

<b>Committee</b>	Schools Forum 15 July 2010
<b>Title</b>	SEN Monitoring
<b>Class</b>	Part 1

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## **1. PURPOSE OF THE REPORT**

The report summarises the response to the SEN audit carried out with ten Lewisham schools in order to establish whether resources for special needs were being used effectively.

## **2. POLICY CONTEXT**

The authority's Strengthening Specialist Provision review set out arrangements for reshaping the provision of places for children with special educational needs. Prior to the review the decision had been taken to devolve additional funds to schools to support pupils with SEN, intended to give sufficient resources for them to provide timely support without needing to issue statements for pupils who were previously supported at Matrix levels 3, 4 and 5. Statements with levels of support from Matrix level 6 and above continue to be issued by the authority. The Children and Young People's Plan 2009-12 emphasises the importance of early intervention to address needs.

## **3. BACKGROUND**

- 3.1 Forum considered a report on the 20<sup>th</sup> May which set out the results of the audit on ten schools designed to obtain better information about the use of SEN resources.
- 3.2 Among the recommendations agreed were those about sharing good practice, improving monitoring and making effective use of Annual Reviews.
- 3.3 A key recommendation was that a protocol should be drafted, setting out expectations for schools in terms of how assessments are applied for, and how resources should be used to support pupils. The protocol should also set out expectations on the Local Authority in terms of attendance at annual reviews and provision of information.
- 3.4 The recommendations were drafted in the context of a significant overspend in the SEN budget overall in 2009/10, and particularly in the Matrix budget. Over the period since January 2010, 195 assessments have been requested (27 per month), and 69 were agreed, a rate of 35%. Since the start of the current financial year 127 assessments have been requested (32 per month), and 42 have been agreed, a rate of 33%. Advice from the National Strategies team is that this suggests

a mismatch between the expectations of schools and of the Local Authority.

- 3.5 14 statements carrying a matrix have been issued in the period up to the 30<sup>th</sup> June. The total cost of these is £127,125. Continuing to issue statements at a similar rate would carry a risk of further pressure on the budget, given previous experience of a 'spike' in requests for assessments in the latter part of the year.

#### **4. PROTOCOL**

- 4.1. The draft protocol is attached at annex A. It has been discussed at Primary Strategic and will be discussed at Secondary Strategic on 16 July. If all parties agree, the aim is that the protocol should start to operate from the start of the autumn term 2010.

- 4.2 The protocol covers processes before an assessment is requested, the information that should accompany a request, the agencies that should be involved, the resources that schools should use even when a pupil has a statement, the time that should elapse before a request for further resources is made and the entrance arrangements for ceasing statements. It also covers the regular information that the Local Authority will provide to assist everyone in the partnership to monitor the situation and the ways in which annual reviews will be used.

- 4.3. The protocol does not attempt to supercede anything in the Code of Practice and parents' rights remain unchanged. There may need to be structured arrangements for briefing parents about the protocol as appropriate.

#### **5. EQUALITIES IMPLICATIONS**

There are no specific implications arising from the report. Pupils with special needs are among the most vulnerable in the population and their needs are of paramount importance in the assessment process.

#### **6. LEGAL IMPLICATIONS**

These are contained in the report.

#### **7. FINANCIAL IMPLICATIONS**

These are contained in the report.

#### **8. ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications arising from the report.

#### **9. APPENDICES**

Draft SEN protocol attached.

## Background papers

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## SEN PROTOCOL 21.6.10

This is Lewisham's protocol for the assessment of pupils' special educational needs and the implementation of statements. The protocol seeks to complement the SEN Code of Practice in setting out how the arrangements are locally implemented. The protocol is subject to agreement between schools (which throughout the document is taken to include academies), and is guided by the following **principles**

- Children only require statements when their needs cannot be met within the devolved resources for low level/high incidence needs that are readily available to all schools
  - It is expected that requests for assessment should only be submitted for high level/low incidence complex and enduring needs
  - Meeting pupils' needs should be met in the most effective way, involving the most efficient use of resources and good value for money
  - Direct support should take precedence over bureaucratic processes
  - Access to services should be possible without the need for a statement
  - Our processes should be transparent
  - The aim is always to work in partnership with schools and parents..
1. The local authority will update and regularly review the 'Statutory Assessment Criteria' which have informed decisions about assessment for a number of years. The current document is available on the Lewisham website. Evidence suggests that the current arrangements encourage requests for assessment of low level, high incidence needs. The revised criteria should include what is expected from schools, from the monies available to them, e.g. AEN, AWPU, devolved funding for School Action and School Action Plus.
  2. Schools, including academies, need to set out clearly, when they make requests for statutory assessment:
    - a) why the needs cannot be met through resources and services available to them;
    - b) why the statutory assessment is required;
    - c) why the desired outcome cannot be achieved without the assessment process being undertaken;
    - d) the outcomes of interventions carried out, within school and involving other agencies (see 4 below).
  3. Schools, including academies, **MUST** provide with every request for assessment
    - a) details of the strategies used to address the pupil's needs
    - b) evidence of the impact these have had

- c) up to date reports;
- d) details of the agencies used, including those on the 'Minimum List';
- e) the school's provision map, indicating where the child fits into it
- f) the amount spent on that pupil in the current financial year (to date and a full-year equivalent).

Failure to provide any of these details will result in the assessment being refused. It is also important to emphasise that the assessment must be prompted by concerns about the child's learning. If the main issues are social, schools should refer to the locality Family Support Panel.

4. The **Minimum List** of professionals or agencies to be consulted prior to an application for assessment is as follows:
  - a) Inclusion Service (e.g. Communication and Interaction Team, Early Intervention Team, Educational Psychologist, BEST)
  - b) New Woodlands (in cases where the pupil's behaviour presents significant problems)
  - c) SALT (in cases where the pupil's verbal communication presents significant issues)
  - d) Health (e.g. school nurse, GP, consultant, CAMHS)
  - e) ASD Outreach team (in cases where the pupil is on the ASD spectrum).

NB – a) and c) most times will cover ASD.

OT & physio for physical needs.

VI or HI team if sensory.

A full assessment will involve consulting most of the agencies again, so schools need to be clear about what will be achieved by this additional process.

5. When an application for assessment has been refused, the application should not be resubmitted before a further six months has elapsed. The only exception to this is where the Panel has asked for it to be resubmitted sooner, with additional evidence.

Parents retain the right under the Code of Practice to appeal against refusal of an assessment, but schools should advise and support them appropriately in terms of waiting for interventions to take effect and on the required next steps.

6. Following the issue of a statement, there will be an expectation that the school will run with it for a minimum of a year. No requests for increases in hours or matrix level will be considered during this time. If the school is of the view that extra hours are needed, they should provide the funding themselves.
7. There will also be an expectation that when a statement is issued, schools will provide a certain amount of funding from their own

resources to supplement the matrix money. The school amount will be geared to the matrix amount via a formula.

8. It is the expectation that schools use resources in a way that supports pupil progress. Statement resources are provided in order to enable a pupil to make \*academic and developmental progress.\* That progress will continue to be monitored by the school and local authority at annual review and schools should obtain updated professional advice as part of this. Formal statutory reassessment will therefore not be necessary unless there is a significant change in needs.

**\*\*For a large number of ASD pupils this is more crucial for social intervention i.e. play and lunch times (independent individuals)**

9. Schools, including academies, and the local authority will monitor the impact of interventions, and if satisfactory progress has been made and targets reached, the pupil should move to School Action Plus and the statement will become eligible for ceasing. This expectation is backed up by a 'Cease to Maintain' policy. (all schools need to see this.
10. There will be regular monitoring of the impact of interventions in an annual sampling exercise by the local authority; among other things, this will focus on the effectiveness of individual support from TAs.
11. SEN Senior Caseworkers will be given targets to identify instances where statements can be ceased. They will be aware of the Cease to Maintain policy and will use the Annual Review process to do this. Schools with high numbers of statements for low level needs should also set targets for the number of statements to be ceased. The team will prioritise attendance at annual reviews for years 5 and 9, and for cases identified through consideration at panel and identified as high priority by schools.
12. The SEN Assessment and Placement Panels will include at least one head teacher representative (as distinct from a SENCO, who may also attend). Heads and SENCOs who attend should also be fully informed about the authority's policies and procedures.
13. Where appropriate, the pre-panel work will include a sifting process which will identify instances where requests relate to pupils who do not have complex and/or enduring needs. These cases will be dealt with outside of panel.
14. All schools, including academies, will be sent a termly monitoring report via schools' mailing. This report will include the number of new requests for assessment made, how many have been agreed, and the implications for the budget of new statements issued. It will also detail which schools have requested assessments and which have had

statements issued. Regular reports will also be made to Schools Forum. We like this one!!!!

15. Information will be available to the Panel about individual schools' budgets, in terms of AEN/SEN spend, etc. It should also include an overview of what services are provided to the schools.
16. Where there is evidence that particular schools have applied for more assessments than can be reasonably expected (taking into account FSM, mobility, etc), training will be arranged for the Head, SENCO and other staff as necessary. The training will be on SEN matters and will be provided and monitored by the School Effectiveness Team.
17. If the number of statements issued means that the SEN Matrix is overspent, or likely to be overspent, Schools Forum will consider whether the financial impact of this should be spread across all schools, or just across those schools where the number of statements exceeds the average. The current arrangements act as a perverse incentive for schools to apply for statements, because the financial impact is borne by all schools. My Inclusion Manager is not sure about this as she feels that schools good at managing SEN without statements will be penalised.
18. Information will be available for parents about the operation of the protocol, its principles and rationale.
19. Mediation will take place as necessary with parents, to explain processes and provision, and to enhance partnership. (before tribunal? If so then good step).
20. There will be regular opportunities to share good practice between schools, facilitated by the LA, and informed by the audit process.
21. Schools will be expected to attend the Tribunals in partnership with the LA. They should clearly demonstrate how they are planning to support pupils going forward (through training etc)
22. Transport arrangements should be kept under review and there is an expectation that wherever possible, pupils should receive training and encouragement in terms of independent travel. (excellent idea. We need to know who provides this).