



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

Report to:	<b>Lincolnshire Schools' Forum</b>
Date:	<b>24 June 2021</b>
Subject:	<b>Annual Report on Special Educational Needs and Disabilities</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 SEND activity both nationally and within the county.

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

An update on the transformation work that is taking place in Lincolnshire.

An overview of the capital programme for Special Schools.

A brief update on activity to support families during the Covid-19 pandemic.

**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 2021 there were 1.37 million pupils in England identified with SEN (15.5%); 430,697 students had an EHC Plan (3.4%). This is a 10% increase from January 2020. There were 76,000 initial requests for an EHC plan in England during 2020, down by 8% from 82,300 in 2019 and the first decrease since EHC plans were introduced. The number of *new* EHC Plans issued increased by 11%.

### **The Lincolnshire Context**

In January 2021 16.8% of Lincolnshire pupils were identified with SEN. More pupils in Lincolnshire have EHC Plans (3.5%) than the England average; this is also an increase from 2020 (3.3%).

*Source – Local Area SEND report – Lincolnshire and All English Authorities May 2021*

In January 2021, the overall position for all EHC Plan activity (0-25 years) was:

- 6,264 children and young people with an EHC Plan. This was an 18% increase from January 2020.
- 1,371 new EHC Plans were recorded for 2020. This is an 84% increase on the number of new Plans issued in 2019 (England 11%). To note, however, a significant number of new EHC Plans that should have been finalised in 2019 were delayed because of a shortage of Educational Psychologists (EP) to undertake assessments. Had they been finalised within timescale, the number of new Plans issued in 2020 would actually represent a 7% reduction from the number issued in 2019. The EP shortage is now resolved and there is no delay to their assessments; they are, in fact, exceeding timescales set for completion of their reports.

- 589 EHC Plans were ceased during 2020; 422 of these were because the pupils left education/training and 138 left the area or there was another reason for ceasing the Plan. Only 3 EHC Plans were ended because the child's needs could be met through the setting's SEN Support.
- 1,075 requests for EHC Needs Assessments were made throughout 2020. Whilst nationally there has been an increase, Lincolnshire experienced a 23% reduction from the number requested in 2019.
- Of note, there has been a 12% increase from 2019 in the number of new EHC Plans issued to children aged 5-10 years. Of the new EHC Plans issued in the county in 2020:
  - 21% were for the Under 5s (reduction from 25.4% in 2019 )
  - 52% for those aged 5-10 years (increase from 44% in 2019)
  - 23% for those aged 11-15 years (reduction from 25.8% in 2019)
  - 3.9% for those aged 16-19 years (reduction from 4.3% in 2019)
  - 0.1% for those aged 20-25 years (reduction from 0.5% in 2019)

### **Placements:**

In January 2021 there were:

- 1,974 Lincolnshire young people placed in state funded Special Schools; a 5% increase from January 2020. This represents 31.5% of all those with EHC Plans and is a reduction of 6.7% of the total number of learners with Plans.
- 4.4% of children and young people with a Plan were placed in independent specialist provision; a decrease from 4.9% on 2019 albeit the overall number of placements has increased.
- 42.1% of pupils were in state-funded mainstream education; an increase from 2019 when the figure was 37%.
- The remaining young people with an EHC Plan were in
  - Early Years (1.6%);
  - Alternative Provision (0.5%);
  - Independent Mainstream (1.5%);
  - Hospital School (0.2%);
  - Electively Home Educated (1%);
  - Home Tuition (1.2%)
  - Mainstream Post 16 provision (16%)

*Source: Lincolnshire's SEN2 return March 2021.*

### Top 3 identified Primary Needs:

Sector	Lincolnshire	Mean for All English LAs	Ranking for All English Authorities
<b>Primary:</b>			
1st	Moderate Learning Difficulties (28.8%)	18.3%	2nd
2nd	Speech, Language and Communication Needs (20.3%)	32%	1st
3rd	Social, Emotional and Mental Health (16%)	16.7%	3rd
<b>Secondary:</b>			
1st	Moderate Learning Difficulties (27.8%)	20.2%	2nd
2nd	Specific Learning Difficulty (25.6%)	20%	3rd
3rd	Social, Emotional and Mental Health (14.9%)	20.8%	1st
<b>Special School:</b>			
1st	Autistic Spectrum Disorder (23.7%)	31.1%	1st
2nd	Social, Emotional and Mental Health (23.3%)	11.7%	3rd
3rd	Moderate Learning Difficulties (14.9%)	11.3%	4th (11.3%) – The 2 <sup>nd</sup> most common primary need is Severe Learning Difficulty at 22.2%

Source – Local Area SEND report – Lincolnshire and All English Authorities May 2021

The top two primary needs for pupils placed in independent provision (specialist and mainstream) are:

- Social, Emotional and Mental Health – 47%
- Autistic Spectrum Disorder - 30%

### Timescales:

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. This, however, dropped significantly in 2020 because of the delays in EP advice and information required to complete the EHC assessment process:

- 2017 – 97.5% (England 61.3%)
- 2018 – 91.9% (England 60.1%)
- 2019 – 74.8% (England 60.4%)
- 2020 – 40.3% (England 58%)

At the end of April 2021 the cumulative figure for the completion of EHC Needs Assessments this year was 92.9% and reflects the performance with which Lincolnshire is familiar.

## 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
2020/21	£16,889,429	£7,433,005	£1,345,259	£25,667,693
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.

For 2021/22, the authority has reviewed the top-up and targeted arrangements for mainstream schools, increasing the hourly rate for which top-up is funded from £10.61 to £11.35, and the revised local arrangement of targeted funding, which this funding stream will support the inclusive approach and ensure schools are not being financially disadvantaged by having a disproportionate number of pupils with more complex needs. The notional SEN concept introduced by the DfE was not mentioned through the national funding formula changes and increased funding going into mainstream schools, but refinement to the mechanism was required due to the direct link between schools delegated budgets in determining 'notional SEN' within a school and our local targeted funding approach, which was introduced in 2015/16 and the thresholds remained unchanged.

To deliver fair funding to schools and align to the schools national funding formula, and the effective deployment of Lincolnshire's Dedicated Schools Grant (DSG), the change was necessary for 2021/22, including assisting with the financial sustainability of the High Needs block.

### Special Schools

Special School funding for 2021/22 through the DSG has increased by £2.746m to £32.776m from 2020/21. Excluding the teachers' pay and pension grant funding that has been added into the DSG for 2021/22, a net funding increase of £1.345m has taken place.

Commissioned places for 2021/22 across the special schools sector is 2,026, an increase of 92 from the prior year.

A funding formula review has commenced in readiness for 2022/23 financial year. The funding formula is robust and has been in place since 2011/12 with refinements through the period to ensure it responds to the changing landscape. The last significant change to the formula was made in 2018/19, and it is considered best practice to review the formula periodically. The outcomes from the formula review which will involve a working group of special school leaders will be shared with the Forum later in the year, for consideration.

Commissioned arrangements also exist within special schools for delivering specialist outreach support including Portage and residential placements. The cost has decreased from £2.207m to £1.855m in 2021/22 due to a decision to close the residential unit at St Francis School.

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

Between these two budgets, the total costs in 2020/21 were £13.497m; an increase of £2.039m from 2019/20 (£11.458m). There was also a further £1.017m spent on commissioning 60 additional placements for pupils with Social, Emotional and Mental Health (SEMH) needs from September 2020 to March 2021.

### **Transformation in Lincolnshire for children and young people with SEND**

The LA has been working with strategic partners, including School Leaders, Lincolnshire Parent Carer Forum, Lincolnshire Young Voices, IMPOWER and Health representatives to review the way the partnership works in supporting children and young people with SEND. The data and intelligence gathered throughout the initial stages of the transformation programme told us:

- Lincolnshire has more pupils with SEND than the England average
- The Local offer is not sufficiently understood to divert partners and parents to early intervention
- The number of 'refusals to assess' is down from around 30% to 6% (nationally around 26%)
- The county has experienced an exponential rise in number of EHC Plans – 3,300 in September 2014; 6023 in September 2020
- In audit, 69% of children with an EHC Plan could have had needs prevented, reduced or delayed
- In the Fast Forward Trials – 45% of children going through assessment could have had their needs met more effectively without a Plan
- There are misaligned expectations – EHC Plan is seen as the 'best' means of support
- Only 3 of 589 EHC Plans ceased in 2020 were whilst young people were still in education
- Outcomes and attainment for children and young people with SEND are generally poorer than those of their non-SEND peers
- There is a need to move to a social model of SEND; trauma-informed practice and non-pathologising vision
- If the partnership does nothing:
  - The demand for EHCPs is estimated to grow by 39% from 6,023 (September 2020) to reach 8,417 by March 2023
  - Demand on the High Needs Block would increase by over £20m a year by financial year 2022/23, outstripping anticipated growth.
  - A £2.405m over-spend on HNB in 2020/21 would have been significantly higher without one-off monies being secured to reduce the over-spend.

The partnership agreed a series of 'System Ambitions' which form the basis of a new High Needs Strategy. Over the last 10 months the partnership has collaborated to:

- Strengthen the Local Offer and *Graduated Approach*
- Introduce a SEND advice line for SENCOs (Ask SALL)
- Introduce Valuing SEND to support decision making and benchmarking
- Define and promote practice standards within the Statutory Assessment Pathway
- Develop a strengths-based approach to Annual Reviews
- Support step-down with focus on transition from special to mainstream school
- Introduce Safe Base provision within mainstream schools
- Hold to account and mitigate system pressures through primed performance

This ambitious transformation programme is beginning to see results:

- The Local offer has had a complete refresh using behavioural science to guide the design and navigation; launched on a new platform at the beginning of June 2021
- The monthly average for requests for EHC Needs Assessments has reduced from 105 in 2020 to 96 in 2021
- Refusal to assess is up from 6% to 26% with more detailed and specialist feedback to settings being well received
- Currently 6253 EHC Plans which is below both the Lincolnshire trajectory (6413) and VSEND trajectory (6301)
- Advice line:
  - Calls are increasing month on month (66% primary)
  - 75% of queries are resolved without referral to EP
  - Indications that this is preventing/delaying requests for assessment
- A pilot is underway to use VSEND and strengths-based working to inform the Annual Review process
- The first students are planning for transition from specialist settings to mainstream schools
- A balanced budget has been set for 2021/22 with **stretching assumptions** based on the success of the transformation work

The next steps are to evaluate the impact of the SEND Advice Line and the Assessment Decision Panel. The longevity of the impact of specialist advice to settings will be analysed and used to inform the next stages of this work. The new Inclusion Toolkit and electronic VSEND tool will be launched to provide greater clarity around good SEND practice; resources to assist in decision-making and to support settings in their readiness to meet the needs of pupils with SEND. The Annual Review pilot will be evaluated over the summer. Following an engagement event with secondary schools, the Safe Base work will move to the next stage of development and work will continue to embed the Transitions Protocol to support young people to move from specialist settings to mainstream education.

### **Building Communities of Specialist Provision**

Further to previous reports on the £86m capital programme for Special Schools, the following provides an update on the developments which, despite the Covid-19 pandemic, have continued to move at pace.

*Boston Endeavour Academy*

Formerly the John Fielding School, Boston Endeavour Academy will provide specialist education for 140 pupils in a state of the art facility. This modern new build will provide 16 classrooms, specialist teaching spaces for science, technology, ICT and art, and a hall. It will also benefit from a hydrotherapy pool, sensory and soft play rooms and dedicated therapy spaces. Outside, there will be hard and soft-surfaced play areas, as well as a sensory garden and wildlife areas. The Boston Endeavour Academy is due to open for students in September 2021.

#### *St Bernard's School, Louth*

The St Bernard's School project will see the creation of a new teaching block as well as the extension and refurbishment of the existing facility to allow the school to offer all needs facilities to local students. The works will see the creation of improved teaching facilities, dedicated hygiene suites, kitchen, dining space, laundry area and meeting room, along with renovated medical and professional areas, increased office and break out spaces, a new library and enhanced parking and school transport arrangements.

#### *Eresby School, Spilsby*

The Eresby School has a new modular teaching block, currently under construction, which will incorporate new classrooms, a hall for rebound therapy, hygiene suite facilities, a dedicated IT suite and STEM space suitable for all needs, calm rooms, physiotherapy space and improved staff facilities. Improvements to the external areas include an extension to the car park and designated drop off area, along with the re-provision of a cycle track and sensory and horticultural zones.

#### *Willoughby School, Bourne*

The Willoughby School project has a new modular building currently under construction which incorporates new classrooms and hygiene suites, along with a dining hall, nurse and physiotherapy spaces. External works include a car park extension and extensively remodelled play areas.

#### *Ambergate Sports College*

New classrooms and remodelling have been completed at Ambergate Sports College in Grantham, which will provide a better learning experience for the 150 pupils currently enrolled.

#### *The Garth School and The Priory School, Spalding*

An expansion project has already been completed at The Garth School in Spalding, and improvements are also planned for The Priory School. These projects will mean an additional 49 places will be available locally by September 2022. As part of the project, additional teaching areas will be created to provide pupils with a wider range of learning opportunities in a more bespoke and personalised way. The inclusion of more specialist facilities and resources will also allow the school to support a wider range of special educational needs and disabilities, therefore allowing more children to attend a local school.

#### *Lincoln St Christopher's*

The council is currently seeking permission to extend St Christopher's by building a dedicated new 130-place primary school on the site of the former Priory Witham Academy Junior School, which was demolished in 2012. In addition, Lincoln St Christopher's current building will also be extensively redeveloped and remodelled to provide specialist secondary age education.

Improvements are also planned for the following sites over the coming years:

- St Francis Special School, Lincoln
- St Lawrence School, Horncastle
- The Sandon School, Grantham



## **Covid-19 pandemic**

Since the report to Schools' Forum in October 2020, the authority, health partners and setting leaders have supported the return to school of some of Lincolnshire's most vulnerable pupils including those with complex health needs and those who are long-term ventilated. Families have been extremely grateful for the support that the partnership has provided throughout this difficult period in ensuring that services continued and respite care has been provided where it was required.

The SEND Teams undertook a second round of welfare contacts in January 2021 to all 6000+ families of children and young people with EHC Plans. These calls were well-received by families many of whom expressed their gratitude to schools, Early Years settings, Post 16 providers, Social Workers and Early Help workers, to name but a few.

## **Conclusion**

Lincolnshire continues to have a committed and ambitious partnership, keen to innovate the way in which young people with SEND are supported to achieve their potential.

The High Needs budget is undoubtedly under significant pressure but there is a commitment to work creatively and ensure that the financial investment is targeted where it is most needed and realises improved outcomes for children and young people with additional needs.

Whilst Lincolnshire remains above the national average in terms of the numbers of children identified with SEND, there are early signs of a change in practice that moves away from reliance on statutory plans and builds on the inclusive practice that many Lincolnshire schools adopt. There is further work to be done to embed a *strengths-based* approach to working with pupils with SEND, and their families, but the early indications suggest that the transformation programme can make the difference to ensure that Lincolnshire meets the needs of pupils and balances the budget.

## **Consultation**

### **a) Risks and Impact Analysis**

No

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

The SEND Transformation Board is governing the transformational process and its key work streams, including monitoring of progress against our ambitions. Officer membership from key disciplines report to the Chief Executive and Executive Director of Children's Services, and is chaired by the Assistant Director of Education. 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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