



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

Report to:	<b>Lincolnshire Schools' Forum</b>
Date:	<b>18 January 2024</b>
Subject:	<b>Supplementary to the Annual Report on Special Educational Needs and Disabilities (June 2023)</b>

**Summary:**

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

- Additional data and information that was unavailable when the last Annual Report on Special Educational Needs and Disability (SEND) was presented to the Forum.
- An overview of the up-to-date position in relation to SEND, outlining current pressures and steps being taken to mitigate some of the challenges.

**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 this is a supplementary report to the Annual Report on SEND presented to the Forum in June 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:

- Extending the SEND system from birth to 25, giving children, young people and their parents/carers greater control and choice in decisions about provision;
- Replacing Statements and Learning Difficulties Assessments (LDA) with a birth-to-25 Education, Health and Care (EHC) Plan;

- Offering families the option of personal budgets when an EHC plan is implemented;
- Improving co-operation between all the services and requiring particularly Local Authorities (LA) and health authorities (HA) to work together;
- 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
- 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 was not possible to provide the comprehensive annual report that is usually shared with the Forum in June 2023. The SEN2 return, submitted in March 2023, was a more detailed, pupil-level data submission and, as a result, the DfE publication of national comparative data was later than usual. Whilst further data analysis has now been undertaken, the DfE has advised caution when comparing local and national data as this was the first year that information was gathered in this way.

The Annual Report provided last June included all budgetary information for the previous financial year and is therefore not reiterated in this supplementary report.

### **Local and national context with updated Lincolnshire data\***

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%. Throughout 2023, Lincolnshire experienced a further 7.8% increase in the number of currently maintained EHC Plans; an increased growth from 2022.

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. At the end of 2023, Lincolnshire had received 1,855 requests for EHC Needs Assessments which equates to a **32.5% increase** on the number of requests received in 2022.

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. In 2023 Lincolnshire has issued a further 1,073 new EHC Plans which is a **30% increase** on the number of new Plans issued in 2022.

For the first time in 2023, the gender of those issued with *new* EHC Plans was reported; 68.8% of plans in England were issued to males. 70.4% of all pupils reported in the 2023 SEN2 data submission for Lincolnshire were male.

In Lincolnshire, 546 EHC Plans were ended in 2022 (there is no national comparison), 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)

*\*The next published national data will be May/June 2024 following the 2024 SEN2 submissions*

**Percentage of school population with SEN Support or EHC Plan by district January 2023  
SEN2\*\***

*\*\*The national figure for pupils with an EHC Plan was 4.3% at the time of the January 2023 SEN2 reporting date*

District	EHCP %	% Difference from 2022	SEN Support %	% Difference from 2022
Boston	3.46%	+0.43%	14.13%	+0.82%
East Lindsey	5.73%	+0.38%	15.68%	+1.60%
Lincoln	7.12%	+0.03%	15.65%	+0.14%
North Kesteven	2.61%	+0.31%	11.88%	+0.63%
South Holland	5.12%	+0.22%	14.82%	+0.86%
South Kesteven	4.55%	+0.31%	12.74%	+0.06%
West Lindsey	4.65%	+0.27%	13.03%	+0.87%

**Education Placements:**

The following table provides an overview of where pupils with EHC Plans are placed:

Measure Name	2022	2023	Difference
% of pupils in state funded special schools as a % of all EHCPs	31.70%	30.60%	-1.10%
% of pupils in independent specialist providers	3.80%	3.50%	-0.30%
% in mainstream state funded education	42%	46.40%	4.40%
% in Early Years settings	1.10%	0.80%	-0.30%
% in Alternative Provision	0.70%	0.80%	0.10%
% in Independent mainstream provision	1.10%	2.50%	1.40%
% in Hospital School	0.10%	0.00%	-0.10%
% Electively Home Educated	1.20%	1.40%	0.20%
% on Interim Home Tuition	1.10%	0.70%	-0.40%
% in Mainstream Post-16	16.20%	9.10%	-7.10%

The DfE disclaimer:

*"The method for collecting data on establishments has changed from previous years. Previously, local authorities provided data on the number of EHC plans where the child or young person was attending through a set list of establishment types. From 2023, information on the specific establishment has been recorded, with either the Unique Reference Number (URN), UK Provider Reference Number or where neither are applicable,*

*a specific category recorded. As a result of this change, caution should be taken when comparing across years by establishment types”*

**Top 3 identified Primary Needs for pupils with SEN:**

<b>Sector (state-funded)</b>	<b>Lincolnshire</b>	<b>Mean for All English LAs</b>	<b>Ranking for All English Authorities</b>
<b>Primary:</b>			
1st	Moderate Learning Difficulties <b>25%</b>	15.5%	3rd
2nd	Speech, Language and Communication Needs <b>23.9%</b>	34.4%	1st
3rd	Social, Emotional and Mental Health <b>17.4%</b>	17.5%	2nd
<b>Secondary:</b>			
1st	Specific Learning Difficulty <b>23.7%</b>	18.7%	2nd
2nd	Moderate Learning Difficulties <b>22.9%</b>	17%	3rd
3rd	Social, Emotional and Mental Health <b>17.6%</b>	23.6	1st
<b>Special School:</b>			
1st	Autistic Spectrum Disorder <b>27%</b>	35%	1st
2nd	Social, Emotional and Mental Health <b>20.7%</b>	12.3%	3rd
3rd	Speech, Language and Communication Needs <b>14.2%</b>	10.2%	4th

This is the first year for as long as can be recalled, that Moderate Learning Difficulties has dropped from 1<sup>st</sup> to 2<sup>nd</sup> position in secondary education.

In Special Schools, autism has become the highest primary need swapping ranking with Social, Emotional and Mental Health (SEMH). However, it should be noted that the above comparative data is based on placements in state-funded academies and maintained schools only. In Lincolnshire there is a growing number of pupils with SEMH placed in Independent Schools (both mainstream and specialist) because there are no available spaces in maintained or academy settings. There are currently 230 independent placements with a primary need of SEMH. A further 124 pupils with a primary need of autism spectrum disorder are placed in independent settings. The third highest primary

need in Special School has changed from Severe Learning Difficulties (now 4<sup>th</sup> for Lincolnshire Special Schools, 13.2%) to Speech, Language and Communication Needs. Nationally, the second highest primary need in Special Schools is Severe Learning Difficulty (18.2%).

### **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 toward the end of 2020. There was a slight drop in performance in 2022 but still remained 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%)

The monthly average for completion of EHC Needs Assessments in 2023 was **83.3%** which is **lower** than the last two years and directly correlates to the growing number of requests for assessment. At the end of each academic term, the numbers of requests for assessment soar and this places significant strain on the specialists that need to complete the assessments such that, at the end of the calendar year 2023 there was, once again, a waiting list for allocation to education specialists. The SEND Service continues to commission additional resource, where it can, but this can prove difficult in an already overwhelmed market. The need to commission additional specialists (Educational Psychologists and Specialist Teachers, for example), also results in greater financial pressures with this particular element of budget forecasting an over-spend for the first time in at least 10 years.

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

[Local area Special Educational Needs and Disabilities report for Lincolnshire County Council | LG Inform](#)

### **High Needs Budget pressures:**

It is not the intention to repeat the detailed financial information that was provided in the Annual Report last June, however, given the significant pressures on the High Needs Budget, all areas of expenditure are being analysed to consider the finer detail of the cost increases, aside from just the increased numbers of Plans. The costs associated with the growth in the number of EHC Plans is increasing significantly e.g. ‘top-up’ (funding associated with each EHC Plan) for mainstream schools has risen from £10.9m in 2018/19 to £26.6m in 2022/23; this doesn’t include additional costs such as targeted funding. The current ‘top-up’ forecast for this financial year is £30.415m for under-16s in mainstream education. Further analysis identifies that 78% of the under-16s’ top-up is for children and young people receiving 25 hours or more 1 to 1 adult support i.e. an adult with them

throughout all of their teaching and learning time, as a minimum, and, for some, an adult with them throughout all breaks and lunchtimes too. Given the continuing concerns there are regarding levels of school absence, use of part-time timetables, suspensions and progress of pupils with EHC Plans, it is concerning that this level of adult support appears to have little impact on the outcomes for this cohort of young people and requires further examination.

In addition to the growing costs associated with individual EHC Plans, there is increasing pressure on the budget as a result of the reliance on independent non-maintained specialist placements. Whilst the SEND Alliance continues to complete the £101m capital programme that has resulted in the modernisation of Lincolnshire's 'all complex needs' Special Schools, including an extensive range of new buildings as well as refurbished premises, the places are being filled as quickly as they are made available. The independent market is costly and there is currently no constraint on the fees that providers can charge. This in itself is a financial risk but there is also growing concern that the market is potentially drying out. Frequently consultations are not responded to, particularly when young people have a *challenging* profile. With so many authorities competing for placements, providers can choose who they refuse or ignore in the knowledge that there will be others coming along imminently. There is also a risk to the integrity of the SEND Alliance's commitment to educate children and young people with SEND within their community and *as close to home as possible*. The greater the distance children have to travel, the more burden it puts on them and their families as well as the significant pressure on the school transport budget.

There is currently a waiting list for Interim Home Tuition (IHT) along with record numbers of pupils receiving home tuition. IHT is the LA's short-term arrangement for pupils awaiting specialist placements where mainstream schools are unable or unwilling to maintain the placement until a specialist placement is found. At the end of December 2023 there were 151 pupils on IHT, the youngest being 4 Reception age children, and 42 were awaiting the allocation of a tutor. As a result the budget is forecasting an over-spend and some of the county's most vulnerable pupils are without education. This is being resolved as swiftly as possible although the numbers of pupils coming out of mainstream education is relentless.

Although financial planning is indicating an in-year overspend in 2024/25 (2024/25 High Needs block funding versus 2024/25 forecast spending) in light of demand and price changes, Lincolnshire's desire is still to achieve a balanced, sustainable budget on its High Needs block. The intention is to ensure funding is directed to the right activities and cost-effective provision to maximise the outcomes for young people with SEND. Lincolnshire does not want to be forced into a position of making difficult decisions of retracting its comprehensive early help support package to schools, or to seek a transfer of up to 0.5% of the Schools block (that funds schools' delegated budgets) to the High Needs block to manage unfunded cost pressures. The reserves enable the block transfer discussion to be pushed back temporarily, however, with increasing demand and cost rises, and a tighter financial environment, Lincolnshire is heading in this direction in the coming years, as things currently stand.

**Lived Experience of children, young people and their families:**

There are a number of factors that are used to measure the lived experience of children and young people with SEND and their families, in addition to their personal testimonies. These include:

- Numbers of mediations – in Lincolnshire there are a high number of families that request mediation, c.230 in 2023 compared to a national average of 35. That said, the number of mediations that go onto Tribunal Appeal is low; 3.8% compared to the England average of 20.3% (last published data for comparison is for 2021). 61% of mediations in 2023 resulted in some or all of the original decisions being overturned. This is typically because new information is presented but further audit of decisions is being undertaken to ensure that the rationale for decision-making is thorough and robust.
- Appeal to Tribunal – parent carers lodge an appeal to the Tribunal when they are unhappy with decisions made by the LA regarding the support for their child with SEN. As outlined above, Lincolnshire resolves a high number of disputes without the need for the family to go to Tribunal. Additionally, the authority has a low rate of Tribunal appeals; 1% compared to 2.3% nationally in 2022.
- Absence from education – in the academic year 2021/22, 34.6% of Lincolnshire pupils with SEN were persistent absentees (10% or more sessions missed). Nationally, this figure was 36.9%. Pupils with an EHC Plan missed 11.9% of sessions (England average 12.1%) whilst pupils on SEN Support missed 10.3% of sessions (10% nationally).
- Suspensions and Exclusion – pupils with SEN are more likely to be suspended or permanently excluded than their peers without SEN. In 2021/22 (last national comparison reporting period) Lincolnshire was broadly in line with the national rate of suspensions of pupils with SEN (12.92% compared to 12.98%) but higher for pupils with SEN that were permanently excluded; 0.16% of those on SEN Support compared to 0.15% nationally and 0.22% of those with EHC Plans compared to 0.08% nationally.

Source: [Local area Special Educational Needs and Disabilities report for Lincolnshire County Council | LG Inform](#)

### **Positive actions**

The LA continues to promote early intervention for pupils with SEND to try to prevent their needs escalating. There is good evidence that commissioned services such as Behaviour Outreach Support, the Working Together Team (Autism Outreach), Healthy Minds, Physical Disabilities Outreach and Specialist Nursing are well used by schools. In each of the commissioned arrangements there is an expectation that providers evidence the impact of their support and this is reported through robust contract management arrangements. There is an expectation that schools continue to implement the strategies and interventions recommended by the support services when they cease their involvement; for most children, the intervention by a support service is not a 'cure' and the consistency in continuing the recommended approach is essential.

Ask SALL, Lincolnshire's SEND Advice Line for SENCo, continues to help colleagues to identify support and resources that are *ordinarily available* to schools to assist in meeting



the needs of pupils through a *graduated response*. Cases discussed with the advisers are tracked and it is evident that the advice provided is preventing or delaying, on average, 21 cases a month from escalating to statutory assessment because the child's needs are being met through universally available support.

Tier 1 of the SEND Alliance Workforce Development Strategy, aimed at enhancing specialist skills and knowledge, was launched in July 2023 for *all* mainstream school staff. Modules were released in a staggered arrangement to give staff time to complete as launched and to encourage educators to access the platform regularly. At the end of December 2023, over 5,000 modules had been completed by 75% of Lincolnshire's schools. In October 2023, in partnership with Lincolnshire Parent Carer Forum, Induction Level training for parent carers was launched. Parents are keen to undertake training so that they can understand their child's needs better and feel empowered to work in partnership with schools and other professionals to support their children. The content for Tier 2 is being reviewed in February and will launch later this year.

Work is underway to develop 'satellite hubs' to support young people with a higher level of need, but able to access a mainstream curriculum, to remain in mainstream education. Additionally, satellite hubs will support the transition arrangements for young people who are ready to move back to mainstream education from Special School. The SEND Alliance is committed to identifying ways to support young people with SEND, who are able to access a mainstream curriculum, to achieve the outcomes they deserve.

The national SEND and AP Change Programme, building on the government's published *SEND and AP Improvement Plan* (see link below) seeks to address challenges that all local areas are encountering. It includes: the establishment of local SEND and AP Partnerships (including the Chair of the Schools' Forum); the development of Local Area Inclusion Plans; a nationally agreed benchmarking tool; a national system underpinned by national standards; strengthened accountabilities and a financially sustainable SEND system delivering improved outcomes for children and young people. The East Midlands Change Programme is led by Rutland County Council, Leicestershire County Council and Leicester City Council. Lincolnshire will influence developments as much as possible through the positive regional relationships there are between the ten LA's and local Integrated Care Boards.

**Conclusion:**

This report illustrates the significant pressures on the SEND system nationally and specifically in Lincolnshire. The outcomes of the national Change Programme are unlikely to be implemented for 2 or 3 years therefore it is imperative that Lincolnshire continues to take positive steps to mitigate the accumulating pressures on the SEND system and ensure that the wider partnership is pulling in the same direction to ensure the best possible outcomes for children and young people with SEND.

**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**

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
SEND and alternative provision improvement plan: right support, right place, right time.	<a href="http://www.gov.uk">SEND and alternative provision improvement plan - GOV.UK (www.gov.uk)</a>

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