

**Open Report on behalf of Debbie Barnes**

Report to:	<b>Lincolnshire Schools' Forum</b>
Date:	<b>19 April 2018</b>
Subject:	<b>Annual Report on Special Educational Needs and Disabilities (SEND)</b>

**Summary:**

The purpose of this report is to provide the Schools' Forum with an annual update on Special Educational Needs and Disabilities (SEND) as required by the Schools' Forum Regulations. The report covers:

An update on activity within the county.

An overview of the high needs costs throughout 2017/18.

An update on the SEND Strategy Review.

An introduction to the SEND Tribunal Single Route of Redress.

**Recommendation(s):**

To note the contents of the report and direct any questions to the officers in attendance.

**Background**

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.

### **The National Context**

In January 2017 the number of pupils in England with SEND had increased from 1,228,785 in January 2016 to 1,244,255. This was the first annual increase since 2010 but the percentage of pupils with SEND remained at 14.4% of the total pupil population.

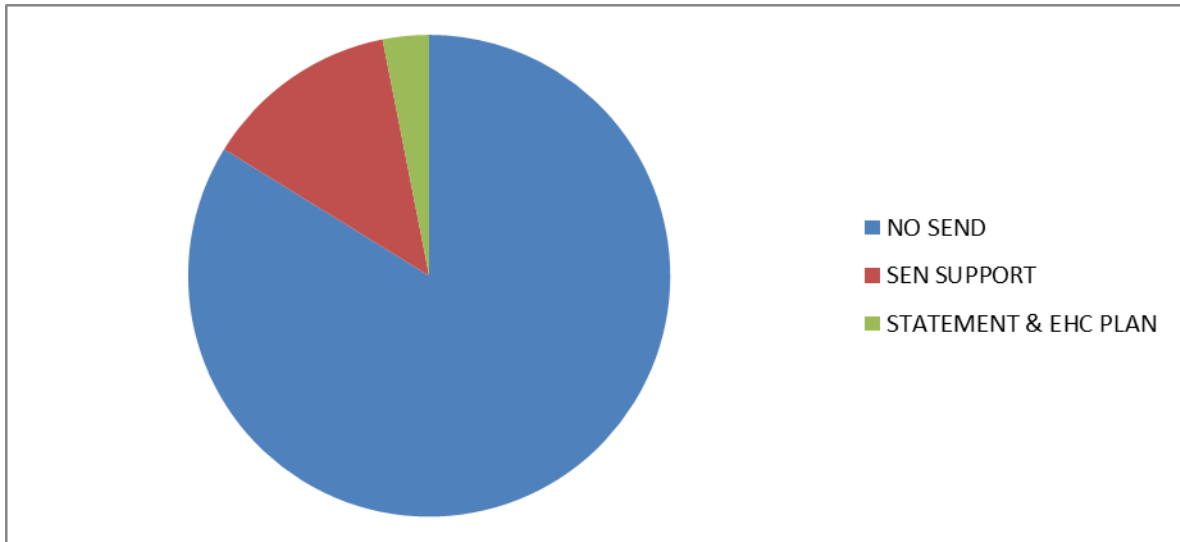
In January 2017 there were 242,185 pupils in England that had an Education, Health and Care (EHC) Plan or Statement of SEN; an increase of 5,380 from January 2016. Despite the increase this figure remains equal to 2.8% of the total pupil population and has been the case since 2007.

In January 2017 a further 1,002,070 pupils were on SEN Support. This is equal to 11.6% of the total pupil population and remained unchanged from 2016.

## The context in Lincolnshire

In Lincolnshire in January 2017 there were 105,806 pupils on roll in Lincolnshire maintained and academy schools; of these 15.9% were in receipt of some form of provision for their Special Educational Needs. This is higher than the England average of 14.4%.

### Breakdown of Support accessed by % of Total Census Population



Type of Support	% of Total Census Population
No SEND	84.1% (All England - 85.6%)
SEN Support	13.0% (All England - 11.6%)
Statement & EHC Plan	2.9% (All England - 2.8%)

Source: January 2017 Schools Census

In Lincolnshire in January 2018 the position was:

- 4,560 children and young people (0-25) with a Statement or EHC Plan. This is a 16% increase from January 2017 and a 38% increase overall since the implementation of the SEND reforms in September 2014 when there were 3,300 Statements of SEN.
- 1,751 young people were placed in a maintained or academy Special School. This is a 3.4% increase from January.
- 86 young people were in Non-maintained Independent Special Schools. Of these, 50 were in residential settings with 17 young people in a 52 week placement
- 42 children and young people were in Independent Mainstream Schools

- 660 young people were in general Further Education or Sixth Form college; an increase of 21.5% from 2017
- 154 young people were in Specialist Post 16 settings; of these 53 were in Independent Specialist provision with 2 young people in 52 week residential placements
- 30 young people were undertaking Traineeships, Supported Internships or Apprenticeships which is one less than there was in January 2016
- 18 young people were Electively Home Educated

In January 2018, 21% of all children and young people with Statements or EHC Plans were educated in settings that are not reported on in the School Census. (CIPFA 2017/18). This number includes those young people that are in Early Years, Further Education, Independent and other Post 16 settings. There has been an increase of 2% since January 2017 largely as a result of the growing number of young adults (20 – 25) with EHC Plans.

The age breakdown for young people with an EHC Plan in January 2018 was:

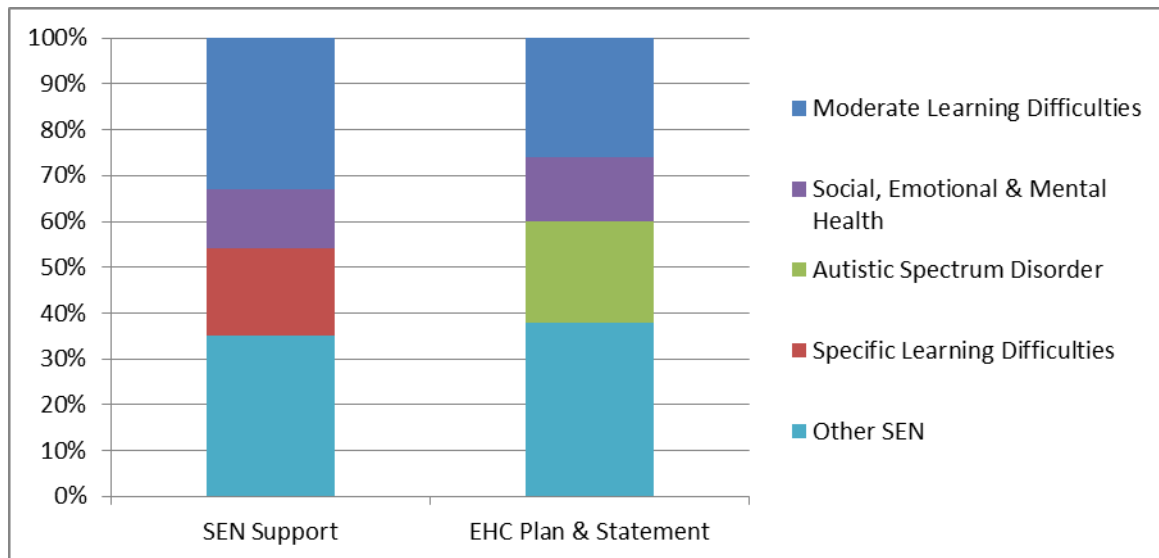
- 0 - 5 years 172 - an increase of 25% from 2017 (4% of all EHC Plans)
- 5 - 10 years 1448 - an increase of 20% from 2017 (31% of all EHC plans)
- 11 - 15 years 1581 - an increase of 4% from 2017 (35% of all EHC Plans)
- 16 - 19 years 1215 - an increase of 24% from 2017 (27% of all EHC Plans)
- 20 - 25 years 144 - an increase of 103% from 2017 (3% of all EHC Plans)

Nationally, Statements or EHC plans are most prevalent at age 15, where 3.8% of pupils have a statement or EHC plan. In Lincolnshire the percentage of 15 year olds with a Statement or EHC Plan is 4.1%, higher than the England average. (Source: School Census January 2017)

Lincolnshire's largest cohort of pupils with an EHC Plan is those aged 11 to 16 (52.4% of all Plans). In Lincolnshire there is generally an incremental rise in the numbers of pupils with an EHC Plan in each age group from 3 to 16 and then numbers drop with a sharp decline from age 20 to 24. (Source: School Census January 2017)

SEND remains more prevalent in boys than girls. 14.6% of boys in England are on SEN support compared to 8.1% of girls. In Lincolnshire 16.3% of boys are on SEN Support compared to 9.7% of girls. In England 4.0% of boys have a statement or EHC plan compared to 1.6% girls. In Lincolnshire this figure is 4.2% for boys and 1.6% for girls. (Source: School Census January 2017).

### Top 3 Primary Needs broken down by type of support received



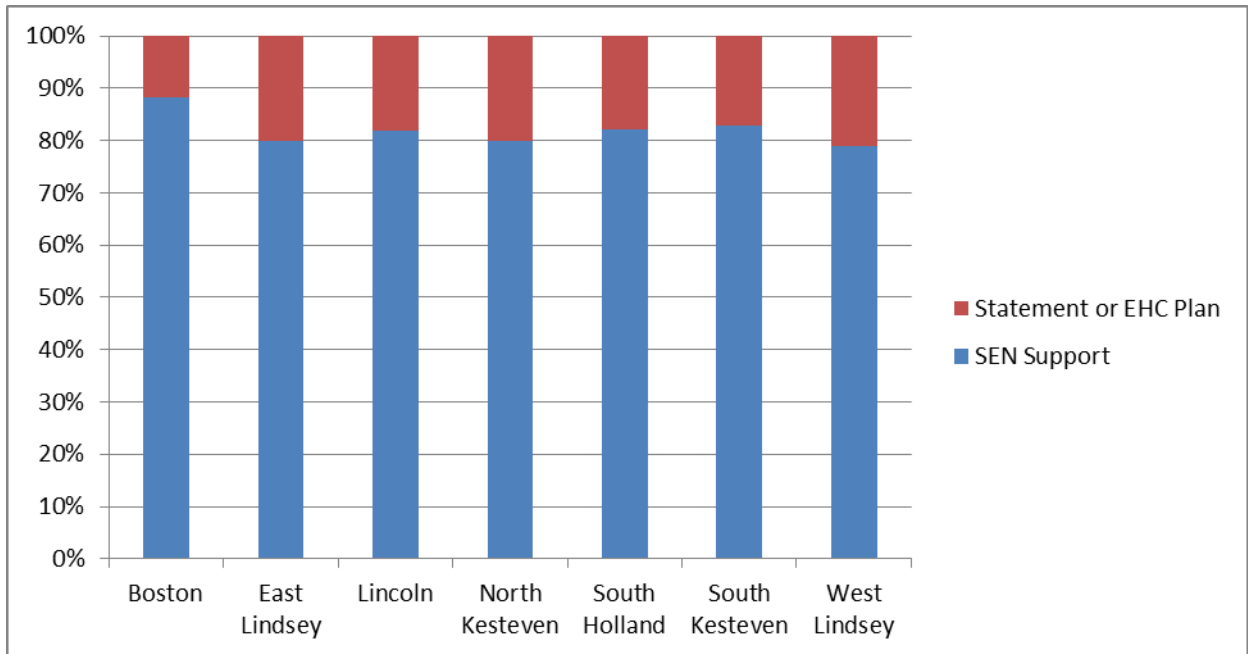
Type of Need	SEN Support	EHC Plan & Statement
Moderate Learning Difficulties	29.7%	17.1%
Specific Learning Difficulties	17.8%	5.3%
Autistic Spectrum Disorder	6.7%	22.4%
Social, Emotional & Mental Health	14.6%	15.4%
Other SEN	31.2%	39.9%

Source: January 2017 Schools Census

Lincolnshire is consistent with the national trend of MLD as the most commonly identified primary need overall. However, Lincolnshire is higher in overall percentage of pupils with MLD at SEN Support; 29.7% compared to 25.2% of all pupils with SEN Support for MLD nationally. In England the percentage of pupils with MLD decreased from 24.2% in January 2016 to 22.7% January 2017. In Lincolnshire it decreased by 3.3% from 33% in January 2016.

Nationally the most commonly identified primary need for those with an EHC Plan is ASD (26.9% - an increase from January 2016 when it was 25.9%). In Lincolnshire ASD is now also the most commonly identified primary need for pupils with an EHC Plan (22.4%). This is a slight rise from January 2016, when it was 22%, but is lower than the England average. There has been a shift in Lincolnshire as MLD has, for many years, accounted for the highest percentage of pupils with a Statement or EHC Plan. In January 2017 there was a significant drop of 8.9% from 26% in January 2016.

Number of pupils with SEN Support or a statement / EHC Plan by District



District	SEN Support	Statement or EHC Plan
Boston	17.9%	2.3%
East Lindsey	14.0%	3.5%
Lincoln	14.6%	3.4%
North Kesteven	10.3%	2.8%
South Holland	13.8%	2.9%
South Kesteven	11.4%	2.5%
West Lindsey	12.7%	3.4%

*All figures shown as a % of district population*

*Source: Schools Census January 2017 / Lincs Geographical Information System*

- East Lindsey has the highest percentage of pupils with a Statement or EHC Plan
- South Kesteven has the lowest percentage of pupils with a Statement or EHC Plan
- Boston has the highest percentage of children and young people with SEN Support
- North Kesteven and South Kesteven have the lowest proportion of pupils with SEN

This distribution has remained broadly consistent since 2014.

## Schools' Funding for pupils with SEND

Schools and Academies for the 2017/18 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 Support/Graduated Approach. The higher level needs (top up funding) and targeted support provision remained outside of this notional SEN funding and is funded through the high needs budget.

### 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 in 2015/16, 2016/17 and 2017/18 (to date) for learners with high level needs who attend mainstream schools and academies.

NB. The 2017/18 figures below only include agreements entered onto the SEND system by the end of December 2017. The update, which will be undertaken in June 2017, will capture any outstanding information for 17/18 commitments and is likely to result in an increase in the figures below.

Financial Year	Top Up Funding	Targeted	Recoupment	Total
2017/18	£9,660,906	£2,080,628	£484,363	£12,225,897
2016/17	£9,035,095	£1,721,191	£311,437	£11,067,723
2015/16	£7,897,454	£1,394,787	£375,880	£9,668,121

*Source: SEND data management/financial system.*

The local authority allocated £2.401m in 2015/16 through mainstream schools formula factors to support fully the first £6,000 of SEN support for those higher needs learners. The costs identified in the table are the funding delegated to mainstream schools and academies above this threshold.

The local authority has seen a further growth in top up and targeted funding delegated in 2017/18, which was anticipated. The local authority responded to this cost increase through the setting of the 2017/18 budgets.

### Requests for Education, Health and Care Needs Assessments

In 2017 the Special Educational Needs and Disability Service received 695 requests for assessments. This was a 15% increase on 2016 and an overall

increase of 46% from 2013/14, the year before the implementation of the SEND reforms. There were 478 new EHC Plans issued with a further 20 still being assessed at the start of 2018; a decrease from 2016 when 586 new plans were issued.

The SEND Service issued 95% of new EHC Plans within the statutory timescale of 20 weeks. The most recently published national data indicates that the average number of EHC Plans finalised within timescale is around 62% (including exceptions cases which legitimately go beyond the 20 weeks).

In the calendar year 2017 the service made a decision not to undertake a statutory assessment under S36 of the Children and Families Act 2014 in 27% of cases referred (187).

The England average for 'refusal to assess' decisions is around 28%. Lincolnshire is 1% below the national average. Following a series of Tribunals in which the Local Authority was over-ruled on its decision not to assess, there is caution against not agreeing to assess, particularly when it hasn't been possible to work with the family and school to resolve concerns about the child's SEN. The legal test is relatively low '*A local authority **must** conduct an assessment of education, health and care needs when it considers that it may be necessary for special educational provision to be made for the child or young person in accordance with an EHC plan*' (9.3 SEND Code of Practice 2015). Inevitably, this has resulted in more assessments that have not concluded with the child being issued with an EHC Plan; the number doubled from 5 in 2016 to 10 in 2017. This equates to 2% of all children assessed in 2017 and is lower than the most recently published England average of 3.9%.

In 2017 the most common reason for refusal to assess continued to be the lack of evidence from the child's school of support and intervention strategies provided through a *graduated approach* i.e. using resources and support services available through the notional funding.

Despite the rise in the number of children not being issued with an EHC Plan at the end of the assessment, it remains the SEND Service's view that fewer children are refused an EHC Plan than the England average as the focus is on ensuring that only those with evidence of the range of interventions implemented through the *graduated approach* are accepted for assessment. It therefore follows that there is a strong likelihood that the higher level of support required through an EHC Plan will be confirmed by the assessment.

New Lincolnshire 'Guidance on SEN Support' to facilitate the *graduated approach* is now published on the Local Offer. Detail in Background Papers.



There were no requests in 2017 for assessment for an EHC Plan for young people detained in custody.

### **Appeals to First Tier Tribunal**

In Lincolnshire, as with many authorities, there was a significant rise in the number of appeals lodged with the SEND Tribunal. In the first year of the reforms (2014/15) there were 28 appeals lodged; 16 were for refusal to assess. By 2015/16 this rose to 63 appeals of which 29 were for refusal to assess. The majority of other appeals were against the content of the EHC Plan and in particular the school identified by the authority to meet the child's needs. In the academic year 2016/17 there were 45 appeals lodged with the First Tier Tribunal. This is a significant reduction and equates to 4.25 per 10,000 school population. The last published DfE data showed the England average Tribunal rate to be 4.3 per 10,000.

The evidence so far this academic year indicates that far more cases are being resolved through case management. In the first 4 months of the 2017/18 academic year 16 appeals were lodged.

The number of Mediations has also dropped. In 2016 there were 90 Mediations commissioned at parental request because of dispute with the authority's decision. In 2017 the number dropped to 25. This reduction is again attributed to more intensive work with families to resolve concerns at an earlier stage.

The way in which the service is working has been greatly assisted by the partnership with the Lincolnshire Parent Carer Forum (LPCF). The LPCF has supported the authority in understanding parental concerns about why they often feel that their child *must* have an EHC Plan. This remains a complex issue but there is frequently concern expressed by parents that they don't believe their child will receive the appropriate support without a legally binding document. To attempt to alleviate concerns, and ensure that children are being supported appropriately at the SEN Support stage, the Local Authority employed both a Tribunal Officer, to work with families in trying to resolve issues that are already going to appeal and a practitioner skilled in restorative practice to work with schools and families to facilitate a clearer understanding of the child's needs and the support that schools should provide through a graduated approach. The two posts have been instrumental in influencing practice and SEND Caseworkers and Practice Supervisors are now taking on these roles. Relationships with families who are concerned about the support their child is getting have improved and is, as far as can be seen, the reason for the reduction in both mediations and appeals.

The legal cost in 2016/17, related primarily to tribunals, was £109,000. In 2017/18 this was £97,800, reflecting the reduction in Tribunal cases. The cost of the Mediation session is £650 or £850 depending on the provider used. This has been

a significant 'hidden' cost as there was no specific budget allocated to this area of work. Mediation has added a further £133,000 - £150,000 cost to SEND expenditure in the last three years. The reduction in both Tribunals and Mediations is advantageous in enhancing relationships with families and in financial terms.

### **Transition from Statements to EHC Plans**

The 31<sup>st</sup> March 2018 marked the end of the SEND reforms 3.5 year implementation phase and all Local Authorities had to have transferred all children and young people with Statements of SEN to the new SEND system if they met the criteria for an EHC Plan. Data published in March 2018 indicates that nationally 94% of transfers have been completed Lincolnshire SEND teams have achieved 100% compliance with the statutory requirements having, over the last year, completed the final 970 of 3,300 transfers from Statements of SEN to EHC Plans.

### **Special Schools**

Lincolnshire has 18 special schools across the county meeting a wide range of needs for children and young people with special educational needs and disabilities. The number of places agreed with Lincolnshire special schools in 2017/18 was 1,765, which is an overall increase of 56 places from 2016/17. The number of pupils in Lincolnshire's Special Schools has increased by almost 200 in the last 4 years.

Following a comprehensive review of Special Schools' pupil banding, which is defined by the pupils' needs, the Local Authority has worked with Special School Leaders to review the Special Schools' funding formula with changes taking effect from April 2018 for 2018/19 following Executive Councillor approval. Overall, Special Schools' funding has risen by £1.954m from 2017/18 to £27.731m as a result of the special schools funding formula agreed changes and place number review (an increase of 23 pupils from 2017/18). The increase in funding relates to amendments to the pupil bands and descriptors (including the introduction of 2 new bands for pupils having severe physical and / or sensory disabilities or other medical conditions resulting in total dependence (despite mechanical and technological aids), and pupils with a diagnosis of autism spectrum disorder (ASD) with challenging and undesirable behaviour), and the pupil moderation process that ensures pupil-led funding is reflected of pupils needs in the school.

This increase in funding will ensure that the appropriate level of resources continue to be allocated to allow special schools to deploy the resources to best meet the needs of its pupils in the changing demographics of Lincolnshire special schools. The funding to meet this additional cost has been budgeted for within the High Needs block of the Dedicated Schools Grant. The government has committed to providing a 0.5% funding increase in 2018/19 and 2019/20 to Local Authorities, therefore providing protection for a minimum of two years, and the expectation that incremental changes in funding levels will be applied allowing Local Authorities to manage downward funding changes in a manageable way when protection levels fall.

Special Schools receive mid-year funding for pupils placed above their agreed place numbers (£0.318m in 2016/17). It is also important to note that Special Schools received additional funding of £0.248m in 2016/17 to support them in maintaining placements that would otherwise have broken down. This funding is in excess of the pupil-led funding driven through the funding formula and has not been previously budgeted for. The latest information for 2017/18 currently highlights in-year adjustments totalling £0.128m and exceptional funding of £0.360m.

Commissioned arrangements exist with Special Schools for delivering specialist outreach support, portage and residential placements (£2.195m).

### **Hospital Schools**

Lincolnshire has two hospital schools and the Local Authority commissioned 13 and 70 places respectively in 2017/18. In 2018/19 the authority will commission the same number of places. The delivery of the 70 place hospital school has been reviewed with locations throughout the county supporting medical placements (particularly those pupils with severe anxiety levels that are unable to attend mainstream provision) referred through the Local Authority gateway. The review concluded in late 2016/17 an increase in the budget provision of £0.574m for 2017/18. For 2018/19, the budget shares have remained the same, other than a 0.5% settlement increase.

### **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 or when all schools are full. There is a continuing pressure on meeting the needs of those learners with Autistic Spectrum Disorders or Social, Emotional and Mental Health

issues and specifically those with challenging behaviours. Out of county placements go through a rigorous commissioning process.

Young people with Autistic Spectrum Disorders and Social, Emotional and Mental Health difficulties make up around 70% of Out of County placements. It continues to be the case that it is frequently a young person's challenging behaviour that has led them to be placed in provision outside of Lincolnshire.

The number of Out of County placements has reduced over the last three years; at one point there were 98 pupils in out of county provision and there are now 88. However, the costs have risen significantly. In the financial year 2016/17 the authority spent £7.997m on independent non-maintained specialist provision, an increase of £0.348m from the 2015/16 spend level of £7.649m. The budget overspent by £0.142m even allowing for a budget increase made in 2016/17 of £0.595m to rebase the budget (discussed in the January 2016 Schools Forum). The latest information for 2017/18 is highlighting a forecast of £8.048m; however this is a provisional figure prior to year-end closedown.

### **Independent School placements in Lincolnshire**

In addition to Out of County placements there are currently 42 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 2016/17 of these placements was £1.800m, which was a £0.527m overspend on a budget of £1.273m. For 2017/18, the forecast is £1.254m; this is a provisional figure prior to year-end closedown.

The detailed budget setting exercise that included the drawing out of savings has allowed the Local Authority to manage internally the high needs pressures reported within the paper for 2017/18. Further details are contained within the Section 251 Budget Statement 2017/18 report.

## **Building Communities of Specialist Provision: A Collaborative Strategy for Children and Young People with Special Educational Needs and Disabilities (SEND) in Lincolnshire**

As first reported to the Schools Forum in April 2015 a comprehensive review of specialist provision in Lincolnshire was needed. The Special Schools' Project Board, chaired by the Director of Children's Services, has championed this work. The proposed strategy for the county was developed in partnership between the Local Authority, the Special School Leaders and the LPCF. Some of the detailed work was facilitated by the Staff College. It has been a truly collaborative process over the last two years and the proposed strategy went to public consultation for nine weeks between the 8<sup>th</sup> January and the 14<sup>th</sup> March 2018.

The Building Communities of Specialist Provision Strategy will enable Lincolnshire pupils with SEND to access an integrated and collaborative all needs education system which provides excellent education, health care and support interventions. Details of the full strategy proposals are referenced in Background Papers.

The strategy will:

*"Establish an integrated school system where children and young people get the right health, care and education, in the right place, at the right time, as close as possible to where they live."*

The strategic vision of this integrated school system will provide the foundations for:

*"Provision without boundaries: where children feel they belong, are respected, hopeful and optimistic about their future."*

The strategy seeks to create an integrated education, health and care provision which will:

- a. Provide a local education system in which parents can have confidence that their child's education, health and care needs can be met.
- b. Ensure we have a sufficient supply of places in schools for pupils with SEND.
- c. Provide local community special schools which can meet the needs of all pupils in their community by removing the current barriers to access, particularly where schools can only meet the needs of pupils with specific designations of disability.

- d. Reduce the travel time for pupils with SEND by enabling them to attend a special school in their locality.
- e. Develop a system which enables pupils with SEND to access a greater range of mainstream curriculum and experiences.
- f. Increase opportunities for pupils with SEND to transition to a mainstream setting, if this is identified as most appropriate and beneficial.
- g. Support pupils to access education close to their family and their community thus reducing the number of pupils being educated in Out of County placements/Independent Non-Maintained special schools.
- h. Recognise the very specific needs of some pupils with hearing impairments, where parental preference identifies the importance of belonging with a British Sign Language community and support pupils to access these arrangements, where agreed through the SEND process.
- i. Create and enhance relationships between special and mainstream schools so pupils with SEND can remain in mainstream schooling.
- j. Clarify and enhance health interventions across special schools, so all schools can meet the health and therapeutic needs of the pupils in their communities.
- k. Improve opportunities for special and mainstream teaching staff to share best practice, skills and knowledge.

This strategy proposes to make significant changes to the existing specialist education provision, creating an integrated system where pupils attend their nearest school, confident that their educational and health needs can be fully met. It aims to enable young people to be educated in their local communities where they can learn in a flexible, integrated system which supports transition.

There were some key drivers behind the changes that are proposed including:

- DfE High Needs Strategic Review
- Sustainability and sufficiency
- Mainstream opportunities and transition
- Journey times for young people attending specialist
- School condition and suitability
- The impact of out of county placements on children and their families

- Young people with SEND having a sense of community and belonging

The DfE provided the authority with a grant of £283,911 to carry out a strategic review of specialist provision. In addition the authority will receive £2,314,235 over three years for capital investment to increase specialist provision. The funding from the DfE does not support the significant changes to provision that are required. Therefore the council has committed further funding, to support the capital investment required to implement the strategic vision comprising:

- Basic Needs Budget Boston - £5.2m
- Basic Needs Budget Lincoln - £8.5m
- Property Maintenance/Condition Budget - £24m.

The capital programme is extensive with the majority of Special Schools having buildings re-modelled and new facilities added. A new Free School in Lincoln is proposed and the John Fielding School in Boston will have a completely new build. In addition the strategy proposes satellite hubs on mainstream school sites to promote collaboration and flow between the two types of provision. The proposals, if agreed, will be implemented over a 3 – 5 year timeframe.

Throughout the public consultation period a large number of stakeholders have been consulted. The strategy was sent to approximately 750 interested parties; letters were sent to parents and carers of all Special School pupils; all mainstream schools were sent the consultation letter; all SENCo registered with the SEND Service were sent the consultation details and there have been various media releases, an on-line survey, a dedicated email box and telephone line. In addition the Project Team has received and responded to a significant number of emails and letters.

There have been:

- 19 Consultation Events
  - 13 Special School Consultations
  - 3 Lincolnshire Parent Carer Forum Consultations
  - 3 LCC Public Consultations
- Proposed strategy and consultation details shared with:
  - Lincolnshire Learning Partnership Board
  - Joint Forum Meeting – Children’s Services and Trade Union representation
  - 6 Head Teacher briefings

- Planning meeting with Health Commissioners and Health Providers

The collated feedback from the consultation is being included in a full report to the Children and Young People's Scrutiny Committee on the 20<sup>th</sup> April 2018. The outcome of that meeting will determine how the strategy progresses through both the council's political and statutory processes and the Academies' processes with the Regional Schools Commissioner. It is anticipated that there will be a final decision made by the Executive Councillor, subject to the Regional Schools Commissioner approval, by the 14<sup>th</sup> August 2018.

### **SEND Tribunal: Single Route of Redress National Trial**

A 2-year national trial began on 3 April 2018, to extend the power of the SEND Tribunal. As part of a special educational appeal, the SEND tribunal will be able to make non-binding recommendations on the health and social care aspects of EHC Plans.

The aim of the trial is that parents and young people are able to appeal to the SEND Tribunal about decisions concerning EHC Needs Assessments and Plans. To date, they have only been able to appeal about the special educational needs and provision sections and the placement section of EHC plans. The trial gives parents and young people new rights to request recommendations about the health and social care needs and provision specified in EHC plans, in addition to the educational aspects, when making a SEND appeal. This applies for all SEND appeals apart from those that are only about carrying out an EHC needs assessment.

The trial gives the Tribunal new powers to make non-binding recommendations on the health and social care aspects of EHC plans. It gives parents and young people the opportunity to raise all their concerns about an EHC plan in one place.

The policy aims of the national trial are to:

- create a more holistic, person-centred view of the child or young person's needs at the Tribunal
- bring appeal rights in line with the wider remit of EHC plans
- encourage joint working between education, health and social care commissioners
- bring about positive benefits to children, young people and parents



The trial will run for two years. Recommendations about health and social care needs and/or provision can be made only on Local Authority decisions and EHC plans issued or amended from 3 April 2018.

There has already been training delivered to those that will be most directly involved in the new arrangements. Further training will be scheduled and information will be provided through the SENCo briefings. There is also information available on the Local Offer.

This is a significant change and the implications of the extended powers remain to be seen.

The trial will be evaluated throughout the two year period by IFF Research and Belmana.

Details of the full guidance are referenced in Background Papers.

## **Conclusion**

The report illustrates the increasing number of young people aged 0 – 25 who require a higher level of support with their additional needs. It also evidences the increasing cost pressures on the authority in supporting the growing complexity of need of young people in the county.

The report evidences the demand for specialist placements to support young people. The proposed strategy for Special Schools in Lincolnshire aims to address the capacity issues faced by the county and specifically seeks to address the inequalities faced by young people with additional needs who currently travel far greater distances than their peers who do not have SEND.

The extended powers of the SEND Tribunal are new and the effects and implications will be reported on in due course.

## **Consultation**

### **a) Have Risks and Impact Analysis been carried out??**

No

### **b) Risks and Impact Analysis**

Not applicable.

## Appendices

None

## Background Papers

Document title	Where the document can be viewed
Guidance on SEN Support (2018).	<a href="https://search3.openobjects/mediamanager/lincolnshire/fsd/files/sen_support_guidance_document_february_2018.pdf">https://search3.openobjects/mediamanager/lincolnshire/fsd/files/sen_support_guidance_document_february_2018.pdf</a>
Building Communities of Specialist Provision: A Collaborative Strategy for Children and Young People with Special Educational Needs and Disabilities (SEND) in Lincolnshire.	<a href="https://lincolnshire.gov.uk/Download/109855">https://lincolnshire.gov.uk/Download/109855</a>
SEND Tribunal: Single Route of Redress National Trial.	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/686902/SEND_Tribunal-single_route_of_redress_national_trial_guidance.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/686902/SEND_Tribunal-single_route_of_redress_national_trial_guidance.pdf</a>

This report was written by Sheridan Dodsworth, who can be contacted on 01522 553310 or [sheridan.dodsworth@lincolnshire.gov.uk](mailto:sheridan.dodsworth@lincolnshire.gov.uk).