

**SECTION E**  
**ADDITIONAL DATA**

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## **E1 Basis of report**

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  - 1.1.3. National Curriculum Assessments at Key Stage 2 in England
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### **2. Meetings**

#### 2.1. Meetings with individuals:

Martin Gray	Service Director, Children's Service Commissioning
Russell Pickering	SEN Monitoring and Review Officer
Jason McAllister	Monitoring Team

8/3/2013

Alan Foster

Group Accountant for Learning and Children

Simon Lewthwaite

Senior Manager, GIS System

Catherine Waters

ARMS Co-ordinator

Sue Waugh

EYFS Inspector

25/03/2013

Carolyn Lamb

Principal Educational Psychologist

Ann Muxworthy

SEN Inspector

Melanie Vincent

Early Years SENCO

Jean Thompson

Early Years SENCO

26/03/2013

Amanda Ross

Visual Impaired Specialist

Billy MacPherson

Hearing Impaired Specialist

28/03/2013

Jill Bird

TranSEND Project Coordinator

19/04/2013

Rabbi Avrohon Sugarman

Jewish Schools

Henry Edwards

Secondary Inspector

Joanne Waters

Transition Senior Practitioner

26/04/2013

Deborah Mason

Pupil and Parent Service Manager

## 2.2. Meetings attended:

26/2/2013

Special Educational Needs Improvement Team Senior Management Team (SENIT SMT)

Additional Resourced Mainstream Schools (ARMS) Heads

8/3/2013 & 19/04/2013

TranSEND Project Board

21/03/2013

Special School Heads meeting

26/03/2013

TranSEND Coordinator Group

## 2.3. Focus groups:

25/03/2013

Parents

ARMS Heads /SENCOs

Special School Heads

26/03/2013

Professionals involved with ASD  
Mainstream Heads and SENCOs

### **3. Visits**

26/2/2013

Washingwell Primary School	(Autism ARMS)
Whickham Academy	(Autism ARMS)
Gibside Special School	(Autism provision)

21/03/2013

High Spen Primary	(Hearing Impairment ARMS)
Swalwell Primary	(Physical Difficulties ARMS)
Bill Quay Primary	(Complex Communication ARMS)

19/04/2013

Brandling Primary	(Speech, Language & Communication ARMS)
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## **E2 Parents and special educational needs**

A constructive working relationship with parents and carers of children and young people with special educational need has long been a significant feature of Local Authority work.

It has become even more significant with the changes developing from the Children and Families Bill as that has a specific intention of strengthening parental choice.

The Bill, in setting out the Local Authority functions (part 3 section 19), makes it explicitly clear that the Local Authority must have regard to the wishes of the parents. Please see Appendix 1.

Part 3 Section 30, concerning the local offer, makes it clear that parents should be engaged with the local offer and specifically (part 3 section 30 (6)) that the Local Authority must publish comments received from parents of children with special educational needs and the Local Authority response to them.

Section 32 requires parents to be provided with advice and information.

Section 33, concerning 'Mainstream Education', indicates that a child or young person must be educated in mainstream '*unless that is incompatible with the wishes of the child's parents or young person*'.

Section 36 (1) indicates that parents may request an Education Health Care (EHC) assessment and requires the Local Authority to consult with parents before making an assessment if it is requested otherwise.

The involvement of parents in reviews (section 44) and reassessments or decisions to cease to maintain EHC plans (section 45) is similar to previous legislation.

The introduction of 'Personal Budgets' section 48 is a major area of change.

Section 48 (1) states that '*A Local Authority that maintains an EHC plan, or is securing the preparation of an EHC plan for a child or a young person must prepare a personal budget if asked to do so by the child's parent or the young person*'.

It also introduces the possibility in section 48 3(d) for payments (direct payments) representing all or part of the personal budget to be made to a child's parent or young person, in order to secure provision to which the budget relates.

Parental rights of appeal (section 50) remain concerning decisions:

- Not to undertake an EHC needs assessment
- Not to make provision following an assessment

- Not to reassess
- Not to amend an EHC following review
- To cease to maintain an EHC.

Parents, however, are required to engage in a Mediation Process (section 51) before a First Tier Tribunal can consider the case.

The Indicative Draft: *The (0-25) Special Educational Needs Code of Practice*, hereafter referred to as the 'Draft Code', emphasises the strengthened role of parents.

The Draft Code (section 1:6) indicates nine principles underpinning the code and new system. Three of these relate to parents:

- *'Focus on the outcomes that children and young people and their families want to achieve'*
- *'The views and participation of children and their parent/carer are central'*
- *'Choice and control for young people and parents over the support they/their children receive'*.

Section 2 of the Draft Code, A Family Centred System, starts off with the bold statement, *'Parents know their child best'*. The section advocates a family/person centred planning approach. Section 2.3 of the Draft Code refers to the requirements of Local Authorities to commission a parent partnership service and sets out the features it ascribes to an effective service.

*'Effective parent partnership services have the following features:*

- *a confidential service for parents providing impartial advice and guidance;*
- *staff trained in the legal framework who inform and advise parents and also provide information in leaflets, on their website and in other languages;*
- *providing access to additional trained support, such as volunteers, for all parents who request it, including support about appeals to the SEN Tribunal;*
- *clear terms of reference and a development plan setting out needs and priorities for the service and its staff;*
- *providing support and training for parents to (actively) participate in local strategic groups and develop and review local children's services and SENS policy;*
- *located in easily accessible premises that are perceived by parents as independent of the Local Authority.'*

Section 2.4 indicates the importance of parent cover forums and again indicates the features of effective parental participation.

*'Effective parent participation happens when parents are enabled to work alongside professionals to ensure that:*

- *the engagement of parent carers in the Authority is valued, planned and resourced;*
- *the parent carer forum offers proactive and on-going leadership;*
- *the participation of parent carers is evident at all stages in the planning, delivery and monitoring of services;*
- *the function of the parent carer forum is clear to parents and providers;*
- *there is genuine partnership working, and user/provider experiences are co presented;*
- *the contribution of parents is professionally valued through, for example, policies of reward, recognition and remuneration;*
- *there are clearly described roles for parent representatives; and*
- *plans are in place for on-going recruitment and training.'*

In respect of the EHC Plan Assessment, the Draft Code, section 6.5 indicates that: *'children, young people and their parents should be at the centre of the process, and their views on how, when and to what extent they would like to engage are important'*.

All EHC plans must have a distinct section that reflects *'The views interests and aspirations of the child and their parents or young people'*.

Section 6.10 indicates: *'Parents of children with an EHC plan have a right to express on preference that they attend a particular school, college or other institution'*.

The legislation, and good practice, requires the Local Authority to engage constructively with parents in respect of both strategic commissioning and operational commissioning.

## **Observations on arrangements in Gateshead**

Four aspects of working with parents have been considered:

1. Observation of Parents in Power contribution to Project Board
2. Focus group with parents (notes at Appendix 2)
3. Analysis of SEN tribunal data
4. Parental contributions to Statement Panel cases.

As parents are uniquely individual, it is difficult to generalise from such a small sample. However the following issues emerge.

1. The Parents in Power group does not seem to be fully representative and the leadership is not from a parent whose child is currently within the age span of the legislation. There are mixed views on this. On the one hand a parent of a child with special educational needs might be too busy to devote significant time and might not be able to distance themselves from the specific circumstances of their own child. On the other hand leadership from a parent whose child is no longer in the



system means that they may have time available and would have peer credibility from having experienced the situation personally. There is however a risk that they will bring a historical perception of people, policy and procedures which may not relate to the present reality. Ultimately, and appropriately, parents will choose their own representation.

2. Whilst the small number of parents who attended the focus group are possibly not representative, the majority of them presented a perception of struggle rather than partnership and used the language of 'fighting' the Local Authority rather than working with the Local Authority. Parents recognise the Local Authority cannot always meet their aspirations and are concerned as much about tone as the content of discussions. Concerns were expressed by some parents, and also by some staff in schools, about the tone and lack of empathy in some correspondence received from the LA.
3. The data from Gateshead suggests that tribunals have increased in numbers over the past few years and that the level of success in resisting parental requests has been low.

The DfE Evidence Pack: Special Educational Needs; Children and Families Bill 2013 assumes that nationally under the new Bill the same number of Tribunals will occur and the overall number will increase because of the extension of the age range. It indicates the price to a Local Authority to defend an appeal is estimated at £5,116 (2012 costs).

4. The range of experience, aptitude and empowerment that parents bring to contributing Parental Advice is huge. Some parents become highly informed experts in their child's condition whilst others are not able to contribute significantly to the Advice or subsequent reviews.

## **TranSEND**

Gateshead is one of a small number (20) of Local Authorities that are pathfinders, working with parents and carers to test out proposals embedded in the Children and Families Bill.

A key element of this relates to Personal Budgets which are designed to give parents, and young people, choice and power over how support is provided. The pathfinder initiative has identified three variations in personal budgets:

- there could be direct payment to an individual
- there could be a series of choices and options but without direct payment
- there could simply be more transparency about what is being spent.

The number of families engaged so far in this initiative is small, although attempts are being made to recruit more. It is difficult therefore to draw any conclusions from the pilot yet.

### **Key issues**

- The Local Authority needs to engage more constructively with parents both in strategic commissioning (Local Offer and Parents Cover forums) and also operational commissioning in respect of individual children.
- The SEN legislation and associated guidance strengthens parents' potential power in respect of a wide range of decision making for children with SEN. In particular the ability of parents to express a preference for a special school or an independent school has the potential to impact on commissioning at both a strategic and operational (budget) level.
- A new right for parents to secure direct payments will have an impact on the Local Authority, at the very least in terms of management and support.
- New guidance on working with parents in the Draft Code will require the Authority to review its pattern of working.
- If the present relationship is typified by distrust and struggle then it does not bode well for the future.
- New legislation will be released in a welter of positive publicity that will raise expectation at a time when budgets are restricted rather than expanded.

### **Recommendations: parents and special educational needs**

1. In order to ensure that working with parents enhances the commissioning process the Local Authority should undertake a brief strategic review of this, in partnership with parents.
2. In order to ensure that they are fit for purpose, any commissioning arrangements for Parent Partnerships and Parent Carer forums will need to be reviewed to ensure that there are clear expectations, reporting arrangements and outcome measures.
3. In order to meet the requirements set out in the new Draft Code, the Local Authority will have to arrange for an independent disagreement resolution service that meets the standards set out in section 7.3 of the Code, and ensure that independent mediation and advice is available for parents to the standards set out in section 7.4 of the new code.

4. In order to comply with new legislative requirements all literature produced to support parents, including web pages, will have to be appropriately revised.
5. If the strategic review confirms that there is an issue relating to the sensitivity of staff working with parents then the Local Authority should consider the need for staff training and development.
6. The Local Authority could help develop a person specification for the chair of the Parent Cover forum which could be the time a person can serve as chair. The Local Authority could also help develop a shared strategy that would empower the forum to be able to engage with more parents.

## E3 Ethnicity and special needs

Gateshead's special educational needs database does not record ethnicity.

The 2011 census reports that Gateshead is predominantly white. 94.1% are in the English – British category and a further 2.4% in the other White ethnic categories. No other ethnic group has more than 0.5% (Chinese 0.5%, Other Asian 0.5%). However, the census shows that between the 2001 and 2011 census there was a drop of 2.8% in the English – British category whilst most of the ethnic groups rose by around 0.1% (Other Asian increased by 0.4% and Chinese by 0.3% and Indian by 0.2%.)

There is a wealth of comparative data on ethnicity and attainment.

The DFES Report (2006) *SEN and Ethnic Minority achievement*, whilst showing that poverty and gender have stronger associations than ethnicity with the overall prevalence of SEN, indicated that Black/Caribbean pupils were 1.5 times more likely to have BES needs, Bangladeshi pupils were twice as likely to have hearing needs and that Asian/Chinese pupils were less likely to have MLD, SpLD, or ASD.

The Early Years Foundation Profile Results in England 2011-2012 showed that in Gateshead the percentage of pupils attaining a good level of development was 58% for white origin, 54% for mixed origin and 38% for Asian origin. There are clearly differences in performance in the groups. All ethnic groups in Gateshead performed at or below the regional and national averages.

<b>Ethnicity</b>	<b>EYFS<sup>1</sup></b>	<b>Key Stage 2<sup>2</sup></b>	<b>Key Stage 4<sup>3</sup></b>
White	58	81	60.8
Mixed	54	x <sup>4</sup>	54.5
Asian	38	92	60.0
Black	53	77	62.5
Chinese	x	x	x
All pupils: Gateshead	57	82	60.6
All pupils: England	64	80	59.0

<sup>1</sup> Percentage of pupils achieving 6 or more points across the 7 scales of PSE and CLL and also achieving 78 or more points across all 13 scales: Early Years Foundation Stage Profile Attainment by Pupil Characteristics in England, 2011/12 (published 21 November 2012) - reference ID SFR30/2012

<sup>2</sup> Percentage of pupils achieving level 4 or above in English and Mathematics (NB 2012 figures are not comparable with previous years due to a change in the way English scores are calculated): National Curriculum Assessments at Key Stage 2 in England 2011/2012 (Revised) (published 13 December 2012) - reference ID SFR33/2012

<sup>3</sup> Percentage of pupils achieving 5+ A\*-C GCSE grades including English and Mathematics: GCSE and Equivalent Attainment by Pupil Characteristics in England, 2011/12 (published 24 January 2013) - reference ID SFR04/2013

<sup>4</sup> x denotes a figure not shown to protect confidentiality

## **Key issue**

The absence of any recorded pupil data on ethnicity makes it impossible to consider whether pupils from different ethnic backgrounds are making appropriate and expected progress. As the number of pupils from different ethnic backgrounds is likely to increase it will become increasingly important, as an equalities issue, to be able to be assured that the needs of minority groups are being met.

## **Recommendation: ethnicity and special needs**

1. In order to ensure that pupils from ethnic backgrounds are not underestimated or over estimated it is recommended that there is a field on the SEN database for ethnicity.

## **E4 Outcome based commissioning**

Traditionally a lot of commissioning was about inputs. What was commissioned was, for example, a number of units of professional time. However this does not enable the commissioner to know how effective the input was, nor whether it was providing value for money. By focusing on outcomes the commissioner is starting with where he or she wants to get and can build backwards to achieving this.

A full outcome based commissioning model would be a tender based process for which providers would bid to deliver specified outcomes. The process of evaluation will be to require outcome reporting to demonstrate the effectiveness of inputs.

The Green Paper (March 2011) *Support and Aspiration* has two sections relating to outcomes (see Appendix 3). This report shows that outcomes can be measured in terms of:

- destination after school
- educational outcomes
- exclusion
- not in education, employment or training
- crime
- health and well-being.

The evidence is quite stark (see extract from *Support and Aspiration* overleaf).

## Children and young people's outcomes

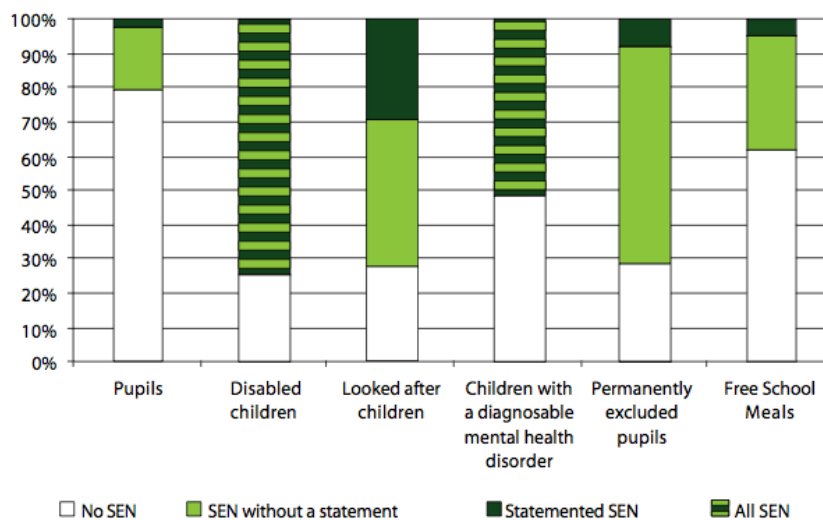
47. Compared with their peers, children and young people who are disabled or who have SEN are considerably more likely to be at risk of poorer outcomes. They are less likely to achieve well at school and are four times less likely to participate in higher education. Pupils with SEN are more than twice as likely to be eligible for free school meals than their peers; and pupils at School Action Plus are 20 times more likely to receive a permanent exclusion and seven times more likely to receive a fixed-period exclusion than pupils with no identified SEN. Looked after children are three-and-a-half times more likely to have SEN compared with all children.<sup>23</sup>

21 YCS and LSYPE (2007). Note: percentages may not add to the total number in full-time education as a small minority of young people were in other forms of education or an unknown institution.

22 YCS and LSYPE (2009)

23 DfE LAC SFR (2010) and DfE SEN an analysis (2010)

**Figure 1: Children and young people with SEN or who are disabled and other factors<sup>24</sup>**



Note: 'All SEN' has been used when the data could not be split into statemented or without statement.

Gateshead has much of this data potentially available but it is not currently drawn together in any systematic way that would enable an evaluation of the effectiveness of input.

The measure of outcomes is not only important for the commissioner, it also has relevance for the parents and young people. If the Local Authority was able to demonstrate the likely outcome of a pattern of provision it would help make an informed choice. Knowing if a young person was more likely to secure appropriate employment if they went to a special school, which had developed links with local employers, rather than to a mainstream school which had not differentiated in the employment market, could help inform their decision. It would also inform the mainstream school that it might have an area of careers development to progress.

Gateshead SEN service have recently revised their statement form to include outcomes.

Qualitative evidence gathered as part of the process demonstrated a strong degree of agreement as to what domains of outcome could be appropriate. The following were all identified as potential outcome domains that could be developed:

- destination post school
- educational progress
- social integration
- communication
- independent mobility
- independence.

During the review a range of potential outcome data was identified and used:

- Catherine Waters evidenced the collection of 'client satisfaction' data
- Brandling Primary School evidenced the availability of standardised score data demonstrating progress in pupils with SLCN
- The special schools evidenced the use of CASPA profiles
- The Connexions service was able to provide data showing the destinations of leavers by category of SEN
- Gateshead's standard Annual Review form collects key stage attainment data.

The data is clearly potentially available and can be used both for strategic and operational commissioning. Often the same data can be used for both. It can be collected for an individual child's review and then combined with other review data to form a profile relating to both a type of need and a type of provision.

The same six strand model can be used for outcome data (see overleaf).



<p><b>Strand 1</b></p> <ul style="list-style-type: none"> <li>• Parent and pupil satisfaction scales</li> <li>• Individual and cumulative evidence of progress against parentally prioritised outcome</li> </ul>	<p><b>Strand 2</b></p> <p>Attainment profiles for need groups</p>	<p><b>Strand 3</b></p> <p>Individual and cumulative evidence of attainment against achievement outcomes targets and destinations</p>	<p><b>Strand 4</b></p> <p>Connexions data on post school destination</p>	<p><b>Strand 5</b></p> <p>Tested effectiveness of 'cumulative predicted placement measure'</p>	<p><b>Strand 6</b></p> <p>Evidence relating to the effectiveness of types of intervention</p>
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This can then be fed back into the individual or strategic commissioning cycle to create a virtuous cycle.