



Report to the Schools Forum Funding Group

Title:	SEND Update
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1. Purpose of Agenda Item

1.1. To provide an update on the following:

- a) National SEN Update - Education Select Committee's SEND report 23rd October 2019
- b) High Needs expenditure 2019-20 and funding settlement for 2020-21
- c) Funding Mechanism for Special Schools
- d) Actions to reduce high needs block expenditure - current work to understand demand trajectories and opportunities to reduce demand on specialist provision and statutory assessment.

2. National Update - Education Select Committee's SEND report 23rd October 2019

"A generation of children and young people with special educational needs and disabilities is failing to receive the support it deserves, with poorly implemented legislation leaving families facing a nightmare of bureaucracy, buck-passing and confusion".

"The DfE cannot continue with a piecemeal and reactive approach to supporting children with SEND. Rather than making do with sticking plasters, what is needed is a transformation, a more strategic oversight and fundamental change to ensure a generation of children is no longer let down."

Summary by Hero Slinn:

- 2.1. This report shines a light on some of the systemic challenges that local authorities face as we work hard to implement a complex and underfunded system of reforms. The 2014 reforms rightly raised expectations, required partners to join up holistically to meet the needs of children and young people and extended support from birth to 25 years. However, children's services were not adequately funded to meet these expanded duties.
- 2.2. The report outlines that even though record levels of spending have occurred in the SEND system, there are growing levels of dissatisfaction. It recognises that funding alone cannot solve the operation challenges we all face in meeting statutory duties.
- 2.3. Issues include:
 - A school accountability system focused on academic attainment above inclusion which means some pupils with low level needs are being pushed out of the mainstream system into costlier, often independent specialist provision.
 - The lack of a national workforce strategy. Shortages in the wider workforce (across education, health and care services) that act as a barrier to achieving an inclusive education system.
 - Health and social care are still not equal partners in the process – little evidence of cooperation and communication from these sectors.
 - Challenge of developing joint commissioning arrangements at a local level with health.
- 2.4. Key message quoted from Select Committee Report:

“Our shared endeavour must be on improving the experiences and outcomes of all children and young people with special educational needs and disabilities and ensuring no child is left behind.”

Key Recommendations of the SEND select committee report:

- 2.5. Give the ombudsman more power over schools
 - Powers for the Local Government and Social Care Ombudsman to investigate complaints about schools.
- 2.6. Let schools report non-compliant councils to the government
 - Parents and schools should be able to report LAs directly to the DfE if they are not complying with the law. This would include reports of non-compliance, the school placement of children and young people with SEND including those without a school place, tribunal hearings and how local authorities meet statutory timescales.

- DfE should implement an annual scorecard for local authorities and health bodies “to measure their success against the SEND reforms”. The scorecards should then be made available via the House of Commons library “no later than three months after the end of the year to which they relate”.

2.7. Inspections

- A more rigorous inspection framework for local authorities, with clear consequences for failure.
- Make Ofsted issue a separate judgement for SEND provision as the Committee feels that not enough is being done to ensure every pupil with SEND receives a “high standard” of education, or that all schools are inclusive.
- This should either be done through the current programme of inspections, or Ofsted should alternatively develop “a separate type of specialised inspection focusing on SEND, with a particular focus on the school’s responsibility to deliver for pupils on SEN Support and that inclusive schools get the recognition that they deserve”.
- The committee acknowledges this may require legislative change, and says this must happen “at the earliest possible opportunity”.
- Independent reviewer to examine cost implications of requiring all schools and colleges to have a full-time SENCo and how small a school should be to warrant this role being part-time or diverted from their duties to other responsibilities.

2.8. Appoint a neutral SEND ‘co-ordinator’

- The committee raised concerns about the “conflicts of interest, or challenges” that stem from councils holding both an assessor and commissioner role when it comes to SEND provision.
- Need “to create some neutrality in the system”.
- DfE to explore the potential for a neutral role, someone who would be allocated to every parent or carer with a child going through an assessment. This person would have the responsibility “for co-ordinating all statutory SEND processes including the annual review, similar to the role of the independent reviewing officer for looked-after children”.

2.9. Open new special schools

- DfE should, in the absence of “other plausible solutions”, enable councils to create new maintained specialist schools, including specialist post-16 provision “outside of the constraints of the free school programme”.
- Amend its capacity building guidance “to ensure that local authorities are able to be more responsive to their local population’s needs and address the unfortunate unintended consequences of the programme”.

2.10. Develop more employment and training opportunities for post-16 young people

- Underpinned by a lack of collective ambition for our young people.

3. High Needs Block Expenditure 2019-20 and Funding Settlement 2020-21

Expenditure 2019-20

- 3.1. The projected overspend against the High Needs Block reported to Schools Forum in October was £565k. This included the following pressures:
- (i) £446k Additional and exceptional support: funding for over number places in special schools and at the secondary PRU. An additional 9 places have been funded within BCC special schools during this year.
 - (ii) £76k for top-up funding in special schools.
 - (iii) £25k additional costs of pupils in independent schools.
- 3.2. Activity and spend have been reviewed at the end of October. Forecasts for external placements are likely to increase as September starter data is confirmed.
- 3.3. Additional pressures have also been identified on the budget for top up payments for pupils with EHCPs in mainstream schools following the successful work to clear the backlog of EHCPs and issue plans. The detailed schedules of pupils have been sent to schools for data checking and this will inform the forecast reported to Schools Forum in January however it is expected that the forecast spend will increase by in excess of £0.5m.

Funding Settlement 2020-21

- 3.4. The funding settlement for High Needs Block in 2020-21 includes an additional £700 million to ensure that every local authority receives an increase at least 8% per head of 2–18 population. The indicative funding allocation for Buckinghamshire indicates that the increase could be £7.2 million for the High Needs Block in 2020-21. Whilst this funding is very welcome there is currently no indication as to whether it will be built in to the baseline for future years. Given that lack of certainty the Council is of the view that additional funding should not be committed fully in 2020-21 against recurring commitments. There is, however, the opportunity to support the existing gap in the high needs block in order to reduce any call on reserves, and to consider utilisation against projects that may require transitional funding. It is likely that in the first instance this funding will need to be utilised to support the overall gap in funding on high needs.
- 3.5. Final proposals will be brought to Schools Forum in January for final budget setting once the funding settlement has been confirmed.

4. Special School Funding 2020-21

- 4.1. An updated timeline for consideration of a needs led funding system was presented to Schools Forum in October.

- 4.2. This timeline has been further impacted by the purdah period leading up to the general election which means that the LA cannot enter in to any consultations, other than statutory consultations (for example on the minimum funding guarantee for mainstream schools), during that period. This will delay consultation with schools on the principles for a funding mechanism for high needs provision until the new calendar year. The impact of this on the proposed time line is that Schools Forum will now consider the outcome of the consultation and any financial implications at the March 2020 meeting with implementation of any changes from September 2020.

5. Update on actions to mitigate overspend

- 5.1. At the October meeting of Schools Forum a number of actions to reduce expenditure against the High Needs Block were presented and discussed. These actions will be monitored and progress reported to Schools Forum. As previously reported, the main financial impact of these actions will be in future years.
- 5.2. Increase collaborative working with health partners to jointly commission provision to meet the needs of children and young people.
- 5.3. The LA has funded a project to support the service to develop a clear understanding of:
- Current demand for children with SEND including opportunities to reduce demand on specialist provision and statutory assessment.
 - Partner behaviours and beliefs around support for children with SEND to enable their engagement in the co-design of and contribution to a future model centred more on earlier intervention initiatives.
 - How needs compare with support, costs and outcomes.
- 5.4. This work is due to be completed at the end of November and will be presented to Schools Forum at the December meeting to outline the work that has been done and some of the emerging themes and actions.