



Report to the Children's Social Care and Learning Select Committee

Title:	The Special Educational Needs and Disability (SEND) Strategy 2016
Committee date:	21 st March, 2017
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Purpose of Agenda Item

To inform the Select Committee with regards to the SEND strategy that was agreed by Cabinet on 6th February 2017.

Background

On September 20th 2016 the Cabinet Member and Officers from the SEN Service presented a report to the Children's Social Care and Learning Select Committee on the outcome of the SEND review that had taken place between February to July 2016 and proposals for consultation on the draft improvement priorities that would provide the framework and focus for the next three years in the new SEND Strategy.

Consultation on the improvement priorities took place during October 2016, with 142 individuals making contributions and responses.

On Tuesday 6th December, 2016 Gillian Shurrock, Head of SEN updated the Committee on the continuing development of the new SEND Strategy and made the following points:

- There had been a good level of engagement with parents and carers as well as young people with Special Educational Needs to help develop the strategy.
- The review was timely given the pressures that Local Authorities were currently under.
- The general opinion was that the strategy had identified the correct priorities.

- There would be outcomes within the strategy with an explanation as to how they would be achieved.
- The strategy would be brought to Cabinet on 9th January 2017 and published on the Council's website.

A Member suggested that the SEND Strategy should be brought to the Select Committee once it had been to Cabinet.

Summary

The previous SEND and Inclusion Strategy covered the period 2013 – 2016. In order to inform the focus and priorities of the new strategy, a SEND review was commissioned and took place between February and July in 2016. It considered the recurrent overspends against SEND budgets as well as the implementation of recent SEN Reforms. The review involved significant discussion and contact with a wide range of stakeholders and a detailed analysis of financial and SEND related data.

Statutory guidance expects that local authorities should ensure that children, young people and parents feel they have participated fully in review and development processes and have a sense of co-ownership. This is often referred to as 'co-production' and this approach has been an important part of the process of review and development leading to the new SEND Strategy.

There is a significant agenda for action. Strong leadership is needed to secure the improved performance and transformation needed, within the context of no revenue growth, and some possible budget reductions that may arise from changes to the way in which High Needs funding is distributed to Local Authorities.

Key issues

1. A SEND Review took place between February and July 2016. At the time there were significant concerns about recurrent overspends against the High Needs budget which is part of the Dedicated Schools Grant (DSG). Schools were also raising concerns about sufficiency of specialist provision and special schools in particular were concerned to have greater clarity about their role in Buckinghamshire.
2. Hitherto, it has been possible, subject to the agreement of the Schools Forum, to increase the size of the High Needs Block with money from the Schools Block. The Government is progressing its plan to put in place a national funding formula for schools, describing the current system as "*unfair, transparent and out of date*". It consulted in 2015 on proposals that would remove the facility for local authorities to subsidise over spends from the High Needs Block from the Schools Block. The second phase of consultation started on December 14th 2016 where the details of Government proposals to adjust the distribution of High Needs funding between local authorities are set out.

3. In 2015-16 Buckinghamshire spent 1.5 times as much per pupil on High Needs than the national position and 1.8 times as much as its statistical neighbours (15-16 planned spend). A new High Needs funding settlement under a national formula is expected to result in a different allocation, but with statutory obligations and provision to sustain. Whilst Phase 2 of the Government's High Needs funding proposals say that there will be no cash losses to local authorities as a result of the high needs formula, the detail and practical implications have not yet been explored.

The links between the statutory SEND process and financial expenditure from the High Needs Budget

4. The SEND Review looked in particular at the financial impact of the administration of the statutory SEND process. Decisions in the statutory SEND process almost always have a financial implication. The profile in Buckinghamshire is of an escalation of children and young people to higher levels of a tiered process, with fewer being provided for in universal provision (known as SEN support and funded through schools' delegated budgets). The key indicators are:
 - a. Spend
 - b. Numbers of Education Health and Care (EHC) assessments and EHC Plans
 - c. The percentage of the pupil population with a statement of EHC Plan
 - d. The percentage of the pupil population in special schools
 - e. The percentage of all pupils at SEN Support
5. In order to become the subject of an EHC Plan (or a statement prior to September 2014), a child or young person requires an intensity and level of provision that would not be normally available in a mainstream school. Schools must follow a graduated response approach, demonstrating the work they have done with the child and its impact, prior to asking for an EHC assessment. An EHC assessment is typically requested by parents, schools and settings, and if agreed, will usually, but not always, result in an EHC Plan. An EHC Plan leads to the provision of additional funding to a school, whether a mainstream or special school. The additional funding is called "Top-Up" funding and varies according to the provision needs of the child. If a child or young person attends a special school, a place costs £10,000 a year. Financial benchmarking data shows that in 2016-17, Buckinghamshire's planned spend on "top-ups" was at a level 1.6 times more than statistical neighbours.
6. The number of EHC assessments has increased by 12% over the last 5 years, exceeding the population increase of 8%. 3.1% of Buckinghamshire resident children and young people have an EHC Plan or statement of SEN. This is higher than the national average of 2.8%.
7. The number of first time EHC assessments and EHC Plans is also increasing – from 257 (statements) in 13/14 academic year to 388 (EHC Plans) in 15/16 academic year. This is an increase of 50%. The increased volume has led to difficulties in completing assessments and issuing plans within the statutory timeframe. It has also led to specialist SEND professionals being committed to completing statutory reports

for EHC assessments, and restricting their time to engage in preventative work in schools and settings.

8. Mainstream schools and academies identify proportionately fewer children at “SEN Support” than nationally. This is universal and targeted provision that that schools make from their delegated budgets and using external advice that is available without the need for a statement or EHC Plan. 9.4% of primary aged children in Buckinghamshire are at SEN Support compared to 13% nationally, and 8% of secondary aged young people compared to 12.4% nationally. Most children with SEND are at SEND support.
9. There is a higher dependency on special school provision in Buckinghamshire than nationally. Although numbers of placements in independent and non-maintained special schools had reduced in 2015, they have started to increase in 2016 as has the cost. Benchmarking data on planned spend shows an increase of 9% in this area between 15-16 and 16-17 financial years.
10. There is significant pressure for Buckinghamshire special school places. There is a bigger population of children with moderate learning difficulties in Buckinghamshire special schools than is the case nationally. The costs of special school education are increasing. Between April 2013 and January 2016 there was a 35% increase in the “Top-Up” funding that is allocated in addition to the £10,000 place funding already in the school. The number of funded places has increased by over 100, with much of this being unplanned.
11. Over 2015 and 2016 there has been increasing pressure from schools to seek financial support for children and young people with SEND but without an EHC Plan whose educational provision, the school says, is beyond the school’s financial capacity to fund. In December 2016, the spend in this area had increased by 57% compared to the same period in the previous year. This is a relatively new and growing area of expenditure.
12. Thus there is a pattern of demand for higher level provision that is different than what would be expected when looking at national, and in particular, statistical neighbour trends and spend. Demands are made through the statutory SEND process and continue to lead to unplanned increases in expenditure against a budget that is expected to be capped for future years. Even if the drive for a national funding formula did not include the High Needs Block, the Schools Budget would be unlikely to be able to underwrite further overspends on High Needs. The statutory underpinning of pupil level spending decisions is such that the Council would retain the responsibility for provision and be bound to fund provision that was specified.

Stakeholder views and understandings

13. A key feature of the SEND review was the extent of the dialogue with key stakeholders. In particular, this has involved detailed and open discussions with parent representatives (using the co-production approach referred to above).

14. A number of discussions and seminars have also taken place with head teachers about the links between the SEND statutory process and the financial implications of the position as set out above. School leaders understand these matters, and made constructive suggestions about how they could be resolved. The three main areas of comment were:
- a. Determining the provision that schools should make for all children with SEND at SEN Support, as a means to stem the escalation to EHC Plans
 - b. Improving decision making on the statutory process
 - c. Making all specialist support available without the need for an EHC Plan or statement
15. School leaders also commented on what they saw as an insufficiency of their delegated budgets generally, and they felt that this was a key reason that led to escalating pupils through the statutory process to secure more funding. In a survey of over 100 Special Educational Needs Coordinators (SENCOs), the majority view was that securing extra funding, or a special school place, was the prime motivator in seeking an EHC Plan.
16. Parents commented on their lack of confidence in mainstream education. Some wanted there to be more support for and commitment to their children in mainstream schools, as well as more expertise and higher skills levels. Others wanted it to be easier to secure a special school placement.
17. There is a sound understanding of the strategic challenges facing the Council by the Parent Carer Forum, which is the statutory route for dialogue and consultation with parents and carers of disabled children and those with SEND.
18. A SEND Board includes representatives from all stakeholders, is supported by the Cabinet Member for Education and Skills, and has contributed throughout the process of the review, the development of emerging Priorities and in the consultation on the SEND Strategy.

Consultation on the building blocks for the new SEND Strategy

19. At the conclusion of the SEND Review a series of eight Improvement Priorities were drawn together. A draft Vision was prepared, reflecting the views and aspirations expressed during the review. These provided the basis for the consultation.
20. The eight Improvement Priorities were grouped under 4 areas of Strategic Focus:

Children, young people and families	Developing provision and supporting schools and settings
Planning ahead	Strategic Leadership and Management

21. Consultees were asked to comment on a draft Vision, and on the Improvement Priorities. 142 separate individuals made whole or partial responses to the consultation questions. They were:
- 37 children and young people, both with and without SEND
 - 33 parents and carers
 - 46 professionals from education, health, social care
 - 26 who described themselves as “other” and which included school governors, and private business providers
22. Responses from a number of consultees were detailed and constructive, offering alternative text and explaining their own experiences and why their views were as they were. Young people gave highest priority to:
- a. being supported by high quality professionals who listened to them and involved them in decisions;
 - b. a well-planned, complete and individualised education, and
 - c. being successful as an adult.
23. Many respondents did not understand the content of the Priorities that were grouped under the strategic focus of “Strategic Leadership and Management”. Taking account of consultation comments, the three Improvement Priorities under this section were streamlined and reduced to two. This meant that there was then a total of seven Improvement Priorities rather than the original eight.
24. In planning for the future, the themes arising from other comments are important. They reflect the current position and indicate the challenges in moving forward to improving the way in which SEND provision is led, organised and delivered across Buckinghamshire, whilst working towards a lesser budget.

The SEND Strategy

25. The SEND Strategy is attached. It provides the framework to link the management of the High Needs Block and other SEND Budgets, with the statutory SEND framework as set out in Part 3 of the Children and Families Act 2014, and the SEND Code of Practice: 0-25 years (January 2015).
26. It remains framed within four areas of Strategic focus, and the Improvement Priority areas are as below:

CHILDREN, YOUNG PEOPLE AND FAMILIES	
Priority 1	Improve the experiences of families, children and young people of the statutory SEND processes.
DEVELOPING PROVISION AND SUPPORTING SCHOOLS AND SETTINGS	
Priority 2	Develop greater confidence, competence and skills in mainstream settings, schools and academies, providing stronger leadership and support for

	SENDCOs and others, across schools and settings.
Priority 3	Refocus specialist SEND provision, such as special schools and Resourced Provisions, on those children with the most significant and complex SEND.
Priority 4	Improve the leadership, co-ordination, deployment and collaborative working of specialist SEND specialist teaching, advisory and educational psychology services.
PLANNING AHEAD	
Priority 5	Develop and implement improved approaches to planning and securing specialist educational places for those children with the most significant and complex needs.
STRATEGIC LEADERSHIP AND MANAGEMENT	
Priority 6	Strengthen the management of the statutory SEND processes and related decision making.
Priority 7	Develop improved approaches to monitoring and accountability, especially in relation to the use and impact of High Needs funding in schools and other educational settings.

27. Supplementary action plans and performance measures will be used to monitor the implementation of the Strategy. As activity towards change and improvement takes place, it is likely that aspects of action plans will be refined. The Strategy must lead to a financially viable approach to ensure that provision for individual pupils is secure and sustainable.
28. The strategic analysis that has been focal to the review, will contribute to the evaluation of the Council's contribution to the Local Area's approach to identifying, assessing and providing for children and young people with SEND, which will be the subject of inspection by CQC and Ofsted.
29. Regular reports will be provided for the cabinet to review the implementation of the strategy. The SEND Board will provide a focus for partnership working, accountability and implementation.

Resource implications

The resource implications are significant. If new approaches are not put in place, and if recurrent overspends against the High Needs budget continue, the shortfall will require a continued readjustment of the schools funding block. This is currently subject to Government consultation.

Some progress has been made in 15-16 financial year leading to an adjusted and reduced spending plan for 16-17. Buckinghamshire's section 251 budget plan for 16-17 reduces the differential with other local authorities with the total High Needs planned spend now being 1.4 times as much as the national and statistical neighbour position. However more radical change is needed to secure the financial

targets that need to be put in place. These will be set when the Strategy is confirmed and detailed financial planning can be aligned with other actions.

There is a significant programme of change – actual and cultural – to lead. There may be the need for enhancement of current leadership capacity to secure this.

Capital Implications

Although there are no immediate or direct capital implications the following priorities may lead to budget considerations:

- Priority 5 will lead to the detailed construction of a 5 year place planning strategy for SEND. Whether or not there will be capital costs arising from the strategy is unclear at this point. There are opportunities for schools and academies to use academy status or apply for free school status. These would not necessarily create a capital cost for the Council.
- Priority 3 may require some adaptations to the fabric of special schools, as they include children with more severe and complex needs who have hitherto attended out of county special schools.
- Priority 2 may lead to minor adaptations being needed in some mainstream schools as they include children of a level of need currently in special school, but most schools and academies would meet minor adaptations through their Equality Act responsibilities.

Next steps

The progress of the SEND Strategy will be monitored through:

- A stakeholder SEND Board attended by the Cabinet Member for Education and Skills
- The Children's Services Leadership Team
- Annual reports to the Children's and Social Care Select Committee
- Annual stakeholder and ad hoc update reports through the Local Offer
- Regular reports to Cabinet

Appendices

- **SEND Strategy 2017-20**
- **Final report of the SEND Review**
- **Equality Impact Assessment**

