



Open Report on behalf of Heather Sandy, Executive Director - Children's Services

Report to:	Lincolnshire Schools' Forum
Date:	29 June 2023
Subject:	Annual Report on Special Educational Needs and Disabilities

Summary:

The purpose of this report is to provide the Schools' Forum with:

- A high level update on Special Educational Needs and Disabilities (SEND) both nationally and within Lincolnshire.
- An overview of the high needs' costs illustrating increasing pressures on the High Needs Budget.

Recommendation(s):

The Schools' Forum is invited to consider and comment on the contents of the report and address any questions to the officers in attendance, noting that a supplementary report will be shared with the forum in autumn 2023.

Background

Part 3 of the Children and Families Act 2014 aligned and streamlined 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 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.

Note

Due to the late publication of national data it has not been possible to provide the comprehensive annual report that is usually shared at this time of year. The SEN2 return, submitted in March each year, was a much more detailed, pupil-level data submission this year and, as a result the DfE publication on the national picture was later (8th June). At the time of writing, the comparative data analysis required for this report is still awaited. This report provides only a high level overview of SEND information until a more detailed analysis and comparison to national data can be undertaken.

The report does, however, include all updated budgetary information for the last financial year.

Lincolnshire and the national context

In 2022 there was a 9% increase nationally in the overall number of EHC Plans (from 2021) whilst in Lincolnshire the increase was lower at 6.5%. In January 2023 (SEN2 census date), Lincolnshire held 6,958 EHC Plans.

There were 114,457 initial requests for an EHC Needs Assessment in England in 2022 which was a 23% increase from 2021. In Lincolnshire, the LA received 1,253 requests for an EHC Needs Assessment which was a 0.08% *decrease* from 2021 and considerably less than the England position.

The number of *new* EHC Plans issued in 2022 increased by 7% nationally whilst in Lincolnshire there was a 1.02% *decrease* in the number of *new* EHC Plans.

For the first time this year, the gender of those issued with *new* EHC Plans was reported; 68.8% of plans in England were issued to males. Whilst a more detailed analysis is required of Lincolnshire's *new* EHC Plans, males account for 70.4% of all pupils reported in the SEN2 data submission for 2022.

Source: [Education, health and care plans, Reporting year 2023 – Explore education statistics – GOV.UK \(explore-education-statistics.service.gov.uk\)](https://explore-education-statistics.service.gov.uk)

In Lincolnshire, 546 EHC Plans were ended in 2022, which is a decrease from 2021 when 581 Plans were ended:

- 353 Plans ended because pupils left education (298 in 2021)
- 168 transferred to another LA or there was another reason for ceasing the Plan e.g. child died. The comparison is 250 in 2021.
- 22 Plans ended because special needs could be met without an EHC Plan (33 in 2021)
- 3 Plans were ceased because the learner reached the maximum age for an EHC Plan (not previously reported)

Timescales

Lincolnshire has, for several years since the introduction of the SEND reforms had an excellent track record for completion of EHC Needs Assessments within the 20-week timescale. There was a significant drop in 2020 whilst the teams managed a backlog of assessments which had been delayed due to limited numbers of Educational Psychologists. This matter was resolved towards the end of 2020. There was a slight drop in performance in 2022 but still remains very high compared to England as a whole.

- 2018 – 91.9% (England 60.1%)
- 2019 – 74.8% (England 60.4%)
- 2020 – 40.3% (England 58%)
- 2021 – 94.5% (England 59.9%)
- 2022 – 93.6% (England 50.7%)

High Needs Funding Analysis:

Mainstream and placements in other local authority schools

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 seven years for learners with high level needs who attend mainstream schools and academies.

Financial Year	Top Up Funding	Targeted	Recoupment	Total
2022/23	£26,590,743	£3,035,205	£1,733,525	£31,359,473
2021/22	£22,091,684	£2,709,290	£1,701,071	£26,502,045
2020/21	£16,928,270	£7,433,005	£1,345,259	£25,706,534
2019/20	£12,766,085	£4,260,363	£735,890	£17,762,338
2018/19	£10,879,853	£3,098,854	£608,723	£14,587,430
2017/18	£9,836,695	£2,157,214	£542,519	£12,536,428
2016/17	£9,035,094	£1,721,191	£311,437	£11,067,722

Source: SEND data management/financial system.

The funding in the table is the additional funding above the notional SEN funding of £6,000 held within schools' delegated budgets for low level, high incidence SEN support and the first £6,000 of SEN support for those higher needs learners.

In 2022/23, the authority reviewed the top-up and targeted arrangements for mainstream schools, increasing the hourly rate for which top-up is funded from £11.35 to £11.72, a 3.26% increase. Following a similar review in 2023/24, a further 1% increase has now been agreed from £11.72 to £11.84.

The authority continued to use targeted funding as an approach to supporting schools with a disproportionate number of pupils with more complex needs, using the actual amount of notional SEN determined through the schools national funding formula to identify whether a school has sufficient notional SEN funding to support pupils with EHC Plans at their school. Where a school's notional funding EHC requirements exceed the value that is equivalent to 30% of the notional SEN in their original Budget Share, schools will trigger additional funding. No amendments have been made in 2023/24 with regards to the local arrangement of targeted funding.

The Government consultation outcomes from 'Implementing the Direct National Funding Formula' received LA support to establish an indicative SEND budget through the National Funding Formula, rather than being determined locally. The Department continue to think it is helpful to identify for each school an indicative budget as a guide to the resources that might be needed by a school in supporting its pupils with SEND. The Department has set out in its the recent SEND and Alternative Provision Improvement Plan that it will be developing a new National Standards for SEND and alternative provision, and the

Department intends to engage with the sector on the design of the indicative SEND budget. It is presently unclear of the Department's timescales, but in the meantime, they have provided further guidance to LAs to drive consistency.

Special Schools

Commissioned places for 2023/24 across the special schools' sector is now 2,224, an increase of 96 from the previous year.

Special School funding for 2023/24 through the DSG has increased by £2.158m to £37.143m from 2022/23 original delegated funding. A funding formula review took place in readiness for the 2023/24 financial year with refinements made to ensure it responds to the changing landscape of needs. The key changes were as follows:

- Band monetary values increased by 3% to reflect a rise in current prices.
- Staffing block and non-staffing blocks also included a 3% increase.
- Through the above changes for 2023/24, the Local Authority has ensured that the in-year supplementary allocations made to special schools in 2022/23 have now been factored into the formula going forward.
- To further support costs in 2023/24, Local Authorities were required to allocate an amount that is equivalent to 3.4% of the estimated total grant funding of the school.

Commissioned arrangements also exist within special schools for delivering specialist outreach support including Portage and residential placements. This cost has remained at £1.612m in 2023/24. On occasions, the LA can also agree to additional exceptional funding arrangements (if suitable evidence is provided by the school), as well as commissioned therapy resources. Both these elements sit outside the main special schools funding formula, but the authority has increased the 2023/24 budget provision for them to £0.450m and £0.110m respectively (a total increase of £0.255m).

Engagement with the special school sector is already underway to review the current formula and ensure that any further unforeseen cost pressures facing the delivery of high needs education and support are determined and quantified in preparation for the 2024/25 budget shares.

Independent Non-Maintained Specialist Provision and Independent School placements in Lincolnshire

Between these two budgets, the total costs in 2022/23 were £16.779m; an increase of £2.646m from 2021/22 (£14.133m). There was also a further £1.112m spent on the ongoing costs relating to the 60 commissioned placements for pupils with Social, Emotional and Mental Health (SEMH) needs. For 2023/24, there has recently been a further agreement to commission another 57 pupils.

Supplementary report in autumn 2023

This report will be updated in the autumn to include the comparative data that is usually reported in the summer term's Annual SEND Report. This will include population data on

SEND; a more detailed analysis of pupils receiving *new* EHC Plans; information on primary need; breakdown of SEND data by district; educational placements; outcomes for children and young people with SEND; families' experience of the system (mediation and tribunals); school absence and exclusions. It will also provide an overview of the impact of activities taking place to ensure that children and young people with SEND receive support at the earliest opportunity to avoid their needs escalating and to ensure they are supported in the right place at the right time.

Conclusion

This scaled down report illustrates the impact of the concerted efforts being made across the SEND partnership to ensure that EHC Plans are provided for the children who need higher levels of support. Lincolnshire is bucking the national trend in relation to the growth in the number of EHC Plans, requests for assessment and the number of new EHC Plans issued in 2022. Nevertheless, the cost of support for young people with EHC Plans continues to rise significantly.

The supplementary report, to be provided in the autumn, will provide a more detailed analysis of those who have EHC Plans, where they receive support, their experience in education and their outcomes.

Consultation

a) Risks and Impact Analysis

The SEND High Needs Partnership Board is governing the transformation process and its key work streams, including monitoring of progress against the ambitions. It is chaired by the Assistant Director of Education. Officer membership from key disciplines report to the Chief Executive and Executive Director of Children's Services. A risk log is maintained by the Board with its risk level scored and actions, activities and controls outlined with timescales.

Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

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