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| 8 September 2021 | | ITEM: 14 |
| Decision: 110583 | | |
| Cabinet | | |
| SEND Education and Residential Placements | | |
| Wards and communities affected: All | Key Decision: Key | |
| Report of: Cllr Barry Johnson Cabinet Member for Education and Children's Social Care | | |
| Accountable Assistant Director: Michele Lucas Assistant Director Education and Skills | | |
| Accountable Director: Sheila Murphy, Corporate Director Children's Services | | |
| This report is: Public – with the exception of the Stage 1 'Approval to Proceed to Tender' procurement report (Appendix 2) which should be exempt since it contains commercially sensitive information regarding the tender. | | |
| Date of notice given of exempt or confidential report: 10 August 2021 (for relevant part of report) | | |

Executive Summary

This report outlines the Special Educational Needs & Disabilities (SEND) Sufficiency Strategy and makes recommendations for the delivery of additional capacity to meet needs including the procurement of out of borough placements if we are unable to meet the complexity of needs locally.

Ensuring we have the right educational placement for children and young people who have special educational needs with residential provision if needed, is key to supporting children and young people to achieve their potential and to develop the range of skills and experiences they need to equip them for adulthood, independent living.

We have recently undertaken a comprehensive needs analysis, this has outlined that we expect to see an increase in the number of children and young people we support over the next five years. In part reflecting population growth, which is increasing at a faster rate than in other local authorities. We expect that:

- We will see a further increase in the need for support for Speech, Language and Communication Needs (SCLN) particularly for pupils with Autism.

- We will see a further increase in the need for support for children and young people with Moderate Learning Difficulties (MLD), however, much of this need will be met within existing mainstream places and Treetops expansion.
- We will see a further increase in need for support with Social Emotional and Mental Health (SEMH) needs in part some of this increase can be attributed to the COVID-19 pandemic – we will continue to closely monitor this over the coming year as we enter the recovery phase across all educational settings.

Our analysis has shown that we will need to increase specialist provision in Thurrock to meet identified needs within mainstream and existing provisions. We also need to improve access to specialist out of borough provision where needed to ensure we can meet the high level of complex needs within our SEND children/young people.

In order to meet needs, we would propose the following to improve SEN place capacity:

- Increase places for 4-18 year olds in Thurrock including free schools and developments to expand support to pupils with complex needs in relation to Autistic Spectrum Condition.
- Increase number of specialist places for 11-16 year olds to support pupils with Social, Emotional and Mental Health needs.
- Expansion in Post 16 provision to support the access to education, employment and training and provide a range of programmes to further enhanced the current offer that has been developed over the past year – with particular reference to the work that Grangewaters our outdoor education centre has provided.

This will be done through the development of in-borough provision and the procurement of external educational and residential placements with the aim of meeting specialist needs as close to Thurrock as possible and improving value for money.

1. Recommendation(s):

- 1.1 That Cabinet agree to commence the procurement of SEND education and residential contract(s).**
- 1.2 That Cabinet agree the option to block purchase places through the contract(s) where this represents best value for the Council to meet demand.**
- 1.3 That Cabinet agree to delegate authority to the Corporate Director of Childrens Services, in conjunction with the Portfolio Holder to award contracts following completion of the procurement process.**

- 1.4 That, in line with Rule 13 of the Contract Procedure Rules, Cabinet agree that the Corporate Director can seek to invoke the waiver provisions of the Contract Procedure Rules due to the nature of the services being purchased.**
- 1.5 That Cabinet agree to delegate authority to the Corporate Director of Children’s Services and the Portfolio Holder where:**
- The placement cannot be made on the contract to be awarded under this procurement exercise;**
 - The purchase is required in order that the Council may meet its statutory obligations and;**
- 1.6 That, as requested by Childrens Overview and Scrutiny Committee, Cabinet reviews their decision to declare Grangewaters as a surplus to SEND provision and to look at further use of Grangewaters to meeting the objectives for SEND provision.**
- 1.7 That Cabinet note the completion of the SEND Sufficiency Assessment and agree the publication of the document.**

2. Introduction and Background

- 2.1 This report supports the delivery of one of the recommendations in the 2021 – 2024 SEND Sufficiency Statement and seeks approval for the procurement of external education and residential placements with the aim of meeting specialise needs as close to Thurrock as possible. The full document is included in the appendices.**

We have embarked on this Sufficiency Statement of our educational provision for children and young people with special educational needs (SEN) in order to:

- Assess the needs of our children and young people.
- Evaluate how well our current provision meets children & young people’s needs, and to identify any gaps.

Support us in planning on how we will continue to develop our provision over a five year period with work commencing in 2021, so that we can achieve the best outcomes for our children and young people.

- 2.2 The development of the 2021-24 SEND sufficiency needs assessment is a part of the ongoing work across the local partnership to ensure that we are able to meet the current and future demand for placements through an integrated commissioned offer. There is close partnership working in place to meet the demand for placements. This will continue as we develop provision with the aim to:**

- Put children/young people at the heart of the decision making to achieve the best possible outcomes for children and young people.
- Ensure there are the right number and type of places to meet children and young people's needs.
- Ensure that children and young people have their needs met within their local community wherever possible.
- Make the best use of resources.

2.3 Whilst the focus of this report is on the procurement of SEND education and residential placement provision, it is part of the overall SEND Improvement Plan that has been presented to the SEND Improvement Board who have approved a phased approach to developing our provision. This approach is based on the strategic commissioning cycle and will ensure that we continually evaluate what we need and what difference our plans, changes and increased capacity is making. This procurement of specialist provision is a part of this plan.

2.4 Co-production with children, young people and families is an essential part of the development of commissioned services. This remains ongoing as services are developed and uses information collected as part of wider continued engagement and consultation.

3. Issues, Options and Analysis of Options

3.1 Thurrock has a higher rate of children and young people aged 0-25 years in its population, 34.08%, than the national rate of 31.11% and the statistical neighbour rate of 32%. From our needs analysis, we expect to see an increase in the number of children and young people we support over the next five years. In part reflecting population growth, which is increasing at a faster rate than in other local authorities.

As a result we expect that:

- We will see a further increase in the need for support for Speech, Language and Communication Needs (SCLN) particularly for pupils with Autism.
- We will see a further increase in the need for support for children and young people with Moderate Learning Difficulties (MLD), however, this need will be met within existing mainstream places and Treetops expansion.
- We will see a further increase in need for support with Social Emotional and Mental Health (SEMH) needs.

3.2 7 of 10 children with Education Health and Care Plans (EHCPs) are educated in local schools. This is a really positive figure and outlines the work that Thurrock have undertaken to ensure we have a strong inclusion ethos that, coupled with our strong partnership work with schools, has enabled us to develop a good local education offer.

3.3 There are four main types of provision for children and young people with special educational needs and disabilities:

- Mainstream provision.
- A resource provision attached to a mainstream school / setting.
- Special provision.
- Independent or non-maintained provision.

3.4 Where possible we aim to source provision within or close to the borough. Currently 74% of placements are within 20 miles of the borough. However, where a child or young person's needs cannot be met in the local area out of borough placements are used. These are generally due to specialist needs and are usually residential placements due to the distance from home.

3.5 204 (11.3%) children and young people access provision out of the borough (as of April 2021 from Synergy). This can make it more difficult for these children and young people to feel and be part of their local communities, and to build a peer group of friends that will help to sustain them into adulthood. The procurement of education and residential placements will aim to encourage more providers in and closer to Thurrock although it is recognised that for some children and young people the complexity of their needs means that there are only a limited number of placements, which may be based at a distance, available nationally. In these cases there is often the need to spot purchase provision.

3.6 Currently all education and residential provision is spot purchased and the recommendation is made for the procurement of external education and residential placements with the aim of reducing this.

4. Reasons for Recommendation

4.1 The provision of high quality education and residential placements for children and young people with SEND is an integral part of the statutory duties on the local authority. Achieving better outcomes for children is dependent upon having the right services available, but also ensuring services fit seamlessly together, have an inclusive culture, and the right structures that support them. We have taken a whole system approach to improving support for children and young people with special educational needs and disabilities (SEND) across Thurrock. This work will continue to be driven by the SEND Improvement Board.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 This report is presented to Overview and Scrutiny Committee in advance of the decision by Cabinet, due to the value regarding the procurement of educational and residential placements.

5.2 Consultation will be ongoing and aims to build on existing mechanisms rather than duplicate requests to children, young people and their parents/ carers.

5.3 From the engagement of children, young people, parents and carers through the EHCP Telephone Survey and Pupil Voice Programme, they have told us they want:

- Services to be centred around what's best for the child or young person.
- All children and young people to get the support they need.
- To be listened to.
- To be included in decision making, and empowered to make choices best suited to the child's needs and ambitions.
- To have tailored support that meets their individual needs.
- For professionals to be clear with them about what is going to, or could happen, and what support is available.
- For services to be joined up.
- For services to be open and transparent about their basis for decision making and arrangements for funding and support.

Further engagement will be carried out and co-produced with the SEND Inclusion Support Officer as part of their ongoing programme.

6. Impact on corporate policies, priorities, performance and community impact

6.1 This strategy reflects the requirements placed on local authorities and their partners by the Children and Families Act 2014 and the SEN Code of Practice 2015. It also contributes to the vision and priorities for Thurrock as follows:

- People – a borough where people of all ages are proud to work and play, live and stay.
- Prosperity – a borough which enables everyone to achieve their aspirations.

7. Implications

7.1 Financial

Implications verified by: **David May**
Strategic Lead Finance

The level of spend on education and residential placements along with the increasing demand makes it a priority for the local authority to deliver the value for money services that have a positive impact on outcomes for children and young people. The regularisation of spend through the implementation of

a procurement exercise for out of borough placements and the delivery of increased in borough capacity will support this.

7.2 Legal

Implications verified by: **Lindsey Marks**
Deputy Head of Law

The procurement proposals set out in this report falls within scope of the Council's duties and statutory obligations and any tender process must comply with the Public Contracts Regulations 2015 and the Council's Contract Procedure Rules. It is noted that the local authority has a duty to ensure there is sufficient provision to meet needs through the Children and Families Act 2014 and the SEN Code of Practice 2015. This work identified those needs and sets out the commissioning priorities to ensure they are met.

7.3 Diversity and Equality

Implications verified by: **Rebecca Lee**
Team Manager, Community Development and Equalities

The engagement and consultation with children, young people and parents/carers ensures that their voice is heard in the development of this work. A Community, Equality Impact Assessment has also been completed to ensure that there is no negative impact from this work and that the opportunities for positive impact are enhanced.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder, and Impact on Looked After Children)

None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- SEND Sufficiency Statement included in the appendices

9. Appendices to the report

- Appendix 1 - SEND Sufficiency Statement
- Appendix 2 – Stage 1 Approval to Proceed to Tender: SEND Education and Residential Placements (EXEMPT)

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