

Children and Young Peoples Select Committee			
Report Title	Update on progress towards setting of the new Partnership Local Area SEND strategy 2020 -2023		
Key Decision	No	Item No.	5
Ward	All		
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Class	Open	Date:	16 October 2019

1. Purpose of Report

- 1.1 This report provides an update on progress of work towards the new Partnership Local Area Special Educational Needs and Disabilities (SEND) strategy 2020 -2023.

2. Summary

- 2.1 This report will give the CYP Select Committee:
- 2.1.1 An overview on the new Partnership Local Area Special Educational Needs and Disabilities (SEND) strategy 2020 -2023;
- 2.1.2 An update on the consultation, progress to date and the next steps;
- 2.1.3 Detail on the vision, priority areas for change, key work streams and proposed high level objectives to be achieved over the next 3 years.

3. Background

- 3.1 Lewisham's local area SEND Partnership Programme Board brings together the agencies in Lewisham which provide and the residents who use SEND services for children, young people and their parents/carers. The Board comprises strategic leaders from Education, Social Care and Health with representatives from those who use the services.
- 3.2 In March 2019, Lewisham's local area SEND Partnership Programme Board commissioned the development of Lewisham's 2020 SEND strategy. This is a process involving evaluation and gap analysis of current services to meet the needs and improve outcomes for children and young people with SEND and extensive consultation with key stakeholders. Parents/carers and children and young people have been at the heart of co-production of the new strategy to ensure a strategy that will reflect their aspirations and priorities.

3.3 Appendix 1 contains the September 2019 report to the SEND Programme Board updating on the work outlined above.

4. Recommendations

4.1 The committee is recommended to

4.1.1 Support the development of the new strategy and the ongoing implementation of the new strategy;

4.1.2 Note and comment on the new strategy;

4.1.3 comment on the role of CYP Select Committee in terms of governance.

5. Financial implications

5.1 There are no current direct financial implications arising from this report. The work described in this report is being carried out within existing resources and plans to monitor and mitigate increasing demand on funding streams which resource SEND provision and services.

6. Legal implications

6.1 The Human Rights Act 1998 safeguards the rights of children in the borough to educational provision which the local authority is empowered to provide in compliance with its duties under domestic legislation.

6.2 Section 14 of the Education Act 1996 places a general duty on local authorities to secure that there are sufficient schools for providing primary and secondary school education and requires them in particular to have regard to the need to secure that special educational provision is made for pupils with special educational needs. Section 315 of the Education Act 1996 requires local authorities to keep their arrangements for special educational needs provision under review.

6.3 Section 9 of the Education Act 1996 places a general duty on local authorities and funding authorities to have regard to the general principle that children are educated in accordance with their parents' wishes, so far as that is compatible with the provision of efficient education and training and the avoidance of unreasonable public expenditure.

6.4 The Education and Inspections Act 2006 requires local authorities to consider and respond to parental representations when carrying out their planning duty to make sure that there is sufficient primary and secondary provision and suitable SEN provision in their area.

6.5 Departmental guidance requires that when proposals are developed for reorganising or altering special educational needs provision local authorities and/or other proposers will need to show how they will improve standards, quality and/or range of educational provision for children with special educational needs.

- 6.6 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty) which replaced, broadened and expanded upon similar duties which already existed in relation to race, disability and sex. It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.7 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- I. eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - II. advance equality of opportunity between people who share a protected characteristic and those who do not.
 - III. foster good relations between people who share a protected characteristic and those who do not.
- 6.8 The duty continues to be a “have due regard duty”, and the weight to be attached to it is a matter for the Select Committee, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 6.9 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:
- <https://www.equalityhumanrights.com/en/publication-download/services-public-functions-and-associations-statutory-code-practice>
- <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 6.10 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- I. The essential guide to the public sector equality duty
 - II. Meeting the equality duty in policy and decision-making
 - III. Engagement and the equality duty
 - IV. Equality objectives and the equality duty
 - V. Equality information and the equality duty

- 6.11 The essential guide provides an overview of the equality duty requirement including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

7. Crime and Disorder Implications

- 7.1 There are no specific crime and disorder implications

8. Environmental Implication

- 8.1 There are no environmental implications.

9. Equalities Implications

- 9.1 The 2010 Equality Act outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to: eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010; advance equality of opportunity between people from different groups; foster good relations between people from different groups.
- 9.2 The broad purpose of this duty is to integrate considerations of equality into day to day business and to keep them under review in decision making, the design of policies and the delivery of services.
- 9.3 Ensuring a high quality education offer for children and young people with SEND supports the educational progress of children and young people with additional learning needs and young people with behavioural emotional and social difficulties. Equalities Impact Assessment is woven into the review and consultation process relation to the strategy and has informed the Identification of strategic priorities to drive forward the partnership approach to improving outcomes for these groups of pupils which will support children with SEND to achieve the best they can.