
REPORT OF THE CABINET

The Cabinet met on 22 April 2025. Attendees: -

Councillors Bennett (Chair), Bowdler, di Cara, Claire Dowling, Maynard, and Standley

1. Area Special Educational Needs and/or Disabilities (SEND) Inspection of East Sussex Local Area Partnership

1.1 The Cabinet considered a report on the Area SEND inspection of East Sussex Local Partnership (ESCC and NHS Sussex Integrated Care Board) by Ofsted and the Care Quality Commission (CQC) from 18 – 22 November 2024. The purpose of the inspection was to:

- provide an independent, external evaluation of the effectiveness of the local area partnership's arrangements for children and young people with SEND; and
- where appropriate, recommend what the local area partnership should do to improve the arrangements.

1.2 This inspection was the second iteration of the regulatory framework since the implementation of the Children and Families (C&F) Act 2014; the previous inspection in East Sussex was in December 2016.

1.3 It is important to note that this round of Local Area SEND inspections comes at a time of significant challenge for local authorities, the vast majority of whom are struggling to implement the full breadth of the 2014 reforms due to increasing demand and insufficient resources. Over several years, East Sussex (along with other local authorities) has been lobbying the government for changes in the SEND system to address the unintended consequences of the original Act which, in addition to leading to unprecedented demand, have created a fragmented SEND system that has not delivered better outcomes for children.

1.4 The key challenges in the system remain as they have for a number of years, specifically that:

- There have been significant increases in the number of requests for Education and Health Care Plan (EHCP) assessments and in EHCPs that are issued. It is recognised nationally that the threshold for statutory assessment has been lowered and the requirement to have input from specific professionals who are in short supply, contributes to delays in outcomes.
- The tribunal system does not have to take account of the resource implications for local authorities and has exacerbated the conflict between councils and families of children with SEND. This has also led to:
 - A significant growth in the independent sector which is catering for children who would otherwise be provided for in state-run provision, but are unable to do so because local special schools are full. The average cost of

independent schools is over twice that of state-run provision and the Local Authority (LA) has no lever over the fees that they charge. In East Sussex, over one-quarter of the overall SEND budget funds placements in the independent and non-maintained sector.

- The law does not prescribe accountability from Health bodies and, therefore, the legislative burden of the Act falls solely at the doors of the local authority.
- The funding of SEND does not take into account levels of demand and relies on an out-dated formula. This means that there is significant disparity across the country in terms of how different LAs are funded.

1.5 In recent years, there have been a number of reviews of the SEND system which, most recently, led to the publication of a [Green Paper in March 2022](#). As a result of this, the SEND Change Programme was established to look at different areas that could be reformed to make improvements to the system. Along with the other Sussex LAs and Portsmouth City Council, East Sussex has been part of the South East Change Programme. The main challenge with this programme is that, from the outset, it stated that there would be no legislative reforms, but rather adjustments would be made within the framework of the C&F Act. As the key barriers with the system rely on changes to the legislation, this meant that the programme was significantly limited in its ability to deliver wholesale improvement.

1.6 The new Secretary of State for Education has stated publicly that SEND is a priority for her Department and, since the autumn, we have seen a shift in the work of the Change Programme towards workplans that have a focus on improving inclusive practice in mainstream schools. This shift in focus to more children with SEND attending their local mainstream school, along with proposed changes to the school inspection framework, will support improvements to the financial viability of the SEND system. However, we are still awaiting a clear policy direction from the DfE on the broader issues around SEND and how the system will be funded in the future. A White Paper is anticipated in the coming months.

1.7 The current system, nationally, is not delivering better outcomes for children and young people with SEND in its current form. Despite many more children having Education, Health and Care Plans (rapidly approaching 5% nationally), we are not seeing any improvements in outcomes for these children. Indeed, in many areas they have deteriorated. For this reason, lobbying for SEND reform is a key priority for ESCC and we would like to see revised SEND legislation that has a strong focus on:

- Promoting and properly resourcing inclusive practice in mainstream schools. This would give confidence to parents and ensure that children with a wide range of needs are educated in their local school, affording them the same opportunities as children without SEND.
- Realigning the threshold for statutory plans and admission to special schools so that those with the greatest need get the help that they need in a more timely way.
- Reforming the tribunals system so that councils, schools and families can spend more time in productive dialogue about overcoming barriers to accessing education outside of an adversarial process.

- Establishing the roles and responsibilities (including financial) of all partners in the SEND system to ensure that everyone plays their role in supporting and resourcing SEND provision.
- Regulating the costs of provision in the independent sector to give Local Authorities the right commissioning controls that they need to ensure best value for money.
- Supporting the SEND workforce to have the skills and knowledge that they need to provide children with SEND the best possible provision.
- Ensuring that interventions that have been robustly evaluated and proven to be effective are delivered to children with SEND.
- Changing the requirements for professionals in statutory assessments so that they can use their time supporting children and schools.

1.8 A copy of the ASEND inspection report, published on 4 February 2025, is attached at Appendix 1.

1.9 There are three possible outcomes for an ASEND inspection, these are set out in Appendix 2. East Sussex has been given the middle outcome. 'The local area partnership's arrangements lead to inconsistent experiences and outcomes for children and young people with special educational needs and/or disabilities (SEND). The local area partnership must work jointly to make improvements.' The next full inspection will be within approximately 3 years.

1.10 The report notes that children and young people with SEND in East Sussex have variable experiences. *'Many families describe the excellent support that they receive from some individual practitioners, but report that the system as a whole can be confusing and difficult to navigate'.*

1.11 The report recognises East Sussex's self-assessment and the journey that we are on to improve the outcomes for children and young people with SEND in a more consistent way:

- *'Leaders have rightly identified the areas that need to improve. However, for many children and young people the impact of these improvements is still emerging'.*
- *'Support for the most vulnerable children and young people and their families is rightly prioritised by the local partnership.'*
- *'The local partnership recognises that children and young people with SEND have mixed experiences of inclusion in mainstream schools. Although there is more to do in this area, the partnership is committed to making improvements and has made significant strides.'*

1.12 The report highlights what the area partnership is doing well and identifies what the partnership needs to do better, as set out in Appendix 1. The inspection also identified four areas for improvement.

1. The local area partnership should continue to improve the quality of Education, Health and Care (EHC) plans, so that there is consistent input across all agencies to better identify the provision that children and young people require to meet their needs. This should include:

- improving joint working of practitioners, particularly health, to contribute to EHC plans; and
- ensuring a more timely and precise annual review process.

2. The local area partnership should take further action to reduce overall waiting times in relation to neurodevelopmental pathways, Child and Adolescent Mental Health Services (CAMHS) interventions and the provision of wheelchairs. They should ensure that the support that they provide to families while waiting is well used and beneficial.

3. The local area partnership should develop and embed its work with education settings on improving inclusion, so that the proportion of children and young people achieving strong outcomes increases.

4. The local area partnership should continue to work with relevant stakeholders to ensure that there is sufficient and suitable Alternative Provision and post-16 options for children and young people with SEND.

1.13 The existing East Sussex SEND strategy 2022-2025 is being updated to include an ASEND inspection improvement plan to address the areas for improvement, building on work to date and in line with the Ofsted and CQC requirements. The plan has been shared with the SEND Strategy Governance Board prior to publication. The current SEND strategy has also been extended for an additional year, to the end of the 2025/26 academic year. This will provide additional time to deliver improvement and to understand the policy direction of the new government on SEND. Work across the local area partnership will begin in 2026 on our next SEND strategy and the new strategy will be shared with Cabinet.

22 April 2025

NICK BENNETT
(Chair)