

Children and Young People Select Committee			
Report Title	SEND Strategy Update		
Key Decision	No	Item No.	6
Ward	All		
Contributors	Executive Director, Children and Young People's Services; Head of Joint Commissioning and Targeted Services; Service Manager Children with Complex Needs Service; Joint Commissioner, Children with Complex Needs		
Class	Part 1	Date:	28 th June 2017

1. Introduction

- 1.1. This report provides the Children and Young People's Select Committee with an update on the delivery of the Lewisham SEND strategy 2016-19 and an update on the effectiveness in fulfilling our duties in implementing the provision of support for children and young people with special educational needs and/ or disabilities (SEND) as set out in the Children and Families Act 2014 and SEND code of practice 2014.
- 1.2. This report sets out the proposed changes to the Targeted Short Break Offer.
- 1.3. This report also provides detail on the arrangements for the joint Ofsted and the Care Quality Commission (CQC) inspection of local areas' effectiveness in meeting their SEND duties.

2. Recommendations

- 2.1. The Select Committee is asked to note and comment on this report.

3. Policy Context

Children and Families Act 2014 – Overview

- 3.1 The Government introduced the most significant changes to the Special Educational Needs system in 30 years, which came into effect on the 1st September 2014 through the Children and Families Act 2014 (Part 3).
- 3.2 The key changes brought in by the Children and Families Act 2014 were:

- Ensuring that children and young people are at the center of planning and decision making by ensuring the views, wishes and feelings of the family, child and young person are central to the statutory process.
- Statements of Special Educational Needs (SEN) have been replaced by Education, Health and Care plans (EHC plans) with an increased age range for children and young people 0-25 years.
- Children and young people with a SEN and/or a learning difficulty assessment (LDA) have to have their current SEN or LDA converted to an EHC plan through a planned transition process completed by April 2018.
- Greater multi agency working bringing together education, health and social care through a single assessment process for children and young people 0-25 years. In some cases, where a person is over 18, the "Care" part of the EHC plan will be provided for by adult care and support, under the Care Act.
- Children and young people assessed as needing an EHC plan or with an EHC plan will have the option of a personal budget.
- A published local offer that provides comprehensive, accessible and up to date information in one single place from education, health and social care for children and young people who have SEN or a disability.
- An expectation that services across education, health and social care should support children and young people with SEND to prepare for adult life help them go on to achieve the best outcomes in employment, independent living, health and community participation.
- An aspiration from children and young people with SEND to achieve their potential and achieve positive life outcomes and live as "ordinary a life" as possible.
- A requirement to ensure early intervention and holistic and integrated planning across Adults and Children Services.

4. London Borough of Lewisham Context

- 4.1 Lewisham has a population of some 301,000 (the 13th largest in London and 5th largest in Inner London). The population of the borough has increased by some 16,000 since the 2011 Census and over the next 20 years is forecast to be among the fastest growing in London. Population growth in Lewisham is driven primarily by the birth rate (rather than in-migration) there are some 5,000 live birth each year.
- 4.2 According to 2016 DfE SEND statistics, 12.8% of children and young people in Lewisham's 90 schools are classified as receiving SEN Support (5,557). This reflects an 11% reduction compared to 2015 and is in line with the National, London and Inner-London averages (12.6%, 12.8% and 13.1% respectively).
- 4.3 In May 2017, there were 1989 Lewisham residents (or CYP who are LAC to Lewisham but residing elsewhere) with a Statement of Special Educational Needs (SEN) or an Education, Health and Care Plan (EHCP). 28.1% were accessing mainstream provisions (559), 30.1% maintained special provisions (599), 7.6% are accessing Independent

provisions (151) and 6% are accessing maintained resource bases/units attached to mainstream schools (121). In addition, 11.3% are accessing further education or specialist post 16 provisions (225) and 8% are accessing Academy provisions (160). Other provisions, including registered early years settings, non-maintained special schools, free schools and other alternative provisions account for 5.5% (110).

- 4.4 26% of children and young people with a Lewisham SSEN, LDA or EHCP are placed in out-of-borough provisions (520), of which only 16.7% are of primary school age (87). ASD, Speech, Language or Communication Need and Social, Emotional or Mental Health difficulties are the most common diagnosis in children and young people placed out of borough (accounting for 64% combined, or 335). 5.9% (31) of children and young people placed out of borough are placed in a residential provision, costing between £25,000 and £290,000 per pupil, per annum.
- 4.5 19 to 25 year olds account for 18% of young people with SSEN/EHCPs placed out of borough (94), predominantly attending FE Colleges and Specialist Post-16 Institutions, such as Bromley College and NASH College of Further Education. 11.7% (11) of these young people are placed in residential provisions, costing between £22,000 and £290,000 per pupil, per annum. This cohort of young people will continue to be supported by Adult Social Care.
- 4.6 According to 2016 DfE SEND statistics, Lewisham has the highest number of children and young people with an ASD diagnosis in London, accounting for 1235 in Lewisham primary (573 or 14.8%), secondary (329 or 14.7%) and special schools (333 or 61.9%). The Lewisham levels are above the National, London and Inner London averages for ASD (Primary – 6.3%, 7.9%, 8.6%; Secondary – 8.3%, 7.0%, 6.1%; Special – 25.6%, 33.5%, 40.5%). Local data from May 2017, shows that ASD remains the predominant primary need in Lewisham schools for children with an ECHP/SSEN (accounting for 40.9%), in out-of-borough schools (36.5%) and in Independent schools (46.3%). Of the pupils with ASD in out-of-borough / independent provisions, 45.6% were young males aged between 12-18 years.
- 4.7 In 2016, the average Progress 8 Score (GCSE/Key Stage 4) for SEN Support pupils in Lewisham schools was -0.54. The national average was -0.38, London -0.17 and Inner London -0.14. The average score for pupils with an EHCP/SSEN was -1.22, compared to -1.03 nationally, -0.87 in London and -0.91 in Inner London.
- 4.8 There are approximately 499 children and young people known to the Children with Disabilities Social Work team.
- 4.9 There are currently 253 children/young receiving a specialist Short Break Service and 251 children/young people receiving a Targeted Short Break Services (not all of these will be known to CWCN social work team).

5. Lewisham's SEND Strategy

- 5.1 Lewisham Council Children with Complex Needs service has developed a new partnership SEND strategy 2016-19. Our SEND partnership strategy sets out our vision and priorities for improving life outcomes for children and young people with SEND and that of their families. This strategy forms an integral part of the Lewisham Children and Young People's Plan for 2015-18.
- 5.2 This strategy is updated on a regular basis to reflect the changing needs and priorities of the service and those that access support. The SEND strategy was last updated in December 2016.
- 5.3 Our vision for the strategy is for Lewisham to be an inclusive community that is welcoming of all and that all key professionals have the knowledge and skills to meet the needs of children and young people (0-25yrs) with SEND to enable them to play, learn and work.
- 5.4 Our vision is underpinned by three priority areas for change:
1. Children and young people (0-25yrs) with SEND and their families are informed and empowered to be more resilient and independent within their communities
 2. Children and young people with SEND who have been identified as requiring additional support across Health, Social Care and Education receive the right support at the right time in order to enable them to become as independent as possible
 3. Children and young people with SEND have the opportunity to be educated within Lewisham education provisions and are provided with the right support to enable them to achieve their full potential
- 5.5 The overall outcome of the strategy is that Children and Young People with SEND and their families have improved life outcomes.
- 5.6 The strategy builds on the work that has been achieved following the introduction of the Children and Families Act 2014 which came into effect on 1st September 2014. This strategy provides direction for the Partnership and sets out the outcomes and priorities for all agencies working with children and young people with SEND across Lewisham and builds on what has been achieved so far. The strategy also establishes how partner agencies will continue to work together to improve those outcomes that will make significant improvements to the lives and life-chances of our children and young people with SEND.
- 5.7 Key strands of work set out in the strategy are:
- Local offer
 - Specialist Placement Planning
 - Quality Teaching
 - Short Breaks
 - Travel Assistance

- Personal Budget
- Preparing for Adulthood
- ASD review

This report sets out in more detail those strands of work.

5.9 Future key milestones for the SEND Strategy include:

- A new School Banding Funding System in operation from April 2018.
- All existing transport/travel assistance arrangements reviewed and updated in September 2017
- Conversion of all SEN Statements to EHCPs by April 2018

5.10 This strategy responds to the needs and priorities which have been identified through data analysis and needs assessments, associated plans and strategies. It has also been informed by our analysis and understanding of what has and hasn't worked.

5.11 We have engaged and continue to engage the following key stakeholders in the development and delivery of this strategy:

- Young people with SEND
- Parents and carers with children and young people with SEND
- Voluntary Sector
- Headteachers
- SENCOs
- Health, social care and education professionals

6. Local Offer:

6.1 Lewisham has a published local offer setting out the provision that we expect to be available across education, health and social care for children and young people with special educational needs and disabilities. The local offer was designed in co-production with parent/ carers, young people and relevant professionals. The information aims to be clear, relevant and up to date and offers advice and sets out the support available for children and young people with SEND and their families. The Local offer has continued to be developed over the last year and since November 2016 there has been an increase of its page views by 75%.

6.2 The Children with Complex Needs Service has undertaken a review of our local offer with the aim of improving the information available and ensuring its accessibility. The Local Offer will continue to be monitored and developed by the local area ensuring that children, young people and their families and professionals across the partnership are involved in this ongoing monitoring and up-dating of the local offer.

6.3 The Children with Complex Needs service has recently re-commissioned its Specialist Educational Needs and Disabilities, Information, Advice

(SENDIASS) and Support service. It has been agreed that the provider (Kids) will be involved in the work to signpost to the local offer & ensure that the local offer remains accurate, current and up to date.

7. Specialist Place Planning

7.1 In the summer of 2016 the Children with Complex Needs Service commissioned a SEND placement planning review to look at the rising population and the likely impact that would have on SEND provision needed within the borough. The key findings of which are outlined below.

7.2 Key findings

1. The number of children with Education, Health and Care Plans (EHCPs) in Lewisham is currently 1,948. The net growth in children with EHCPs in the years to 2020/21 is likely to be 100-110 per year before levelling off to grow in line with growth rates for the population of children and young people aged 3-25 years.
2. The growth in incidence of SEND, together with improved data on the open cases in the Children with Complex Needs Service (CWCN) shows that the use of out of borough provision is driven by limited local capacity, particularly in the case of children and young people with a primary need of Attention Deficit Hyperactivity Disorder (ADHD) and Social, Emotional & Mental Health (SEMH). For pupils with complex needs, local schools, Watergate and Greenvale, are equipped to meet the needs of children and young people with the most severe learning difficulties and complex behavioral, emotional and social difficulties. Lewisham's special schools have reached capacity and are all full. There is not enough sufficiency within these schools to meet the current and growing demand.
3. The shortfall in special school places in Lewisham is greater than had been forecast in 2014 and will widen further. There are currently 1998 Lewisham children and young people with an EHCP or SEN. There are 538 children and young people accessing LBL maintained special schools and 141 placed in maintained resource bases in Lewisham. While 193 are placed in out of borough independent, maintained or non-maintained specialist provision. There are 731 children and young people (FTE) with a special school place.
4. There is an expected increases of 9-11 per year to 2021/2022 and thereafter the increase is less than 10 per year. From 2025/26 the growth is only 5-6 per year. It is predicted that an additional 216 specialist provision places will be required by 2024 – an increase from projection in 2015 of 120. This would increase the demand for

out of borough placements, if there was no additional capacity within Lewisham special schools.

5. The recent SEND sufficiency review has identified the need for:-

- An additional 55 primary SLD places available as soon as possible.
- An additional 93 secondary SLD places available as soon as possible.
- An all-through 140 place SEMH provision to be in place by September 2018.
- A separate 40 place Primary AP/PRU provision, fully available by September 2019 but with an interim measure required as soon as possible.
- A 20 place Post-16 unit for ASD and Speech & Language provision to be provided as soon as possible.

8. Quality Teaching

8.1 The Children with Complex Needs Service has continued to work closely with the School Improvement Team this year to ensure that inclusion and quality teaching is high on the agenda for all schools. The development of the SEND Advisory Board, has provided the ability to identify Schools and Early Year provisions who have good quality teaching and inclusion and to identify the provisions who require support.

8.2 Over the coming months the SEND Advisory Board will work with the School Led Improvement Board to build key performance indicators in relation to Quality Teaching in order to be able to support the Boards work on driving standards and practice in relation to SEND.

8.3 The appointment of a Resource Base Provision Lead this year has allowed us to:-

- Ensure children who attend Resource Bases are receiving good or better provision
- Ensure transparent admission criteria
- Ensure consistency in quality and practice

8.4 The feedback on this role has been that all Resource provisions have found the role supportive, improved the link between the Council and schools, provided consistency in approach and has given one point of 'call' for all queries and consultations.

8.5 This role will continue over the next year which will allow the Council to continue to ensure good or better provision and ensure that we are matching provision to need.

9. Short Breaks

9.1 The Children with Complex Needs Service has a Short Breaks service which enables the Local Authority to meet its legislative duties in relation to disabled children and young people and that of their parents/carers. The legislative duties include:

- Breaks for Carers Regulation 2011
- Children and Families Act 2014
- Children Act 1989 & 2004
- Chronically Sick & Disabled Act 1970

9.2 The Short Breaks service provides two types of short break services; a Targeted Short Breaks service and a Specialist Short Breaks service. These services are aimed at disabled children and young people with different levels of needs and that of their parent/ carers.

- Targeted Short Breaks Service – is for eligible families with a disabled child/young person who has additional needs that prevents them from accessing activities that would otherwise enable their parent/ carers to take short breaks from their caring responsibilities.
- Specialist Short Breaks Service - is for eligible families with a disabled child/young person who need more breaks from caring because their child/young person's needs are so high that they have to spend much more time caring for them than they would if their child was not disabled. This service is for children/young people and their families with the highest levels of need and is accessed through a Children's Social Care assessment.

These are explained in more detail below.

Specialist Short Breaks

9.3 Under Section 17 of the Children Act 1989, all children with a disability are considered to be 'Children in Need' without any further test. Therefore all children with a diagnosed disability are eligible to be considered for a Children's Social Care needs assessment by the London Borough of Lewisham. Lewisham has a set criteria in line with legislation which they use in considering whether an assessment would take place or not. This is available on the Lewisham website.

9.4 The Specialist Short Break Service was retendered this year after Mayor and Cabinet Agreement. The new contract for two of the three lots was awarded to Ravensbourne who will provide the weekend, holiday and overnight Short Breaks provision from July 2017. The current provider is providing this service until then. The third lot was awarded to Young People Relate to provide a Buddying and Mentoring Service. This service started in April 2017 and provides support for young people from 12 years of age to develop strategies and approaches to enable them to prepare for

adulthood and achieve optimum levels of independence as soon as they are able.

- 9.5 The new commissioned service providers are expected to provide a range of support programmes based on the assessed needs of the children / young people and that of their parent/carers, in order for them to meet the child or young person's identified outcomes.
- 9.6 The identified programmes of support are aimed to enable children and young people to be able to fulfil their potential, become as independent as possible and prepare them for adulthood and help parents/carers to be provided with a greater understanding and confidence to be able to care for their child or young person.
- 9.7 Following an assessment by a social worker, if a child and or parent/carer is assessed as needing a Specialist Short Breaks package in order to meet their needs and identified outcomes, this recommendation is taken to the Care Panel for discussion and agreement. Following agreement at Care Panel the social worker will then inform the Short Breaks service and they will be responsible for arranging and procuring the Specialist Short Breaks package detailed within the care plan.
- 9.8 Depending on the assessment of need the Specialist Short Breaks package could include:
- Direct Payments – which are payments made available to parents/ carers to enable them to identify, choose and buy the required short break support needed to meet their child's additional needs as detailed within their child or young person's care plan.
 - Short Breaks In-House Service, commissioned provision and spot purchases of places at:-
 - Rockbourne Short Breaks Service (weekday, and holiday service)
 - The Saturday Club (Saturday service)
 - Ravensbourne Project (Weekend and holiday service)
 - House on the Hill, (Residential service)
 - Drumbeat Special School (weekend and holiday service)
 - Domiciliary care - to assist disabled children or young people with activities of daily living which they are unable to provide for themselves without assistance, such as personal care or carers.
 - Brokerage Support – where the required short break support is procured and arranged by the Short Breaks coordinators to meet the disabled child's additional needs to access mainstream activities.
 - Young Person Relate – Mentoring and Buddying Service
- Current Targeted Short Break Criteria**
- 9.9 The Targeted Short Breaks scheme was set up in 2013 and the agreed eligibility criteria for Targeted Short Breaks put in place at that time was that a child or young person must be:

- under the age 18 years
 - living permanently within the London borough of Lewisham
 - diagnosed as having a disability
 - in receipt of the higher rate care component of the disability living allowance
 - not already in receipt of a specialist short breaks service.
- 9.10 If children /YP met the above criteria they were automatically eligible to receive the Targeted Short Breaks offer without any further assessment.
- 9.11 If a child or young person was not in receipt of the higher rate care component of the disability living allowance, Short Breaks coordinators would undertake an assessment to establish whether the child/YP were:
- 9.12 Unable to access any activities without support from the Targeted Short Breaks service to meet their additional needs, due to their disability.
- 9.13 Eligible families with disabled children and young people are currently provided with 100 hours of short breaks per annum from caring for their disabled child or young person. Families are offered one of the following options to use their 100 hours:
- Direct Payments – which are payments made available to parents/ carers to enable them to identify, choose and buy the required short break support needed to meet their child’s additional needs, while they have a short break. The payments are £10.94 per hour, which works out to be a total of £1,094 per year on a pro rata basis.
 - Brokerage Support - Short break support is procured and arranged by the Short Breaks coordinators to meet the disabled child support needs.
 - Domiciliary care – a carer who will look after the child or young person for a Short Break in their own home.
 - In House Short Breaks Services or young person Lewisham Council Short Breaks Services or young person Rockbourne or the Saturday Club Short Breaks services.

Targeted Short Breaks Review

- 9.14 The Children with Complex Needs Service is committed to continually looking to improve services for disabled children and young people to ensure that it meet their needs and improve life outcomes for them and that of their parents/ carers. However, level of demand has been rising, and without taking action would lead to an overspend of the budget next year. As such it has been undertaking a review of its Targeted Short Break Service over the last year, to ensure that services can be provided to meet need within the available budget. The draft proposals outlined in this report will go to Mayor and Cabinet in July 2017.
- 9.15 Since the Targeted Short Breaks scheme was established in April 2013, there have been 536 families who have applied for the Targeted Short Breaks. Of those 536 families, 342 families were eligible to receive

Targeted Short Breaks. Of those 342 families, as of June 2017, there are 251 receiving a service.

- 9.16 Of the 342 families who were eligible for the service, 259 were automatically eligible because they had the higher rate of disability living allowance, 83 families were assessed and agreed at Care Panel. Of the 83, 16 were as a result of a change from a specialist package to a targeted package.
- 9.17 Of the 342 families who were eligible for the service, the child or young person's age at the date of referral was: 99, 0 – 4 years, 170, 5 -11 years and 73 were 12 + years.
- 9.18 Of the 342 families who were eligible for the service, the primary need of the children and young people was: 258 (75%) children and young people - behaviour, communications, social interaction and learning difficulties, 33 (10%) complex needs, 16 (5%) had a mobility condition, 13 (4%) had health conditions, 9 (3%) had Downs Syndrome, 5 (1%) had global developmental delay, 5 (!%) had parents who had no-one to support to give them a short break, 1 had mental health issues (child), 1 had mental health issues (parent and child) and 1 family circumstances. Of the 342, 251 (73%) had an ASD diagnosis as part of their identified needs.
- 9.19 The data shows that families were accessing services to enable them to have a short break. Whilst their child or young people benefits from developing new skills, having fun and making new friends. It is however felt that further development work is needed within the Short Breaks Service to look at the challenges and barriers that families have in accessing universal activities within the community and how these challenges can be addressed with both the providers and families in order that children and young people are able to access these activities as independently as possible.

Targeted Short Breaks Consultation

- 9.20 The Children with Complex Needs Service undertook a consultation of its Short Breaks offer to families. The aim of this review was to ensure that the services and offer were meeting the needs of the eligible child and young person with disabilities, and that of their parent/ carer and was improving outcomes.
- 9.21 The consultation and engagement activities took place between June 2016 and February 2017 and included the following:
- Consultation events with parent/carers in partnership with Parent Carer forum June 2016
 - Two further consultation events held on the 23rd and 27th February for families, children and young people and for representatives from Lewisham parent/ carer forum and Contact a Family
 - Questionnaire sent out to all families currently receiving a Targeted Short Break

- Email and telephone contacts given to families to enable them to give individual and personalised feedback.
- In addition there was an arts and craft session held with children and young people receiving the service.

9.22 The aim was to seek views on:

- The current service
- The proposed changes
- Ideas on how to provide services

9.23 Feedback from the consultation events included:

- The current targeted short break service does enable parents/ carers to access facilities / activities for their children, but that families had to take their children to and from activities themselves, which they did not feel gave them a sufficient short break.
- Most parents felt it would useful to be able to have a more detailed telephone assessment in order to be able to describe their child/young person's needs.
- Most parents felt that it was right that the service matched the child/young person's needs and did not give an automatic amount of hours.
- Some families felt that sessions rather than whole days would not meet their young person's needs
- Most parents identified as a major issue, trying to cope with difficult behaviour at all ages, but particularly in adolescence. They also identified behaviour as the barrier to accessing universal services.
- Families wanted somewhere to go to where the staff were trained and understood the needs of their child or young person.
- There was also a consensus of requests for help with independent living skills / travel training for teenagers.

9.24 The key points from the children and young people's art and craft session activity were:

- That the children and young people enjoy the same activities as other children and young people, such as computers, bowling, the cinema, swimming, boxing, cycling, music and going out.
- Friendship was really important to the young people and enjoying activities with other young people.
- They preferred to do activities as a group rather than by themselves.
- The young people would like to go out more and do more activities.

9.25 After taking into account the feedback from the consultation activities and analysis of the service a number of proposed changes to the service were identified which will be presented to Mayor and Cabinet in July 2017 for approval.

- 9.26 These Proposed changes include:
- New eligibility criteria
 - Up to 100 hours of support rather than an automatic 100 hours
 - Introducing AM and PM sessions rather than automatic all day support at the in-house provision at Rockbourne and Saturday Club
- 9.27 The proposed new eligibility criteria for Targeted Short Breaks is the child or young person must be:
- under the age of 18 years
 - living permanently within the London Borough of Lewisham
 - diagnosed as having a disability
 - not already in receipt of a specialist short breaks service
 - in receipt of disability living allowance
 - unable to access any activities without support from Targeted Short Breaks to meet their additional needs, due to their disability.
- 9.28 Out of the current 251 individuals currently receiving a service, 220 are automatically eligible for a service through having the higher rate care component of the disability living allowance. This will mean that if the change is implemented all of those families who received the service through automatic eligibility will be required to undergo the further review. The data shows that 75 service users are currently spending their direct payment on mainstream activities. The assessment will enable Short Breaks coordinators to check if these services users are able to access these activities independently and whether they have any barriers due to their disability. If they are able to access the activities independently these service users may no longer meet the proposed new eligibility criteria.
- 9.29 This proposed change to the eligibility criteria will enable the Short Breaks service to focus on and identify those children and young people who are unable to activities without support from Targeted Short Breaks to meet their additional needs, due to their disability. It will also enable the Short Breaks service to have a greater understanding of the child and young person's barriers and challenges to accessing activities so that they can work more closely with families to address these with the family's individual Short Breaks offer.
- 9.30 The Short Breaks service will also be putting in place new processes to support those families who are do not meet the eligibility criteria but need signposting and support in accessing mainstream services to enable parent/carers to receive a short break. These processes will include working with mainstream providers to build their capacity and knowledge to meet the needs of children and young people with SEND.

Proposed Change to the Targeted Short Breaks offer to eligible families

- 9.31 Currently families with disabled children and young people who are eligible for the Targeted Short Breaks service are provided with 100 hours from the service.
- 9.32 The proposed new eligibility criteria (detailed in 7.27) removes the automatic entitlement to receive the Targeted Short Breaks offer of 100 hours. This will mean that every family who meets the former eligibility criteria will on review be checked for future eligibility. This will then be reviewed by the Care Package Panel, which is a decision-making panel, which considers the assessments and recommendations put forward by social workers and short breaks coordinators. The Care Package Panel is in place to ensure that all single assessments of children and young people are robust, fair and are appropriately challenged.
- 9.33 Families will be offered the following targeted short breaks service provision options in which to use their short break hours, including:
- Direct Payments
 - Brokerage Support
 - Domiciliary care
 - In House Short Breaks Service – access to Lewisham’s Council’s in house Short Breaks services, Rockbourne or the Saturday Club Short Breaks services, where places are available.
- 9.34 The proposed new offer to families who are eligible for the Targeted Short Breaks will be provided with up to 100 hours of short breaks from caring for their disabled child or young person. If they require more support than the 100 hours then a referral will be made to social workers so that a social work assessment can be carried out under Section 17 Children Act 1989.
- 9.35 To begin to address the barriers and challenges that families are having in accessing mainstream activities it is **proposed** that the use of Direct Payments becomes more focused on:
- Employment of carers
 - The additional cost of specialist activities,
 - Additional support at activities,
 - Specialist services,
 - Or specialist equipment to ensure access to activities
 - Or other costs that can be demonstrated as required to meet the additional costs of the parent/ carer to access activities.
- 9.36 The Children with Complex Needs service is currently in the process of re-commissioning the preferred provider framework for carers. The service is looking at adding a new Lot for mentors/ buddies (with skills in working with young people with challenging behaviour). When the framework is

recommissioned in January 2018, families could have the potential to access this service to use their Targeted Short Breaks offer, which could look at addressing their young person's barriers.

- 9.37 To address the challenges and barriers that families have with accessing universal activities, the Children with Complex Needs service are continuing to consider what additional support options are needed. Also the Council has undertaken an ASD review and the outcome of this review will also help inform what changes are needed to support families who are unable to access universal activities and services due to their child or young person's disability.

In House Short Breaks Service (Rockbourne and Saturday Club)

- 9.38 The Targeted Short Break service review evidenced that parents and young people wanted more access to services where there are trained staff who understand the children/YP's needs and will work with them to develop their skills and increase their independence.
- 9.39 Currently eligible families can use their short break hours to access our in house Short Break Service, Rockbourne or the Saturday Club. However, these services are now at full capacity during holidays and weekend and there isn't any capacity or budget to increase the numbers these services take. There is some availability during the sessions on a weekday evening but take up is low during these times.
- 9.40 The proposed changes to both our in house Short Break Services, Rockbourne and Saturday Club would enable more capacity to be created for the children and young people by creating morning and afternoon sessions rather than all day sessions. Those who need all day sessions will continue to receive them. However not all children and young people need all day sessions.
- 9.41 Currently Rockbourne, Cyberzone and Saturday Club provide the following services:
- Rockbourne which runs short break activities Monday and Wednesday (6.30pm – 8.30pm) and during the school holidays (8am – 6pm). Target age group: 11-17 years (last day of their 17th birthday).
 - Saturday Club, run activities to different age groups on alternative Saturdays (10.30am – 3.30pm). Target age group: 8–12 and 13–17 (last day of their 17th birthday).
 - Cyber zone, is a self-referral service where children and young people with SEND can attend with their parent/ carer to access the computer suite on a Saturday from 10-4 with two Lewisham Council present to facilitate the session.

- 9.42 Proposed changes to:

- Rockbourne holiday club run a morning session from 9.30 – 12.30 and an afternoon session from 1.30 – 4.30.

- Saturday club run a morning session from 9.30 – 12.30 and an afternoon session from 1.30 – 4.30.
- The evening clubs at Rockbourne reduce from two evening to one evening, due to limited demand for these sessions and increased numbers within the one evening session remaining.
- Closure of the Cyberzone due to limited numbers attending this club and these staff would then be used to increase the numbers at the Saturday club sessions.
- We would expect there to be 24 places in the morning session and 24 places in the afternoon session, during holiday and Saturday sessions. This is an increase from the current number which is approximately 15 at Rockbourne and Saturday Club.
- There may be times when the provider will be expected to take children and young people across both the morning and afternoon session, both at Rockbourne and Saturday Club, this will count as 2 places.
- It is expected that the provider will provide a 1:3 ratio for these children, unless they have been assessed as requiring additional staffing support assessed by the Children with Complex Needs service in partnership with the short breaks club manager. If additional staff ratio is required to meet their additional needs this will count as 2 places for 1:2 staff ratio and 3 places for 1:1.

9.43 These changes will enable the service to offer more places to children to attend the holiday club and weekend clubs. But still ensures that those who need additional support can access these services across a whole day.

9.44 These changes are in line with the model that we are using for the retendering of our commissioned service to increase from 20 places to 24 places per session for specialist service users. These are service users with the highest level of need as assessed by a social worker under Section 17.

9.45 The Children and Complex Needs Service is confident that should these proposals be agreed it will provide greater flexibility for families and allow more families to be able to access services as appropriate.

Weekends and Holiday Service

9.46 The Local Authority has been working with Drumbeat Special School to develop a Saturday and Holiday provision following School Forum identifying (December 2015) that it could not continue £300k funding per year from the High Needs Funding Block of the Dedicated Schools Grant (DSG) for the schools extended school programme as this is not a permitted use of DSG.

9.47 The school also received contributions from families and from Short Breaks for places. Following that decision and to avoid service disruption, funding has been used from within the Short Breaks General Fund budget to continue to deliver the extended services until the end of August 2017, to enable a review of the service and options to be explored about the

next steps. However, this creates a pressure on the Short Breaks budget which is not sustainable (a significant overspend), and in addition childcare should not be funded through short breaks provision.

- 9.48 The review of the extended services identified that in the academic year 2016/17, Drumbeat currently had 101 pupils in total either accessing the afterschool club and/or holiday clubs at Drumbeat. Of the 101 pupils, 66 are known to the children with disabilities services through either a social care assessments or targeted short break assessment and are receiving services to meet their assessed additional need. The remaining children are not eligible for support from children's social care. Out of the 101 children, 36 of the parents work and use the after school club to support this in some way. The daily attendance at the after school club and holiday provision is on average 30-35 children, across 2 sites.
- 9.49 This means that although there will be some pupils currently receiving provision through the after school club who will no longer be eligible (35 children), children in other special schools who are eligible will be able to access this provision, whereas currently they are not accessing any support. The capacity of the new holiday provision will be 48 per day, an increase of 13-18 children per day from the current usage.
- 9.50 In July 2016, a session was held with 20 parent/carers whose children attended Drumbeat's extended services. The focus of the session was to look at the benefits of Drumbeat extended services. The key points that the parent/ carers made were:
- They were unable to access universal services for their children and young people due to their behavioral issues.
 - The staff knew and understood their children.
 - The staff could cope with any challenging behaviour.
 - The activities on offer were appropriate to meet their children's needs.
 - It was an opportunity for their children to make friends.
 - It gave parents an opportunity to have quality time with their other children after school
- 9.51 Due to the high numbers of specialist service users attending specialist education provision, the Local Authority has been keen to work in partnership with all Special Schools in setting up a new specialist holiday and weekend service that can meet the needs of these children with the highest level of need as assessed through social care who are not currently accessing the provision at Drumbeat.
- 9.52 The Local Authority has been working with Drumbeat School to develop a weekend and holiday provision. This provision will provide specialist short break services to children and young people with complex needs from the Children with Complex Needs service during the school holidays (11 weeks/55 days) and every other Saturday (24 days), except bank

holiday's and when the School is closed. The School will be closed for 1 week during the summer holidays, Christmas holidays and Easter period.

- 9.53 All referrals will come from the Children's with Disability Service via the Short Breaks service. This new Drumbeat holiday and weekend service will start in September 2017, when the current extended school service comes to an end.
- 9.54 After School and Holiday provision at Drumbeat School will continue to be offered to young people who currently use these services throughout the summer term and during the summer holidays. As it stands, after school provision will not be offered by Drumbeat School to their students from the 1st of September 2017, whilst holiday provision will be offered, but in an altered format/structure. Weekend Provision is not currently offered but will be available from the 1st of September 2017.

10. Travel Assistance

- 10.1 Lewisham has a travel assistance policy which is published on the local offer and the council website. Since 2016 we have increased the available forms of Travel Assistance support to families with children and young people eligible for support.
- 10.2 When awarding travel assistance the Council aims to offer the form of assistance that the development of children and young people's ability and opportunity to travel more independently to their chosen destination.
- 10.3 Lewisham provides Travel Assistance support for children with SEND to access education. During the 2015/16 academic year there were 651 children in receipt of this assistance which was approximately 45% of those children/young people currently with an EHC, 44% of the 45% have transport arranged by the council which picks them up from their home address. Compared to other London Councils was 5% higher than the current average and can be attributed to the lack of alternative options for assistance, such as Direct Payments or Independent Travel Training.
- 10.4 During the 2016/17 academic year there were changes made to the organizational arrangements for the Travel Co-ordination Team (TCT), moving both location and directorates to the Children with Complex Needs Service. This has created closer working relationships between the TCT and the other services and teams within CWCN service, facilitating access to expertise and advice for specific additional needs and family circumstances to ensure the right support and provision is provided. Systems and processes have been strengthened. This has ensured the policy has been applied consistently and exceptions considered as necessary.
- 10.5 As a result of the service improvements introduced during the summer term (2015/16) the service has seen a reduction in number of child/young people in receipt of Travel Assistance to 606, which represents a

reduction of 6% compared with the same period the previous academic year. During this period there has also seen an increase in young people using direct payments to make their own travel arrangements and those successfully trained to travel independently.

- 10.6 Legislation supports the requirement for Council's to review assistance provision annually to ensure the correct support is in place, promoting and supporting independence where suitable. To facilitate the delivery regular reviews the Council has undertaken a review of all travel assistance to ensure all provision meets the eligibility criteria in the Council's Travel Assistance policies. Reviews began in January 2017 and are due for completion during the summer 2017. Schools have been part of the review process, whilst families have the opportunity to provide additional and exceptional circumstances for consideration if it is identified that assistance is no longer required or they are no longer eligible.
- 10.7 Lewisham has historically had a significant overspend on the whole of the SEN Travel Assistance budget. The continuing review of our travel assistance offer (which is part of the corporate Transport Board's work on the Council's transport provision) has already begun to reduce the overspend. Current forecasts expect the overspend to be cleared by July 2018.
- 10.8 From November 2017 Lewisham has commissioned an established Independent Travel Training (ITT) scheme to support children and young people to learn valuable life skills that enable them to travel independently to their chosen destination. National Star College were identified to deliver their LIFT (Learning Independence For Travel) programme. Over a 2 year period it is expected that 60 children and young people will be successfully trained, travelling independently to their place of education. In May 2017 8 young person's had successfully completed the training and were now travelling independently to their place of education, while a further 7 are in the middle of their individual training programmes.
- 10.9 The LIFT Programme is available to children and young people who are eligible for Travel Assistance. Referrals can be made by families, schools, young person, or other professionals, however a separate assessment will be carried out by the Travel Trainers to ensure they are suitable to be trained. If identified at the time of the assessment as not suitable to begin training then they will be placed on a waiting list to have a further assessment at an agreed date in the future. These skills have allowed individuals more flexibility in terms of time of travel, as well as opening up future opportunities for future independence and employment where transport historically has been seen as a barrier. Currently, a young person can re-engage the programme for additional support/training if it is identified that due to changing needs/circumstances that additional training is required. For example, where a young person moved from secondary school education to a college and therefore needs to travel a different route.

- 10.10 As part of reviewing the commissioning arrangements for the service we have introduced a Dynamic Purchasing System (DPS) to source transport provision from the commercial market. Our current framework agreement expires in August 2017. By adopting a DPS our aims were to increase competition, drive service improvement, improve demand and finance forecasting, improve the payment process, ease work pressures to focus on providing improved customer service rather than managing multiple manual processes for administration purposes. It is expected that these improvements will also assist to reduce rates charged by providers and therefore a reduction in spend on external transport provision by approximately 10%, £190k.
- 10.11 The reduction in numbers requiring specialist support provided by Lewisham Passenger Service has initiated a review types of vehicles required to provide the necessary support more effectively. Any efficiencies identified as part of this process will reduce the pressure on both existing and future budgets.
- 10.12 Joint working to develop the Travel Assistance offer continues with Schools, parents and numerous services within the council. The intention that the joint working will be used to continually develop the service to meets the needs of the users of the service as well as meeting the financial pressures on the Travel Assistance budget.

11. Personal Budgets

- 11.1 The Children with Complex Needs service is continuing to develop Personal Budgets to ensure that there are more effective arrangements in place to provide families with more choice and control over how they can meet their child's outcome identified within an EHC plan, social care outcomes and health outcomes. This will be supported by a targeted programme of workforce development on Personal Budgets to increase the internal capacity to deliver personalisation through SEND personal budgets.
- 11.2 The service is redesigning the process for calculating personal budgets which will sit alongside workforce development and training in increasing the capacity to personalise services through the use of personal budgets and meet needs identified within an EHCP. Further work is also required in order to integrate Personal Budgets across education, health and social care and embed a personalisation approach across EHCP planning and assessment.
- 11.3 In January 2017 a total of 232 children known to CYP, with an EHCP were identified as using a direct payment a part of their Social Care Personal Budget. None of those young people had their direct payment recorded under section J of their EHCP. Work is ongoing to ensure EHCP's are updated to reflect that a personal budget is identified in the appropriate section.

12. Preparing for Adulthood

- 12.1 Lewisham transition planning for young people moving from Children to Adult services has improved over the past year, it is acknowledged that more needs to be done to ensure our young people have timely and appropriate transition arrangements in place. We could add here that separate reports on this have gone to Healthier Communities Select Committee that CYP were invited to?
- 12.2 Children and Adult services meet every 6 weeks to identify young people who may require support from Adult services as a young adult at 18 years. These meetings look at individual cases and identify whether the young person would meet the Adult Social Care threshold or not. If they meet Adult Social Care threshold, plans are put in place to undertake a social care assessment of their needs. If they do not meet Adult Social Care thresholds discussions takes place to discuss how to support and signpost the young person and their family to access and be supported within the community without the need to access Adult Social Care support.
- 12.3 A transition hub and pack is currently being developed to provide support, information and guidance for young people and their families currently preparing to turn 18 years and transitioning from Children services. This information will also be available on Lewisham's Local Offer.
- 12.4 Lewisham Adult Social Care service has commissioned a Lewisham Works Care Service. This supports Lewisham's vision of Lewisham being "the best place in London to live, work and learn" by working with local partnerships, groups and employers in supporting pathways into employment for adults with learning disabilities.
- 12.5 Changes have also been made to the Children with Complex Needs SEND workforce and there is now a dedicated SEN Senior Case Officer who is leading on supporting Lewisham young people post 16 who attend future education and training provision in and out of the borough with an EHC plan. The SEN team will notify the Adult service team linked to the young person of their annual review meetings, within schools and colleges, where the young adult is likely to meet the threshold for social care services at age 18, so that they can be involved in their transition planning.
- 12.6 A written agreement has been reached between Children and Adult services which details the minimum information that is required to achieve a successful handover of the young person's case when transferring to adult services. Where possible the cases are allocated to experienced social workers with a good knowledge base of working with young people.

- 12.7 Both children and adult lead managers are working together and ensuring that skills and knowledge is shared across both services and that good practice is headline and used to move the service forward and shape the future of social care for young people.
- 12.8 In order to take forward both the operational and strategic work of the preparing for adulthood and transition work stream a new Preparing for Adulthood and Transition Team (PAT) will be piloted for one year initially. This will enable greater understanding of the benefits of a dedicated team model.
- 12.9 The team will have responsibility for:
- Leading both the operational and strategic development work of the Preparing for Adulthood and Transition pathways for young people with Special Educational Needs and Disabilities (SEND).
 - Leading the integration across children and adults education, health and social care services, driving change to secure improved outcomes for children and young people with SEND.
 - Leading on development and continuous review of the Preparing for Adulthood and Transition pathways for young people with SEND.
 - Leading on the development of the market and commissioning of services to support Preparing for Adulthood and Transition options for young people with SEND.
 - Ensuring that there are effective arrangements in place which support a smooth transition for young people with complex needs from Children's Services to Adult Health and Social Care services.
- 12.10 It is expected that this new team will be formed to start work by August 2017. Plans are being put in place to make professionals, parent/ carers and young people aware of the new team and roles and responsibilities.
- 12.11 The team will work with children's services so that it has awareness of all young people aged 14yrs and 15yrs with an EHCP who have a SEND need through the quarterly panel meeting. This meeting raises the profile of young people who will need to be known by adult services. It is likely that these YP will become the client group once they turn 16yrs of the transition team.
- 12.12 The new transition team will pick up the total case work responsibility of all young people aged 16yrs plus who have an EHCP/SEND care need. It is likely that approximately 40 young people per cohort /year will go on to qualify for full transition planning into adult services. The transition team will continue to work with any young person who has an EHCP /SEND with an ongoing care need until the EHCP has been ceased. Young people will then transfer into either AWLD, Neighborhood team, Placements team or other identified service as required.

13. ASD Review

- 13.1 Lewisham has the highest percentage of any London borough for children with SEND where the primary need is ASD:
- The School Census indicates that 1,235 school age pupils in Lewisham have autism as their primary need.
 - Across the entire school age population a prevalence rate of pupils with autism as their primary need is between 2.8-2.9% which is approximately 2 to 3 times higher than national surveys
 - In Lewisham, 488 (15.2%) of all the children with SEND have a primary need listed as ASD
 - The figures for Lambeth and Southwark are 8.3% and 11.5% respectively.
 - Estimated that this equated to 79 new diagnoses per annum for autism
- 13.2 An ASD review was commissioned earlier this year and we expect to have the outcome of this review by the end of June 2017. The review will look at the potential impact on individuals progressing through the system on services and resources.
- 13.3 The review has engaged with young people, parent and carers, education providers, and leaders, practitioners, and officers from the local authority and health services. It has enabled the collation of a wide range of views and key information that will be used as evidence to support proposed options and outcomes for the Council. This will allow the Council to develop future strategies and systems to support those with ASD in the Lewisham borough.
- 13.4 The paper will provide the following:
- Contextual information on the numbers and trajectories for children with SEND and within this children with ASD
 - Information on the possible financial and service pressures which might arise from this growing demand
 - Outline why a whole systems approach to a review of ASD is required and to provide some initial areas for investigation
 - Identify the specialists support required to work across the ASD pathway (including health, education and social care) including looking at options for remodeling our current offer in order to ensure that we are able to respond to growing and changing needs.
- 13.5 Provisional findings and areas to investigate further from the report include the following:
- Need to foster understanding of autism within universal services. Develop a central up to-date dataset of young people with autism to inform accurate planning

- Ensure information about the diagnostic process is available to non-health professionals. Consider how parents' feedback on EHC process can be addressed.
- Redesign post diagnosis support and develop a new offer of training for parents. Create more community-based social opportunities for young people with autism.
- Continue to develop consistent expectations of mainstream support for pupils with autism, and match to effective, high quality training, resources and tools to support inclusion.
- Ensure there is clarity on the specific role(s) of the Drumbeat outreach service, including a new "core offer" for all schools, and likewise clarity on the offer of other targeted services.
- Ensure there is clarity on the role and criteria for accessing specialist provision, and this informs placement decisions. Consider approaches to address gaps in current provision.
- Develop a new partnership-based project for post 16/19 pathways, and facilitate short term collaborative approaches to meet post 16 needs locally.

14. Local Area Inspection

- 14.1 The Minister of State for Children and Families has tasked Ofsted and the CQC with inspecting the effectiveness of local areas, (including the Local Authority both children and adults services, Clinic Commissioning Groups, Public Health, NHS England, Early Years Settings, Schools and Further Education providers) in fulfilling their duties contained in the Children and Families Act 2014 (Part 3) and SEND code of practice 2014. In April 2016, the inspection framework and handbook for the inspection was released and is available on the Ofsted and CQC website.
- 14.2 All local areas will be inspected, with inspections taking place over a five year period, starting from the end of May 2016. Inspection teams will include an HMI (lead), a CQC inspector and a local authority Ofsted Inspector (OI). Inspection can take place at any point during the usual school term time.
- 14.3 Inspectors will review the local areas publicly available evidence and data as part of their preparation, including Lewisham's local offer.
- 14.4 To make their judgement about the effectiveness of the local area, inspectors will gather evidence to answer three primary questions:
- (a) How effectively does the local area identify children and young people who have special educational needs and/ or disabilities?
 - (b) How effectively does the local area assess and meet the needs of children and young people who have special educational needs and/ or disabilities?
 - (c) How effectively does the local are improve outcomes for children and young people who have special educational needs and/ or disabilities?

- 14.5 There will be a narrative evaluation report following the inspection, this will outline the local area's strengths, areas for development and serious concerns. This will be publicly made available on the Ofsted and CQC website. There will not be an overall effectiveness grade.
- 14.6 Local areas may need to produce an action plan following the inspection and there may be follow-up inspection activity. The findings of the area inspection may be considered as part of other CQC and Ofsted inspection activity.

Inspection process:

- 14.7 The announcement period for the inspection will be five days in order to alleviate challenges faced by parents in finding appropriate childcare or other support to enable them to take part in the inspection. Inspectors will be onsite for five days.
- 14.8 The fieldwork will include discussions with elected members, key local area officers from health, education and social care, and meetings with leaders of early year's settings, schools and colleges, and specialist services.
- 14.9 Visits will be made to a range of providers and services. These visits will not inspect the provision but focus on their understanding of and participation in meeting the areas' responsibilities.
- 14.10 Inspectors will look at children and young people's files to contribute to their evaluations.
- 14.11 There will be a strong emphasis on gathering the views of young people, and parents and carers, involving:
- meetings during visits to early years settings, schools and colleges
 - meeting with established parent and carer groups
 - meeting with any reference groups established in the local area
 - a webinar for parents and carers during the inspection.
- 14.12 The inspection framework will not prescribe an extensive list of documentation as evidence for the inspection, however the local area will be responsible for providing inspectors with the key documents which evidence the areas' effectiveness in identifying and meeting the needs of children and young people who have special educational needs and/or disabilities.

Feedback from recent Local Authority Inspections:

- 14.13 Since May 2016 over 25 outcome letters have been published, key themes that have been identified through these are as follows:
- Data quality and use of information

- The Local Offer is not well used
- The views of CYP and their families is not always integrated
- Timeliness (e.g. EHCP)
- The 19-25 pathway is not well developed
- No clear focus on measuring outcomes
- Attendance and exclusions of pupils with SEND
- Education, employment and training outcomes for young people with SEND

14.14 The Council, through the SEND Inspection Group have used published feedback and a self-evaluation to ensure the Council is in a position to communicate and demonstrate to inspectors the strengths of the service as well as known areas of development as part of the service's ongoing continuous improvement programme.

15. Financial Implications

15.1 There are no financial implications identified as services continue to be delivered against the agreed budgets. However, there is an existing budget pressures on the Short Breaks Service budget (Targeted services) and the travel assistance budget. The work outlined in this paper, including any proposed changes, aim to reduce this pressure whilst continuing to meet the growing demand for services and support. In addition, there is currently a financial pressure to the service from meeting the cost of the extended services provision at Drumbeat since the schools forum decision in December 2015 that the DSG could not be used for this provision.

15.2 It is also predicted that by 2030 there will be a growth in Lewisham's population from 280,000 to 330,000. It is estimated that children and young people with complex needs account for 1% of the population. This represents a continual increase in demand on the Children with Complex Need Service putting pressure on existing budgets and services.

16. Legal Implications

16.1 In addition to those legal implications previously referred to in this report, members attention is drawn to the following.

16.2 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.

16.3 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 is compatible with the provision of efficient education and training and the avoidance of unreasonable public expenditure.

- 16.4 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 there is sufficient primary and secondary provision and suitable Special Educational Needs provision in their area.
- 16.5 Departmental guidance requires that when proposals are being 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.
- 16.6 Part 3 of the Children and Families Act 2014 introduced major reforms to the statutory framework for children and young persons with special educational needs. The local authority retains the pivotal role in identifying, assessing, and securing the educational provision for children and young people with special educational needs.
- 16.7 The Children and Families Act 2014 requires that in exercising their functions in relation to special educational needs local authorities must have regard to four guiding principles:
- the views , wishes and feelings of the child and their parent , or the young person;
 - ensure children young people and parents participate in decision-making;
 - provide the necessary information and support to help children, young people and parents participate in decision making; and
 - support children, young people and parents in order that children and young people can achieve the best possible educational and other outcomes.
- 16.8 The Equality Act 2010 introduced a new public sector equality duty. 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.
- 16.9 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 16.10 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, 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.

16.11 The Equality and Human Rights Commission has recently 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: <http://www.equalityhumanrights.com/legal-andpolicy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

16.12 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

16.13 The essential guide provides an overview of the equality duty requirements 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: <http://www.equalityhumanrights.com/advice-andguidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

17. Crime and Disorder Implications

17.1 There are no specific crime and disorder implications arising from this report.

18. Equalities Implications

18.1 The initial equality analysis assessment indicates that the proposals in this report would not unlawfully discriminate against any protected characteristics but would positively promote equality of opportunity for children and young people with special educational needs and disabilities.

19. Environmental Implications

19.1 There are no specific environmental implications arising from this report.

Background documents

None.