

REGULATORY AND OTHER COMMITTEE REPORT

NAME OF COMMITTEE:	Lincolnshire Schools' Forum
DATE OF MEETING:	27 April 2016
SUBJECT:	Annual Report on Special Educational Needs and Disability
REPORT BY:	Sheridan Dodsworth – Children's Service Manager, Special Educational Needs and Disability (SEND)
NAME OF CONTACT OFFICER:	Sheridan Dodsworth
CONTACT OFFICER TEL NO:	01522 553310
CONTACT OFFICER EMAIL ADDRESS:	sheridan.dodsworth@lincolnshire.gov.uk
IS THE REPORT CONFIDENTIAL?	No

SUMMARY
<p>The purpose of this report is to provide the Schools Forum with an annual update on Special Educational Needs as required by the Schools Forum Regulations. The report covers:</p> <ul style="list-style-type: none">• An update on activity within the county• An overview of the high needs costs throughout 2015/16• A brief update on the SEND Strategy Review

Background and context

Part 3 of the Children and Families Act 2014 aligns and 'streamlines' the system of SEN assessment, support and provision for children and young people 0-25, bringing together the provisions of a variety of Acts covering education, health and care as well as introducing new provisions, statutory implementation of associated duties, regulations and a new SEND Code of Practice.

The SEND Reforms set out in the Act include:

- i. Extending the SEND system from birth to 25, giving children, young people and their parents/carers greater control and choice in decisions about provision;
- ii. Replacing Statements and Learning Difficulties Assessments (LDA) with a birth-to-25 Education, Health and Care (EHC) Plan;
- iii. Offering families the option of personal budgets when an EHC plan is implemented;
- iv. Improving co-operation between all the services and requiring particularly local authorities (LA) and health authorities (HA) to work together;
- v. Requiring LAs to involve children, young people and parents in reviewing and developing provision for those with special educational needs and to publish a 'local offer' of support; and
- vi. Publication of a new SEN Code of Practice and regulations covering the work of early years providers, schools and post-16 education providers, LAs and HAs.

There is a sharper focus on the measurable outcomes for Children and Young People. It is expected that the majority of children with SEND will have their needs met and outcomes achieved through mainstream education provision and will not need EHC Plans. These are explicit themes running throughout the SEND Code of Practice 2015.

Parents and young people must be involved directly in discussions and decisions about the support available to them individually and more strategically, particularly through the 'co-production' and delivery of the SEND assessment, the EHC planning process and the Local Offer.

Each stage of the EHC Needs Assessment process is subject to appeal to the Special Educational Needs and Disability Tribunal and in some cases the Local Government Ombudsman.

A child or young person has special educational needs (SEN) if they have a learning difficulty or disability which calls for special educational provision to be made for him or her.

In July 2015 1.3 million (15.4%) pupils in England had special educational needs.

- Moderate learning difficulty was the most common type of need; 23.8% of pupils with a primary need recorded had this type of need.
- Autistic spectrum disorder was the most common need for those pupils with a Statement of SEN or an Education, Health and Care (EHC) Plan.
- SEN is more prevalent in boys across all age groups in state-funded schools. 16% of boys require SEN support compared to 9.2% of girls.
- Pupils with SEN are twice as likely to be eligible for free school meals as those

without SEN (28.2% compared to 12.8%).

- The percentage of pupils placed in Special Schools increased by 2.8% from 2010 - 2015.
- In 2013/14, 20.5% of pupils with SEN achieved 5+ GCSEs at A*- C or equivalent including English and mathematics compared to 65.3% with no SEN.
- 84.8% of 16/17 year olds with SEN and/or Disabilities (SEND) were in education and training in June 2015, compared to 89.7% without SEND.
- 49% of pupils with SEN in schools progressed to Higher Education compared to 59% of those without SEN. 34% of those with Learning Difficulty or Disability (LDD) in colleges progressed to Higher Education compared to 40% of those without LDD (2013/14 destinations).
- Pupils with SEND are more likely to be absent from school and be excluded.

Pupils with identified special educational needs supported through notional SEN funding

Schools and Academies for the 2015/16 financial year had, through most of their formula factors, a notional SEN funding allocation from which they were expected to contribute the first £6,000 towards a pupil who requires SEN/Additional Needs support. The higher level needs (top up funding) and targeted support provision remained outside of this notional SEN funding.

In the October 2015 School Census, 16,235 (15.63%) pupils in Lincolnshire maintained or academy schools had identified SEN, in-line with the England figure of 15.4%.

Of those children and young people who have identified SEN, supported by mainstream schools (SEN Support) without a Statement or EHC Plan, the breakdown by district was:

District Area	Number	% of all SEN Support	% of Total Pupil Headcount in District
Boston	1,686	13%	17.8%
East Lindsey	2,413	18%	13.7%
Lincoln	1,952	15%	14.1%
North Kesteven	1,852	12.5%	11%
South Holland	1,657	12.5%	13.4%
South Kesteven	2,172	16.5%	10.5%
West Lindsey	1,512	11.5%	12.5%
Countywide Teaching and Learning Centre (TLC)	115	0.9%	83.3%
Countywide Pilgrim School	10	0.1%	7.2%
Grand Total	13,369	100%	

School Census October 2015

In the October 2015 school census there were 1610 children and young people identified

with SEN that had not previously been identified in any school census in the preceding two years. However, overall the number of children and young people with identified SEN has dropped in the last five years. In October 2010 the total number of young people receiving SEN support in Lincolnshire was 17,450. The decrease follows the national trend; in 2010 21.1% of the school population in England had SEN. This number fell to 17.9% in January 2014 with a steeper drop in January 2015 to 15.4%. This may be due to more accurate identification of those with SEN following implementation of the SEND system reforms.

In England in 2015 the numbers of young people with SEN supported without a Statement or EHC Plan fell for the fifth year in a row from 18.3% in 2010 to 12.6% in 2015. In Lincolnshire the number is 12.9%.

Pupils with Statements of SEN or EHC Plans

The numbers of children and young people with a Statement or an EHC Plan attending Lincolnshire maintained or academy schools in October 2015 is illustrated below.

District Area	Statement of SEN	EHC Plan	% of all Higher Needs Support	% of Total Pupil Headcount in District
Boston	107	16	4.3%	1.3%
East Lindsey	465	131	20.8%	3.4%
Lincoln	579	106	24%	4.9%
North Kesteven	187	26	7.4%	1.3%
South Holland	390	35	14.8%	3.4%
South Kesteven	429	40	16.47%	2.3%
West Lindsey	286	61	12%	2.9%
TLC	6	0	0.2%	4.3%
Pilgrim School	1	0	0.03%	0.7%
Grand Total	2,450	415	100%	

School Census October 2015

In addition to those identified through the School Census there are a number of young people with Statements, EHC Plans or LDA in independent specialist provision outside of Lincolnshire, independent schools/provision in Lincolnshire or in Further Education. In January 2016 the county had a total of 3,397 young people with a Statement or EHC Plan and a further 105 learners who still had an LDA.

The tables above tell us that:

- Boston has the highest percentage of children and young people with identified SEN in proportion to the numbers of school children in the district
- Despite being the 4th highest district in terms of the overall numbers of pupils in the county receiving SEN Support, Boston is the district with the lowest percentage of all Statements or EHC Plans

- Whilst the Teaching and Learning Centre makes up a tiny percentage of all pupils with SEN those pupils with SEN, attending this countywide provision represent a significantly high proportion of the overall pupil number on roll, which highlights the high rate of exclusion or risk of exclusion amongst SEN pupils
- Lincoln has the highest percentage of children and young people with a Statement or EHC Plan in proportion to the number of school children in the district
- South Kesteven has the lowest number of children and young people with SEN Support in proportion to the number of school children in the district and has a relatively lower proportion of children with Statements or EHC Plans than a number of the other districts

High Needs Funding Analysis (not including short-term medical provision)

All EHC Plans have been issued in accordance with the evidence provided by schools and other contributing agencies.

The table below highlights the total funding allocated over the last five years (1st April 2011 to 31st March 2016) for learners with high level needs who attend mainstream schools and academies.

Year	April Figure*	March Figure**
2015/16	£8,164,267.00	£10,130,761.74
2014/15	£9,846,406.65	£11,840,432.13
2013/14	£9,966,642.90	£11,292,527.00
2012/13	£9,274,169.84	£10,960,505.06
2011/12	£8,565,547.73	£10,094,748.72

Source: SEND data management/financial system.

***April Figure** – initial higher level needs funding allocated to schools during the budget share process at the start of the financial year.

****March (following year)** – final expenditure for all higher needs funding for the financial year.

Whilst initially the figures suggest that 2015/16 has seen a reduction in high needs funding it is important to note that an additional £2.4m was devolved to schools during this year to ensure that they have the notional funds to meet their responsibility for SEN support. If that figure was included in the high needs funding analysis then the figure for 2015/16 would be **£12,630,761.74**.

The provision of targeted support for schools with unusually high numbers of high needs pupils was previously agreed by the Schools Forum. In 2015/16 the additional targeted funding given to schools totalled **£1,355,685**. The budget identified to support schools with unusually high levels of high needs pupils was £892,739 therefore there is an overspend of £462,946.

It is also important to note that Special Schools have received an additional **£117,964.15** over the last financial year to support them in maintaining placements that would otherwise have broken down.

NB. All costs contained in this report are as accurate as is possible given the on-going

challenges the council is experiencing with the Agresso system used for all finance activity.

The current picture in Lincolnshire

In the first year following the implementation of the SEND reforms the service received 524 requests for EHC Needs Assessment. In 2013/14 the service received 476 requests for statutory assessment. This is a 10% increase.

Whilst approximately 26% of requests result in a 'no to assessment' decision there is no material difference from 2013/14, when the 'no' figure was very similar. This still requires the first 6 weeks of the process to be completed to reach that decision at the Allocations meeting.

The requests for EHC Needs Assessments continue to come primarily from the primary school sector (around 80%). This is almost exactly the same figure as it was in 2013/14 when the requests were for Statutory Assessment for SEN Statements.

In 2014/15 the service received around 40 requests for EHC Needs Assessments for those in the 17-25 year age group. Previously it was not possible to request Statutory Assessment for young people in this age range. Most of these are young people in their early 20s where their FE colleges have recently been refused further Post 19 High Needs funding for them.

Approximately 70% of the requests for EHC Needs Assessment are for boys. The main requesters of EHC Needs Assessments are schools, parents and early years' settings.

Using the 4 categories of special educational need as set out in the Code of Practice 2015 the following demonstrates the type of need the requests relate to:

- Communication and Interaction – 38%
- Cognition and Learning – 26%
- Social, emotional and mental health – 23%
- Sensory and/or physical needs – 13%

Autism and ADHD/ADD still account for a high proportion of the specified need of the children referred.

The increase in numbers of requests for statutory assessment and overall increase in the numbers of young people with a Statement of SEN/EHC Plan is in-line with the national picture.

The EHC Needs Assessment process is 20 weeks rather than the 26 weeks that were allowed to undertake statutory assessment for Statements. The timescale for transfers from Statement to EHC Plan was extended from 14 weeks to 18 weeks during 2015 (for those begun after the 1st September 2015) and relevant legislation enacted to enable the change. There has been an acknowledgement by the Department for Education of the significant challenges the new process brings and the extra human resource required when undertaking person-centred planning rather than a paper driven process.

In the first year following implementation of the SEND Reforms the service struggled to meet timescales for a variety of reasons. The processes and key decision-making points have been reviewed to refine the procedures. To date, this academic year, 89% of EHC Plans

reaching completion have been within the 20 weeks.

Source of EHC Needs Assessment requests and demographic breakdown

Source	Percentage
Schools	45%
Parents/Carers/Family	25.9%
Early Years	20.8%
FE Settings	5%
Local Authority	1.3%
Other	2%

Locality	Percentage
North Kesteven/South Kesteven	35%
Lincoln and West Lindsey	30%
East Lindsey	17.7%
Boston and South Holland	17.3%

The Local Authority *ceased to maintain* 32 Statements/EHC Plans in the financial year 2015/16. This is a small increase on the previous year when 31 Statements were ceased. However, the previous year had seen a significant increase given that the average in the 3 years prior to that had been 17 per year; a low figure for an authority of this size. The Local Authority can only cease to maintain a statement if schools and others involved, through the annual review process, are of the view that the statement needs to cease. There is far greater challenge to schools about the need to maintain Statements/EHC Plans which probably accounts for the increase in *cease to maintain* numbers.

How does Lincolnshire compare?

- In England the proportion of children and young people with a Statement or EHC Plan remained consistent at 2.8% between 2007 and 2015. In Lincolnshire the figure is 3.3%, above the England average. However, in the first published data following the implementation of the SEND reforms there was a trend emerging across England of an increase in numbers of EHC Plans compared to Statements of SEN. This is likely to be, in part at least, a result of the extended age range of learners who may be eligible for an EHC Plan (0-25 years).
- The requests for EHC Needs Assessments in Lincolnshire continue to come primarily from the primary school sector (around 80%). The national picture in 2015 showed 61% of combined Statements and EHC Plans being in the 0-10 year old age group with a peak around the age of 9 and 10.

In Lincolnshire at the 31st December 2015 the breakdown, by age group, of those with EHC Plans (either newly issued or through transfer from Statement) was:

Age Group	Number	% of all EHC Plans
0-4 years	79	7.3%
5-15 years	602	55.7%
16-18 years	355	32.9%
19-25 years	44	4.1%
Total	1080	100%

The England data published in May 2015 showed:

Age Group	% of EHC Plans (4,205)
Under 5 years	16.1%
0-5 years	44.8%
11-15 years	31.6%
16-19 years	7.3%
20-25 years	0.2%

- Lincolnshire now has more children and young people with a Statement or EHC Plan placed in Special School provision than mainstream school. In 2007 37.9% of all children and young people in England, with a Statement, were in Special Schools; in 2015 this number was 43%. In Lincolnshire 49% of children and young people with a Statement or EHC Plan are educated in Special Schools with around 45% in maintained or academy mainstream schools.
- Lincolnshire has seen an increase from 3% in 2013 to 4.5% in 2015 of young people placed in Independent Non-Maintained Specialist Services. This increase reflects the national trend, albeit Lincolnshire is below the national average. In 2013 the national picture showed 5.6% of pupils with a Statement or EHC Plan in 'other' specialist provision; in 2015 this figure was 6.1%.

National comparative data will be released in July 2016.

Transition from Statements to EHC Plans

By the 1st April 2018 all local authorities must have transferred all children and young people with Statements of SEN to the new SEN and disability system who meet the criteria for an EHC Plan.

The statutory guidance places an expectation on local authorities to undertake this transfer process through the routine annual review cycle and specifically where there are key transition points in a young person's life. Lincolnshire commissioned its Special Schools to undertake the transfers for their students over a two year period. The draft EHC Plans are submitted to the local authority for consideration, any required amendments are returned to the schools and the Plans are finally signed off by the authority.

Each local authority is required to publish its Transition Plan. Initially Lincolnshire planned to undertake the transfer process over two years. Like other authorities who also shared the same ambition this had to be reviewed given the enormity of the task, the new EHC Needs Assessment requests coming in and the existing Statement reviews. The transfer process

will now be undertaken over the full three years.

The 'must do' group for 2014/15 were those learners transferring from school (including school sixth forms) to a post-16 institution or onto an apprenticeship. Local Authority Caseworkers completed the transfers for mainstream learners whilst the Special Schools completed transfer for their leavers. Despite not concluding these transfers by the deadline of the 31st May 2015 all transfers were completed for September with all but 4 learners moving on to further educational/training provision. The 4 remaining cases had particular complexities which needed to be resolved.

For the current academic year all school leavers have been allocated a SEND Caseworker who will either undertake the transfer to an EHC Plan or will work with the Special Schools who remain commissioned to complete their students' transfers. All leavers' transfers had to be completed by the 31st March 2016. Performance this academic year has remained consistently high in achieving the timescales for transfers.

Whilst the SEND service has received a significant number of requests for EHC Needs Assessments for Early Years children (0-5) these have been spread across the year. In the future if an EHC Plan is required in readiness for transition to primary school any request will need to be received by mid-April of the academic year prior to September entry into primary school in order to allow for the 20 week process to be completed. The SEND service has worked with the Early Years colleagues to ensure that early years' settings are aware of this, particularly where primary schools are going to require additional funding at the point of entry. Early Years colleagues, who provide inclusion funding to support early years settings with children with SEND, have a prioritisation process so that those children that will require an EHC Plan to aid transition to primary school are referred to the SEND service in good time to allow the EHC Needs Assessment to be completed.

Over the current academic year there is a statutory requirement for the local authority to transfer the following groups of children and young people from Statements to EHC Plans:

- Children moving from a relevant early years setting to school
- Children moving from infant to junior school
- Children moving from primary to secondary school
- Children in Year 9
- Children or young people moving from school (including school sixth forms) to a Post -16 institution or an apprenticeship (by 31st March 2016)
- Those moving from mainstream school to special school or vice versa
- Those leaving Youth Custody, on release
- Young people who receive support as a result of an LDA who intend to be in education beyond 31st August 2016

The Lincolnshire Special Schools will be completing transfers for the remainder of their students this academic year.

One young person will have their Statement transferred specifically under Chapter 10 of the

Out of County Placements

Out of County placements are made only when Lincolnshire Schools have stated that they cannot meet the special educational needs of a particular learner. There is a continuing pressure on meeting the needs of those learners with Autistic Spectrum Disorders and specifically those with challenging behaviours. Out of county placements go through a rigorous commissioning process.

Young people with Autistic Spectrum Disorders and Behavioural, Emotional and Social Difficulties make up 71% of all Out of County placements. It is frequently their challenging behaviour that has led them to be placed in provision outside of Lincolnshire.

Out of County Special School placements had decreased over a number of years but between 2013 and 2015 the number had risen, by approximately 23 places, to 100 at the 31st March 2015. The cost of placements was £6.9m in 2014/15 which was a significant over-spend on the agreed £5m budget. The Schools Forum agreed to another £2m being added to the Out of County budget. The SEND Service has made strenuous efforts to reduce the number of Out of County placements and, at the 31st March 2016 the number of children and young people in Independent Non-maintained Special Schools was 95. However, whilst the numbers have dropped the cost has increased to **£7,813,689** in 2015/16.

Independent School placements in Lincolnshire

In addition to Out of County placements there are currently 59 children and young people placed in independent schools in Lincolnshire. The nature of these placements is complex but falls into 3 broad categories: parental preference where the cost of the provision is such that it is the best value for money for the authority; parental preference where parents pay general fees and the county funds the higher needs costs or where maintained or academy schools have said they are unable to meet need.

The cost in 2015/16 of these placements was **£1,260,756**. The budget for these placements was set at £704,620 and is therefore over-spent by £556,136. A significant element of the increased expenditure is as a result of the number of placements at one specific school which has been used increasingly for young people who can no longer be managed by Lincolnshire Schools or who have been permanently excluded. Although costly these placements are significantly less expensive than an Out of County placement.

Impact of SEND Reforms

The SEND reforms have had a significant impact on the activity around special educational needs. There is undoubtedly increased expectation from parents who are exercising their rights and preferences. The SEND Service is clear that every decision is based on assessed need and the efficient use of public funds but this is increasingly being challenged and

balanced against parental preference. Some significant successes at Tribunal provide confidence that decisions made in the service are sound; nevertheless Tribunals are costly and currently there is an increase in the number of parents lodging appeals to the First Tier Tribunal.

SEN Strategy Review

As reported to the Schools Forum in April 2015 a comprehensive review of special educational needs provision in Lincolnshire is underway. The Special Schools' Project Board, chaired by the Director of Children's Services, is leading this work. It builds on the data from the first phase of the review of the implementation of Lincolnshire's 2011 SEN Strategy which suggested:

- **The profile of identified needs and the pattern of placements is different in Lincolnshire compared to the rest of the country and to statistical neighbours.** This suggests that the identification of certain types of need is not consistent across the county and that some underlying needs are not being identified early (e.g. SLCN).
- **There are gaps within the continuum of current LCC SEN provision.** Mainstream schools –particularly secondary schools –may lack the capacity and provision to meet the needs of some pupils, particularly those with challenging behavioural needs. Most specialist provision is located in special schools –there are comparatively few enhanced resource provisions. Current specialist provision is “blocked up” and is not able to respond to the changing profile of need across the county (e.g. pupils with high-functioning ASD).
- **These gaps within the continuum of LCC SEN provision appear to be driving the increase in pupils placed out-of-county.** There is no evidence that this trend is being driven by a lack of in-county residential SEN provision.

It was agreed that refining and refreshing the SEND strategy must not be a paper-based exercise. Instead, the focus of a new strategic approach to SEND in Lincolnshire is predicated on building long-term strategic planning capacity and process. This is being undertaken in four stages:

- **Analysis**—of long-term trends, in parallel with the ongoing focus on getting the structures and processes right
- **Commissioning**—using analysis to develop a flexible continuum of provision informed by long-term planning
- **Engaging stakeholders**—developing mechanisms for engaging key stakeholders (educators and families particularly) and investing in regular, open dialogue, and in building their skills, capacity and knowledge of the SEND system to enable them to play a key role in co-producing and leading the implementation of Lincolnshire's SEND strategy
- **Monitoring outcomes** —ensuring that we are able to answer two key questions:
 - Are our approaches working?
 - Do we have the right provision to meet the current and future needs of children in our county?

There is a commitment by Special School Headteachers and health services to consider

options to meet the needs of all young people in Lincolnshire with complex SEN. This can't be achieved in isolation from the mainstream schools and work is now well underway to understand how those schools can better support the needs of Lincolnshire children and young people with SEN. If there is to be a realistic chance of preventing young people from going to Out of County placements the sector as a whole needs to respond.

Through the Project Board a number of significant developments have taken place with the Board agreed on a number of key principles to ensure that Lincolnshire Schools can meet the needs of all Lincolnshire children and young people. A single SEN Strategy is being finalised and will be presented to the Children and Young People's Scrutiny Committee later this year.

RECOMMENDATIONS

The Schools Forum is asked to note the contents of the report and direct any questions to the Children's Service Manager (SEND).