

## REGULATORY AND OTHER COMMITTEE REPORT

<b>NAME OF COMMITTEE:</b>	Lincolnshire Schools Forum
<b>DATE OF MEETING:</b>	22 April 2015
<b>SUBJECT:</b>	Annual Report on Special Educational Needs
<b>REPORT BY:</b>	Sheridan Dodsworth – Children’s Service Manager, Special Educational Needs and Disability (SEND)
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<b>IS THE REPORT CONFIDENTIAL?</b>	No
<b>SUMMARY</b>	
<p>The purpose of this report is to provide the Schools Forum with an annual update on Special Educational Needs as required by the Schools Forum Regulations. The report covers:</p> <ul style="list-style-type: none"><li>• Special Educational Needs Funding Analysis</li><li>• A progress update following the Special Educational Needs and Disability (SEND) Reforms</li><li>• An outline of the current Independent Review being undertaken to support a Lincolnshire SEN Strategy</li></ul>	

## **Context**

The Special Educational Needs and Disability (SEND) legislation is framed by Part 3 of the Children and Families Act 2014 and the associated Code of Practice for SEND (2014). The new legislation came into force from the 1<sup>st</sup> September 2014. The legislation is backed by case law to which Local Authorities and schools must have due regard when making decisions about requests for Education, Health and Care Needs Assessments; carrying out the assessments; identifying the provision required to meet the young person's needs and the eventual placement of the learner. Each stage is subject to appeal to the Special Educational Needs and Disability Tribunal and in some cases the Local Government Ombudsman. Lincolnshire currently has circa 3,200 pupils with Statements of Special Educational Needs.

Out of County placements are only made when Lincolnshire Schools have stated that they cannot meet the Special Educational Needs of a particular learner. There is a continuing pressure on meeting the needs of those learners with Autistic Spectrum Disorders and specifically those with challenging behaviours. Out of county placements go through a rigorous commissioning process.

## **Special Educational Needs Funding Analysis**

Higher Needs level Statement provision (above 15 hours additional 1:1 weekly support and not including learners who attend Special Schools) has increased during the last 4 years from 794 higher needs statements at January 2011, to 1334 in January 2015. All Statements (and now Education, Health and Care Plans) have been issued in accordance with the evidence provided by schools and other contributing agencies.

### **Higher Level Needs one to one funding allocations (not including short term/medical provision)**

The table below highlights the total funding allocated to date for learners with high level needs/Special Educational Needs who attend mainstream schools and academies. The table illustrates funding for the period April 2011 to March 2015.

**April Figure** – initial higher level needs funding allocated to schools during the budget share process at the start of the financial year.

**March (following year)** – final expenditure for all higher needs funding for the financial year.

**Mid – year adjustments** - all higher needs funding in relation to new statements, changes to statements following an annual review including any increases/decreases in provision agreed after the initial school budget share allocation in April.

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#### **2014/15**

<b>April 14 allocation</b>	<b>£9,846,406.65</b>
<b>Final March 15 figure</b>	<b>£11,840,432.13</b>
<b>Mid -year adjustments</b>	<b>£1,994,025.48</b>

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### 2013/2014

<b>April 13 allocation</b>	<b>£9,966,642.90</b>
<b>Final Feb/March 14 figure</b>	<b>£11,292,527.00</b>
<b>Mid-year adjustments</b>	<b>£1,325,902.10</b>

### 2012/2013

<b>April 12 allocation</b>	<b>£9,274,169.84</b>
<b>Final Feb/March 13 figure</b>	<b>£10,960,505.06</b>
<b>Mid- year adjustments</b>	<b>£1,686,336.22</b>

### 2011/2012

<b>April 11 allocation</b>	<b>£8,565,547.73</b>
<b>Final March 12 figure</b>	<b>£10,094,748.72</b>
<b>Mid-year adjustments</b>	<b>£1,529,200.99</b>

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*Source: Additional Needs data management/financial system.*

These figures could be misinterpreted because not all of the expected funding is allocated at the start of the financial year, e.g. for those pupils that are expected to leave school in the summer. Nevertheless, funding finally allocated between 2011/12 and 2014/15 increased by £1.746m. This growth has been reported to the Schools Forum previously, i.e. when budgets for the new year are considered in January. The cause of this increase has been the increasing complexity of pupils' special educational needs. It is also important to note that Special Schools have received an additional £87k over the last financial year to support them in maintaining placements that would otherwise have broken down.

Overall, Special Educational Needs (SEN) statements (including higher need funding statements and learners with lower level SEN) have reduced from 3301 in 2013/14 to 3180 in 2014/15 despite the overall school population having increased by 0.67% from Spring 2014 to Spring 2015. Over the last 4 years formalised Special School numbers have increased from 1552 to 165.

The number of new SEN Statements has increased (330 in 2014 compared to 230 in 2013). Where schools request statutory assessment of SEN they frequently report that the needs of their pupils are becoming more complex.

The number of 'cease to maintain' statements (that is when schools and other professionals inform the LA that the statement is no longer needed) has increased in 2014 with 31 Statements being ceased in 2014. The previous average was 17 per year and was a low figure for an authority of this size. The Local Authority can only cease to maintain a statement if schools, through the annual review process, are of the view that the statement needs to cease. Most schools are of the view, when questioned, that a statement needs to remain in place indefinitely, maintained by the LA and financed either by the notional SEN factor or via the quantum for those learners with identified higher level needs. A more challenging management team may have influenced the increase in the numbers of 'cease

to maintain' cases.

The table below identifies the low number of 'cease to maintain' statements by schools for the years January 2011 to January 2015.

**Cease to maintain numbers per calendar year:**

Jan 15 (2014 calendar year) - 31 cases

Jan 14 (2013 calendar year) – 17 cases

Jan 13 (2012 calendar year) – 17 cases

Jan 12 (2011 calendar year) – 18 cases

Jan 11 (2010 calendar year) - 15 cases

*Source: Additional Needs data management/financial system*

**Notional SEN funding**

Schools/Academies for the 2014/2015 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/Additional Needs support. The higher level needs (top up funding) and targeted support provision remained outside of this notional SEN funding.

At the meeting of the Schools Forum on 8<sup>th</sup> October 2014, the LA proposed changes to SEN funding for 2015/16. The report entitled 'Proposed changes to SEN funding in 2015/16' explained that these were to deal with a residual issue from the 2013/14 reforms and were necessary to ensure the LA's compliance with the DfE's regulation 11(3). That requires schools to finance the first £6,000 of a pupil's SEN from their existing budgets, before being allocated further funding by the LA. The report to the Schools Forum made a number of proposals including: a reduction in funding for Band 6 to 8 pupils; the redistribution of some of those funds through specific formula factors to compensate for the underfunding of notional SEN; the provision of targeted support for schools with unusually high numbers of Band 6 to 8 statements, and; the introduction of transitional protection for one year to prevent any losses to school budgets arising in 2015/16. These proposals (and one relating to the setting aside of £2m of the projected increase in Dedicated Schools Grant (DSG) for 2015/16 to help manage any increase in Education, Health and Care plans) were supported by the Schools Forum.

In January 2015 the Schools Forum was updated on the progress the LA had made to implement the changes.

The table below indicates the current Lincolnshire numbers of those children and young people that are recorded at School Action and School Action plus (now referred to as SEN Support) between January 2013 and January 2015.

Year	SA	% Split	SA Plus	% Split	SEN Support	% Split	Total
<b>Jan 15</b>	<b>2341</b>	<b>16.12</b>	<b>1535</b>	<b>10.57</b>	<b>10645</b>	<b>73.31</b>	<b>14521</b>
Nursery	37	0.04	14	0.01	564	0.55	
Y 1-6	1101	1.07	1024	0.99	5316	5.14	
Y 7-14	1203	1.16	497	0.48	4765	4.61	

	SA	%Split	SA Plus	%Split	Total
<b>Jan-14</b>	<b>10863</b>	<b>64.6%</b>	<b>5952</b>	<b>35.4%</b>	<b>16815</b>
<b>Nursery</b>	45	0.41%	103	1.7%	
<b>Year 1-6</b>	4594	42.3%	3760	63.2%	
<b>Year 7-14</b>	6224	57.3%	2089	35.1%	
<b>Jan-13</b>	<b>10426</b>	<b>64.1%</b>	<b>5844</b>	<b>35.9%</b>	<b>16270</b>
<b>Nursery</b>	71	0.7%	93	1.6%	
<b>Year 1-6</b>	4874	46.7%	3526	60.3%	
<b>Year 7-14</b>	5481	52.6%	2225	38.1%	

Source: *Infoview/Performance Assurance/ Schools Census*

In the January 2015 Schools' Census 14,521 learners were recorded at School Action (SA)/School Action Plus (SA Plus) or SEN Support across all schools/academies in Lincolnshire. This is compared to 16,815 learners recorded in the January 2014 Schools' Census as being at SA or SA Plus. Within each census the numbers of SA and SA Plus (including SEN Support in Jan 15 census) are split down by percentage per sector.

There is an expectation that the school's notional SEN allocation will meet the relevant costs to support children and young people at SEN Support (formerly SA and SA Plus learners).

### **Independent/Non-Maintained Schools**

The Local Authority is financially responsible for Lincolnshire pupils placed/referred to private hospital schools and the costs incurred in relation to education based fees/charges. Such fees can be costly and potentially pose a budget pressure. Any such placements are closely monitored.

### **Restructure of services to meet the requirements of the SEND Reforms**

The former Additional Needs and Children with Disabilities services have been merged to form a single SEND Service comprising Educational Psychologists; Specialist Teachers; Social Workers for Children with Disabilities; Occupational Therapists; Early Support and Co-ordination (ESCO) Key Workers; a Promoting Employment team; Short Breaks; and a large team of staff in newly established roles who are responsible for the co-ordination of

Education, Health and Care (EHC) Plans from 0-25 years. Where statutory assessment is not deemed appropriate ESCO Key Workers work with families and providers, including schools, to ensure that the child's needs are being met through the local offer. Multi-disciplinary teams will be based in the four Children's Services localities overseen by a Team Manager. There is a single Children's Service Manager with responsibility for the new service.

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

Lincolnshire has received Government Funding of £1.4m to support the delivery of the reforms; the majority of this one-off funding has been agreed in principle to support the migration of existing SEN Statements to EHC plans over a 2 year period. An additional £423,000 for Lincolnshire has recently been announced.

The funding is being used to increase capacity within the SEND service to meet the challenges of operating two processes; the 'old' Statementing work, which will continue for at least another 18 months, and the 'new' EHC Planning work which will eventually supersede all Statements. In addition all transitions to EHC Plans for young people in Lincolnshire Special Schools are being undertaken by the Special Schools themselves. This was agreed by means of a Memorandum of Understanding between the LA and each Special School and the schools receive £250 for each 'conversion' they undertake.

Each Special School has submitted a Transition Plan which complies with the overall Transition Plan published by the LA. It is anticipated that all current Statements of SEN/Learning Difficulties Assessments (LDA) will be transferred to EHC Plans by the end of the 2015/16 academic year with young people falling broadly into Year 1 or Year 2 as follows:

#### Year 1 (Academic Year 2014 /15)

- Children who are in an early years setting with a statement who will be transferring to a primary school reception class in September 2015.
- Children in infants schools who will be transferring to a junior school in September 2015.
- Children in primary schools who will be transferring to a secondary school in September 2015.
- Young people in year 9.
- Young people currently in school who will be moving into further education or training from September 2015. These must be completed by the end of May 2015.
- Young people who receive support as a result of a LDA who request an EHC needs assessment. Some young people who have only a further year at college before they complete their course may not see a benefit in converting as their additional needs are known and being met by the current LDA. Other young people may have had significant changes happen in their lives that make the current LDA out of date meaning that an EHC needs assessment would be beneficial.

## Year 2 (Academic Year 2015/16)

- All other children and young people with an existing statement or LDA

### **Requests for EHC Needs Assessment compared to requests for Statutory Assessment for the period 1<sup>st</sup> September to 31<sup>st</sup> March.**

	<b>13/14</b>	<b>14/15</b>
Received	227	286
Agreed	183	117
Refused	44	66
Ongoing	0	96
Apps Placements		7

Of those requests agreed 15 were initially refused but were overturned at the point of dispute resolution/mediation when it became apparent that there was additional information that had not previously been submitted. There are more requests for Assessment being made by parents than was previously the case in the former Statementing process.

### **Out of County Placements**

Out of County Special School placements had decreased over a number of years but within the last two years the number of Out of County placements has risen, by approximately 23 places, due to demand/pressures on our Maintained Special Schools and, in a number of cases, their being unable to meet students' needs. The number of Out of County placements, at the 31<sup>st</sup> March 2015, was 100 with a projected cost of £6.9m. Around 64% of the students placed in Out of County provision have a diagnosis of Autistic Spectrum Disorder (ASD) and associated challenging behaviour. A number of these students are high-functioning ASD whilst others have ASD as co-morbidity with other conditions and or syndromes. The second highest presenting need, in the Out of County placements, is that of Behavioural, Emotional and Social Difficulties particularly at Key Stage 3 and 4.

In an effort to address the increasing numbers of pupils placed Out of County the LA has commissioned an Independent Review by ISOS (see Appendix 1). The current review is focusing on the implementation of Lincolnshire's 2011 SEN Strategy and builds on earlier commissioned reviews undertaken in 2014;

- Enhanced Resource Provision in mainstream schools
- Residential SEN provision
- Portage Services

The findings and recommendations of all 4 reviews will also be considered in conjunction with the re-procurement of Behaviour Outreach provision in Lincolnshire.

The data from the first phase of the Review of the implementation of Lincolnshire's 2011 SEN Strategy suggests:

- **The profile of identified needs and the pattern of placements is different in Lincolnshire compared to the rest of the country and to statistical neighbours.** This suggests that the identification of certain types of need is not consistent across the county and that some underlying needs are not being identified early (e.g. SLCN).
- **There are gaps within the continuum of current LCC SEN provision.** Mainstream schools –particularly secondary schools –may lack the capacity and provision to meet the needs of some pupils, particularly those with challenging behavioural needs. Most specialist provision is located in special schools –there are comparatively few enhanced resource provisions. Current specialist provision is “blocked up” and is not able to respond to the changing profile of need across the county (e.g. pupils with high-functioning ASD).
- **These gaps within the continuum of LCC SEN provision appear to be driving the increase in pupils placed out-of-county.** There is no evidence that this trend is being driven by a lack of in-county residential SEN provision.

In terms of the implementation of the 2011 SEN Strategy:

- **Implementation of the 2011 strategy has been limited.** Where changes have been made in line with the principles of the strategy, some pre-date the strategy and some have happened independent of the strategy. There has been a lack of continuous strategic leadership and of ownership of the strategy recommendations.
- **There is agreement among LCC colleagues that many of the principles of the original strategy remain valid**–for example, developing a continuum of provision from mainstream settings to specialist support and to move to outcomes-based commissioning. The aspiration to reduce out-of-county placements is now even more relevant.
- **Some recommendations, however, need to be re-visited.** The concept of an area special school, the way it will be implemented, and how it will fit within a broader continuum of provision need to be defined more clearly.
- **Lincolnshire is well-placed to make progress in implementing a refreshed strategy**, building on, for example, the development of the SEND locality model, sector-led school improvement, and re-commissioning outreach.

The authors of the Phase 1 report make a number of recommendations on how the 2011 SEN Strategy could be refined:

Refining and refreshing the SEND strategy, must not be a paper-based exercise: the aim should not be to produce a new document to update the current strategy document. Instead, the focus of a new strategic approach to SEND in Lincolnshire should be on building long-term strategic planning capacity and process. We see this comprising four steps:

- **Analysis**–of long-term trends, in parallel with your ongoing focus on getting the structures and processes right
- **Commissioning**–using your analysis to develop a flexible continuum of provision informed by long-term planning
- **Engaging stakeholders**–developing mechanisms for engaging key stakeholders (educators and families particularly) and investing in regular, open dialogue, and in building their skills, capacity and knowledge of the SEND system to enable them to play a key role in co-producing and leading the implementation of Lincolnshire’s SEND strategy

- **Monitoring outcomes** –ensuring that you are able to answer two key questions. 1. Are our approaches working? 2. Do we have the right provision to meet the current and future needs of children in our county

As a first step towards understanding the ‘gaps’ in Lincolnshire and reviewing what, if anything, can be done to accommodate the needs of the type of young person currently in Out of County provision, a group of Special School Headteachers has met with the Service Manager for SEND and developed a range of proposals which will be presented to the Director of Children’s Services later this month.

There is a commitment by Special School Headteachers to consider options to meet the needs of young people in Lincolnshire with complex SEN. This can’t be achieved in isolation from the mainstream schools and further work will be required to understand how those schools can also support the needs of Lincolnshire children and young people with SEN. If there is to be a realistic chance of preventing young people from going to Out of County placements the sector as a whole will need to respond.

The next step, once the Headteachers of the Special Schools have presented their options to the Director, will be to consider how to take the proposals forward and identify how ISOS can best support the LA in developing the next phase of this work.

**RECOMMENDATIONS**

The Schools Forum is asked to note the contents of the report and direct any questions to the Children’s Service Manager (SEND).

**APPENDICES (If applicable) – are attached see excel spread sheet**

ISOS Partnership Phase 1 Report – Review of the Implementation of Lincolnshire’s 2011 SEN Strategy

**BACKGROUND PAPERS**

<b>PAPER TYPE</b>	<b>TITLE</b>	<b>DATE</b>	<b>ACCESSIBILITY</b>
Report			County Offices, Newland, Lincoln

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