

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

Report to:	Lincolnshire Schools' Forum
Date:	08 October 2020
Subject:	Annual Report on Special Educational Needs and Disabilities

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 SEND activity both nationally and within the county.

An overview of the high needs costs illustrating increasing pressures on the High Needs Budget.

High level information on the current trajectories and risks related to SEND activity.

A summary of the transformation work that is taking place in Lincolnshire.

A brief overview of the impact of COVID-19.

Recommendation(s):

The Schools' Forum is invited to note and comment on the contents of the report and address any questions to the officers in attendance.

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.

The National Context

In January 2020 there were 390,109 children and young people (0-25) in England with an EHC Plan; an increase of 36,100 (10%) from January 2019. Almost half of new plans (46.5%) made in 2019 were for those aged 5 to 10. A further 25% of new plans were made for those aged 11 to 15 and 23% for those under five.

Since the introduction of EHC plans, the 16 to 19 age group had previously seen an increase from 1% of new plans in 2014 to a peak of 6% in 2017. This has

dropped slightly since then and was 5% in 2019. Only 1% of new plans were made for those aged 20 to 25.

School Census data shows that in 2019 15.1% of the school population had a special educational need. This is a further increase from 14.6% in 2018. Of this cohort, 3.1% have EHC Plans (an increase from 2.9% in 2018); 12% of school age pupils receive assistance through SEN Support which is also an increase from 2018 when it was 11.7%.

Please note: School Census information excludes pupils in Early Years settings, Post 16 provision (other than school Sixth Forms) and Independent Schools.

The Context in Lincolnshire

In January 2020 16.3% of pupils on the roll of Lincolnshire schools had a special educational need. This is an increase from 2019 when the number was 16.2% and is higher than the England figure of 15.1%. More pupils in Lincolnshire have EHC Plans than England (3.3% compared to 3.1%). This is a further rise from 2019 (3.26%) and a significant jump from 2.9% in 2018.

Source – Local Area SEND report – Lincolnshire and All English Authorities May 2020

In Lincolnshire, in January 2020, the overall position for all activity 0-25 years was:

- 5,119 children and young people (0-25) with an EHC Plan. This is a 10% increase from January 2019 (4654). Due to delays in processing EHC Needs Assessments, some EHC Plans were finalised in 2020 but should have been issued in 2019. In reality the figure for January 2020 should have been 5622 which is actually a 17% increase in plans from 2019.
- 747 new EHC Plans were recorded for 2019 in the Local Authority return in January 2020. However, as outlined above, the number of new EHC Plans that should have been finalised in 2019 means that this figure should actually be 1097 which is an increase of 55% new plans over the year. The England increase in new plans in 2019 was 10%.
- 508 EHC Plans were ceased during 2019; 412 of these were because the pupils left education/training and 81 left the area. Only 1 EHC Plan was ended because the child's needs could be met through the setting's SEN Support.
- 1,390 requests for EHC Needs Assessments were made throughout 2019. This was a 35% increase in requests from 2018.
- Of the new EHC Plans issued in the county in 2019:
 - 25.4% were for the Under 5s (England 23%)
 - 44% for those aged 5-10 years (England 46.5%)

- 25.8% for those aged 11-15 years (England 25%)
- 4.3% for those aged 16-19 years (England 4.5%)
- 0.5% for those aged 20-25 years (England 1%)

In the academic year 2018/19 there were 1874** Lincolnshire young people placed in state funded Special Schools. This is a 4% increase from January 2019. This represents 38.2% of all those with EHC Plans. The East Midlands average is 36.6% with the range across the nine authorities between 15.7% and 45.5%. A further 4% of pupils were in independent specialist provision compared to the East Midland average of 6.6% (range from 4% to 12.7%). 34% of school aged pupils were in state-funded mainstream education; East Midlands average 29.3% with the range between 20.2% to 42,6%. All other young people with an EHC Plan were in Early Years or Post 16 provision or were educated other than in a school. Lincolnshire continues to have more school aged pupils with an EHC Plan in specialist provision than in mainstream education.

***This figure needs to be regarded with caution as it is not representative of the number of young people that required places at Special School in 2019 and for whom other arrangements have been made because of capacity issues in the Special Schools.*

Lincolnshire has, for several years since the introduction of the SEND reforms had an excellent track record of completion of EHC Needs Assessments within the 20 week timescale:

- 2017 – 97.5% (England 61.3%)
- 2018 – 91.9% (England 60.1%)
- 2019 – 74.8% (England 60.4%)

The reduction in compliance with the timescales last year is attributed to an accumulating backlog of Educational Psychology (EP) advice and information for assessments during 2019. This situation is now resolved; there is no delay to EP advice and information and reports are being completed within 4 weeks (the timescale is 6).

At the end of September 2020 91% of current EHC Needs Assessments were within timescale.

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

Financial Year	Top Up Funding	Targeted	Recoupment	Total
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
2015/16	£7,897,454	£1,394,787	£375,880	£9,668,121

Source: SEND data management/financial system.

The funding in the table above supports 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.

Special Schools

Following a comprehensive review of Special Schools' pupil banding, which is defined by the pupils' needs, the LA worked with Special School Leaders to review the Special Schools' funding formula, and changes took effect from 2018/19.

Overall, Special Schools' funding rose by £2.347m from 2017/18 to £28.124m as a result of the special schools funding formula agreed changes and place number review. These changes included a review of pupil banding descriptors and values, and a moderation of all pupils in special schools. Special School funding for 2019/20 increased by £0.632m to £28.756m as a result of place number increases (63) and updated pupil banding profiles across the schools. In 2020/21 this increased by a further £0.578m to £29.334m as a result of 88 more placement agreements.

Commissioned arrangements exist with Special Schools for delivering specialist outreach support, Portage and residential placements (£2.207m for 2020/21). This reflects a slight increase on previous years (£2.195m) due to a small increase to the Portage allocation for one school.

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

Between these two budgets, the total costs are anticipated to increase this year to £12.429m; an increase of £0.971m from the £11.458m spend in 2019/20. This is largely as a result of suitable placements available within Lincolnshire schools.

Trajectories and risks around SEND activity

It is anticipated that, if the education sector and partners continue to respond as they currently do to children and young people with additional needs then the authority will be responsible for in excess of 8,000 EHC Plans by 2023. At the end of September 2020 the authority already had over 6,000 EHC Plans which is an almost 50% increase over the six years since the introduction of the SEND reforms.

Children and young people placed in Special Schools continue to rise year on year. The *Building Communities of Specialist Provision* strategy, approved in November 2018, creates additional capacity through a significant capital investment in the Special School estate. However, the current trajectories indicate that new places will be filled in a very short space of time unless steps are taken to support young people to return to mainstream provision when they are ready. It is currently extremely rare for a young person to transition from Special School to mainstream provision despite the fact that their outcomes in Special School are likely to be poorer. This is in no way intended to be disrespectful to the specialist provision in Lincolnshire (all Special Schools are Ofsted rated Good or Outstanding) but, for pupils who are ready and able to access mainstream curriculum, they will have greater opportunities to participate in a wider range of subjects and national qualifications than they will in Special School.

The High Needs Budget for 2019/20 was £85.297m with an outturn of £87.748m. In 2020/21 the budget is £92.943m and current spending commitments are showing a forecast overspend, which is to be ratified in the formal October budget monitoring process.

Outcomes for children and young people with SEND are not as might be expected with the high level of investment both financially and in terms of the support that is provided to help to meet their additional needs. For example:

- The % of pupils at Key Stage 1 meeting the expected standard of phonic decoding in the academic year 2018/19 was:
 - 39% for those with SEN Support (All English Authorities 49%)
 - 17% for those with an EHC Plan (All English Authorities 20%)
 - 87% for those with no identified SEN (All English Authorities 88%)

- The % of pupils at Key Stage 2 reaching the expected level in Reading, Writing and Maths in the academic year 2018/19 was:
 - 21% for those with SEN Support (All English Authorities 27%) ***
 - 9% for those with an EHC Plan (All English Authorities 9%)

- 72% for those with no identified SEN (England 76%)

*** *The LENS project, targeting KS2 pupils on SEN Support has closed the relative gap to similar pupils nationally by 2.1% over the first year of the programme which was implemented in autumn 2018.*

At Key Stage 4 and learners age 19, Lincolnshire is comparable to All English Authorities but the gap between those with SEN and their peers with no identified SEN is significant:

- The % of pupils at Key Stage 4 achieving 9-5 in English and Math GCSEs in the academic year 2018/19 was:
 - 18.4% for those with SEN Support (All English Authorities 17%)
 - 5.7% for those with EHC Plans (All English Authorities 5.6%)
 - 48% for those with no identified SEN (All English Authorities 48%)
- The % of 19 year olds qualified to Level 2 including English and Maths in the academic year 2018/19 was:
 - 38.4% for those with SEN Support (All English Authorities 36%) ****
 - 16.3% for those with EHC Plans (All English Authorities 14.6%)
 - 75.5% for those with no identified SEN (All English Authorities 75.2%)

**** *This is a 4.6% improvement from the previous year*

Transformation in Lincolnshire for children and young people with SEND

Lincolnshire has a strong partnership with schools, Early Years providers and Post 16 settings. There is also a very well established collaboration with the Lincolnshire Parent Carer Forum and colleagues across the health sector. Using this alliance, work began last autumn to change the way in which we work together to support children and young people with SEND.

Together, the council, schools, health, parent representatives and other system partners have co-produced Lincolnshire's *Inclusive Ambition*. There is a commitment to ensure that:

- Children and Young People, Parent/Carers and Professionals will have a strong understanding of the *graduated approach* and support available in Lincolnshire. Children and families will feel supported by their community and have confidence with the SEND system, because the right support is provided at the right time.

- Mainstream settings have teachers with strong knowledge and understanding of supporting children with additional needs and are able to use sophisticated ways to teach social and emotional skills. Settings are able to work together with families to ensure that the home environment reflects the support taking place within the school practice in order to best meet a child or young person's outcomes.
- We will move away from exclusions to recognise that behaviour is a communication of need. In response to this need professionals are able to wrap services around a child, helping to meet their need in an inclusive way.
- We will have high aspirations for our children and young people with additional needs, using plans to help meet needs and achieve outcomes. This will mean higher academic achievement for our children with additional needs, increased opportunities to build personal resilience, increased socialisation and more resilient adults after education.

The *Inclusive Ambition* is underpinned by 10 system ambitions:

1. Where children have additional needs, Parents and professionals have a shared understanding of what these are and are confident in each other and how these needs are being met, resulting in high aspiration and trust
2. Children with additional needs are identified early & the majority thrive through SEN support, with schools valued for how they support them
3. The majority of children who have special educational needs can fulfil their potential in mainstream settings as settings are clear how to meet these needs and the right support is available to do so at an early stage
4. Transition is well supported, with minimal need for children to move to specialist settings when they have been in mainstream school
5. Support planning is clear, joined up, & focused on short term need & long term aspiration, resulting in some children returning to mainstream settings after time in specialist settings, where this helps them progress towards their own goals. Wherever possible, support works to reduce the level of need that children and young people experience and to build skills for independence.
6. There is a shared responsibility for supporting children with additional needs across settings and professionals, with routine and timely sharing of skills, resources and experience to support inclusion across education, health and care.

7. Children with additional needs receive the fullest possible support to prevent exclusion, with wide understanding that behaviour is often a form of communication and anxiety.

8. Support is truly integrated for children with additional needs and includes support in the home and from health, wrapping around education provision, to help maximise their life chances.

9. Children and young people with additional needs can access the right support, including their education provision, locally to their homes and communities.

10. We all have high aspirations for children with additional needs, resulting in a high number of young people with SEN in employment, apprenticeships, Post-18 or higher education

Key Activities to support the *Inclusive Ambition*:

- Launch of a SEND Advice Line ('Ask SALL') on the 9th September to support professionals in finding solutions easily and quickly, without first having to refer pupils into specialist services.
- The roll out of Valuing SEND began in September with schools' SEN Co-ordinators. VSEND is both an approach and tool to help settings to:
 - Develop a single, rounded picture of the needs of children and the support they need to succeed and prosper within and outside of their education - from birth to adulthood (across early years, primary, secondary, special and post 16 education).
 - Use as the foundation for planning and commissioning of support, monitoring of progress and evaluation of support at a child and cohort level, and to enable earlier and more co-ordinated intervention
- Development of revised *graduated approach* guidance, rebranding it as Lincolnshire's 'Inclusion Toolkit' to make its core purpose clear: to provide SENCOs and other professionals with high quality practical support which will guide and enhance their day to day practice
- Work is underway to strengthen the Local Offer with updated content which will provide families and settings with practical advice about how to support children and young people experiencing difficulties, rather than how to seek diagnoses or simply refer into specialist services.
- Investment in workforce development to ensure that frontline professionals benefit from easy to access, high quality training, including e-learning and local face-to-face events
- Development of a performance framework that strengthens the visibility and accountability for data across the SEND spectrum

- Current re-design of the SEND pathways to clarify expectations, promote practice standards and increase the consistency of decision-making

Covid-19

Following the announcement by the government in March 2020 of school closures, children and young people with EHC Plans were included in the vulnerable groups that had a right to continue to attend school albeit the advice was to remain at home if possible to keep safe. Many families elected to home school their children, supported by the many on-line resources and school packs that education settings provided.

Risk Assessments were undertaken by all schools for children and young people with EHC Plans to help to determine whether there would be greater benefit to them in attending school than not. Those risk assessments were triangulated with information held by the SEND Teams and children's Social Workers to give a holistic view of the vulnerability of each child so that support could be provided to the family where needed and to identify pupils who were better off being in school.

All 5000+ families of children with EHC Plans were contacted by the SEND Teams over a two week period to check that they were content with the educational provision and support their child was receiving. Over the lockdown period vulnerable families were also contacted regularly by their child's Social Worker and schools kept routine contact with families; in some cases twice a week or, where a child was known to be particularly vulnerable, daily contact was made.

In April 2020, the government relaxed legislation in relation to the timescales to complete EHC Needs assessments and to the duty to ensure that children and young people receive the provision identified in their EHC Plan. Whilst it is fair to say that most children in Lincolnshire (and the rest of the country) were not able to access the full range of provision in their EHC Plans, families were understanding and supportive. Lincolnshire SEND Service has not needed to use the Covid-19 exemption around timescales as those undertaking the assessments have been creative and innovative and have continued to assess children using technology. Families and young people have embraced these new ways of working and some of this will continue even when it is possible to do more routine face to face work. There is no intention to lose the positive things that have arisen from this extraordinary event. The relaxation in legislation has now ended.

Correspondence central government directed to children, young people with SEND and their families was relayed to them via schools, Lincolnshire Parent Carer Forum (LPCF) and Liaise, the parent support and advice service. The LPCF worked with the council throughout lockdown to ensure that messages and

information were shared with families through their contacts, social media and virtual meetings. All information and updates were also shared with health colleagues and posted on the local Offer.

Families in Lincolnshire have been overwhelmingly positive about the contact and support they received during this difficult period.

Eighteen of Lincolnshire's nineteen Special Schools were open throughout the lockdown period, some remaining open throughout Easter and May half-term. The school that was closed only had one pupil whose family wanted him to attend so arrangements were made to attend another Special School where he already knew staff and other pupils. Numbers attending each setting varied from 6 to 65 at any one time. As the lockdown progressed, and some families found it difficult to manage their young people with very complex needs, some schools experienced an increase in those returning.

As preparations were made for the return of all pupils in September, a joint exercise was undertaken between schools, Public Health, the NHS Specialist Nursing Team, the CCG, Transport and the SEND Service to risk assess and plan for the return of children who require aerosol generated procedures. Fit testing for full protective equipment and training for transport providers and school staff was undertaken during the summer to support these most vulnerable young people to go back to school. Lincolnshire's efforts in this regard have been commended and will be shared at a national conference in October 2020.

Conclusion

The report illustrates the increasing number of young people aged 0 – 25 who are receiving higher levels of support through statutory plans. It also evidences the increasing cost pressures on the High Needs Budget and illustrates the risk to the funding pot, and potentially other services, should the projected increases materialise.

Whilst the excellent work in Lincolnshire is recognised there is disconnect between the high levels of funding and interventions provided to support young people and the outcomes they achieve. It is also recognised that there is some inconsistency across the system in the response to young people with SEND, particularly at the *graduated approach* and, if outcomes are to improve, a fresh approach is required. The *Inclusive Ambition* is an exciting development and, to date appears to be welcomed.

System change requires support and the range of new approaches is aimed to back up and sustain the change the partnership is hoping to achieve. The new

Performance Framework will give greater transparency and accountability to all those involved in the support for young people with additional needs. It will enable the system in its widest sense to see the impact of change as the ambition is embedded.

Covid-19 brought an unprecedented challenge but has also given opportunities to work in different and more innovative ways to support young people with SEND; the positive aspects of a difficult year will be retained.

SEND in Lincolnshire is not without challenge but there is a committed and ambitious partnership that is already changing its approach to support children and young people with additional needs and to ensure that funding is directed to the right activities to maximise their outcomes.

Consultation

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

No

b) Risks and Impact Analysis

Not Applicable.

Appendices

None.

Background Papers

None.

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