomes identified in the EHCP.

12.2 A personal budget will be funded through element three of the High Needs Funding Block for education provision, the social care budget for care provision and health budgets where this is provision to meet a medical need.

- 12.3 We will consider all requests for a Personal Budget within the context of the EHCP process. The decision whether or not this is appropriate and necessary will be based on consideration of the options for achieving the outcomes identified. If a Personal Budget is not agreed, the reasons will be given; this will be transparent and comprehensive.
- 12.4 A reason for not agreeing a Personal Budget will be in circumstances where the sum is part of a larger amount of committed spend and disaggregation of the funds for the Personal Budget:-
- would have an adverse impact on services provided or arranged by the local authority/CCG for other EHC partners, or
  - where it would not be an efficient use of the local authority's/health's resources
- 12.5 The High Needs Funding Block referred to above constitutes the total funding available to the local authority for special educational needs provision and services. Our decisions about allocation of this budget, as for all related budgets above, are based on a commitment to delivering high quality provision that secures improved life outcomes for children and young people with SEND, whilst ensuring best value use of finite public resources proportionate to need and equity of decisions for all children and young people across the local area.

### 13 Joint Commissioning

- 13.1 We aim to achieve greater opportunity for giving service users (children and young people with SEND and their parents/carers) more choice and control over local provision through the development of joint commissioning.
- 13.2 We will involve service users in the commissioning and tendering process and decision making. We seek ongoing and systematic feedback from all service users on the efficiency and effectiveness of services and provision, and gaps in the local offer in order to drive the continual improvement of services that deliver improved outcomes for children and young people with SEND.
- 13.3 We will work with partners to align funding streams from education, health and care to simplify and optimise the options for decisions about Personal Budgets.
- 13.4 Any joint commissioning will be informed by the Joint Strategic Needs Assessment (JSNA) which provides a clear assessment of local needs based on national data about Wirral. It includes comparisons with statistical neighbours and the national picture.

### 14 Multi-agency/Partnership Working

- 14.1 For children and young people receiving SEN support and for those with an EHCP, we will work collaboratively to ensure they experience a joined up response to needs. We will jointly plan, deliver and review the impact of services; providing, as far as possible.

- 14.2 Wherever possible and appropriate to an individual's needs we will have one meeting, one plan and a shared understanding of the roles we each play in this. We will 'plan, do and review' together and in coproduction with the child/young person and their parents/carers.
- 14.3 The 'plan, do and review' activity will have the needs, wishes and aspirations of the child/young person at the centre of all discussions and decisions. From the age of 16, the views of the child will take precedence over the views of their parents where the child/young person has the capacity to make decisions for themselves; in all other cases, independent support will be provided to ensure their views are fully included and considered. From the age of 18, young people will receive a Deprivation of Liberty Assessment where appropriate.

### 15 Monitoring & Challenging Outcomes for Children and Young People with SEND

- 15.1 The vision for children and young people with SEND is they achieve well and in doing so realise our high expectations and their own aspirations.
- 15.2 We aim to ensure outstanding provision and services are in place to support the realisation of this ambition. In order to do this we focus on evaluating the difference we make to children and young people with SEND as well as how do we improve outcomes for the discrete of SEND children and young people.
- 15.3 In order to ensure improved outcomes for children and young people with SEND we monitor and evaluate the impact of provision and services. We evaluate individual progress and outcomes from starting point. We do this through using national and local information about progress and achievement to monitor outcomes for all children and young people in Wirral with the aim to close attainment gaps between our children and young people with SEND and the national average, and the attainment gap between those with SEND and those with no SEND.
- 15.4 By adhering to the appropriate information sharing protocols information will be shared around baseline assessment, targets, progress and interventions to evaluate our impact.
- 15.5 We monitor key performance measures and indicators are based on national data as found on the local authority interactive tool (LAIT). These show where we can make improvements and form the basis of strategic plans, service plans and individual staff targets. They inform our discussions with service users as part of the co-production process.

### 16 The EHCP Assessment Process

- 16.1 Wirral is committed to an inclusive culture that focuses on removing barriers to learning. We promote the presumption for a mainstream education where possible and appropriate, with the caveat that provision should match needs.
- 16.2 We aim to provide parents with sufficient information to support their expression of a preference from the options available. Wherever possible we aim to keep children and young people close to home and within their communities so that they are actively involved and are prepared for adult life

in Wirral. We keep the range of mainstream and specialist educational provision under review so that we have sufficient services and places for the needs our children and young people experience.

- 16.3 We will provide information, training and guidance to clarify responsibilities and to build the capacity of mainstream schools and providers to assess and meet special educational needs at a level commensurate with those statutory responsibilities.
- 16.4 At SEN Support and where we maintain an Education, Health and Care Plan or Statement of SEN we expect all professionals and parents to work collaboratively to ensure a seamless and joined up experience (co-production) and therefore ensure that children and young people with SEND make the best progress possible and achieve improved outcomes that equip them for a productive and fulfilling adulthood.
- 16.5 We will provide or broker access to specialist services to support the assessment and meeting of a wide range of SEND.
- 16.6 We involve children in decisions about their education, health and care from an early age, using advocates and communication aids where appropriate, so that their role in co-production is independent of their parents/carers. From the age of 16, we give precedence to the views of the child in expressing choice and preference where this is appropriate in effectively meeting their needs. We fulfil the requirements of the Mental Capacity Act by assessing the capacity of young people to make decisions, including where this relates to Deprivation of Liberty assessments.
- 16.7 Our decisions about statutory assessment are based on robust multi-agency assessments, the graduated approach and criteria for statutory needs assessment that establish when special educational needs exceed the capacity of SEN Support. Decisions are informed by scrutiny of the cycles of plan-do-review at SEN Support.