

Children's Services Committee

Report title:	Meeting Special Educational Needs & Disabilities (SEND) Quality, Sufficiency and Funding
Date of meeting:	10 July 2018
Responsible Chief Officer:	Sara Tough, Executive Director of Children's Services
Strategic impact <p>This report explains the Local Authority duty to ensure the sufficiency of places for children and young people identified and assessed as having a Special Education Need or Disability (SEND). It further outlines the current capacity and quality of provision, makes national comparisons and identifies the demand and pressure that is driving our strategy.</p> <p>In January we provided a report to CS Committee outlining the government's commitment to provide additional capital funding to all local authorities for special educational needs with Norfolk's allocation being £2.7million over a three-year period. We outlined our intention to carry out a consultation to help determine capital priorities within a more ambitious Special Educational Needs & Disabilities (SEND) Sufficiency Strategy.</p> <p>This report will focus on:</p> <ul style="list-style-type: none">• Our duty as a Local Authority (LA), working in partnership• The current landscape and how it compares nationally• What provision do we have and is it enough?• Our ambition to improve quality, sufficiency, meet demand and financial pressures• Travel and transport, promoting independence where possible <p>Whilst this paper focuses on the LA role it is enshrined in statute that the voice of all key stakeholders, and especially those of children, their parents and young people should be implicit in the co-production of an effective landscape to meet SEND needs.</p> <p>The appendices are provided for additional contextual information and detail only.</p>	

Recommendations:

Members are asked to discuss the content of this report and specifically:

- 1. To understand the duties placed on the Local Authority in relation to pupils with SEND**
- 2. To agree the direction of travel in relation to the current high level invest to save / budget recovery plan for the High Needs Block**
- 3. To agree plans to explore feasibility study / impact of capital development planning for increased specialist provision across the county**
- 4. To agree that further options are more fully explored in relation to travel arrangements for some children and young people with SEND, where it is suitable, agreed with them and appropriate, and a detailed business case is brought back to CS Committee, outlining risks and benefits of any new proposals for travel and transport.**

1 Context

1.1 There are two main categories of special educational needs:

- The first is **SEN Support** and this describes children and young people who have been identified by their early years setting, school or post 16 education provider as requiring additional support. They provide this support directly.
- The second is for children and young people who have the most complex SEN and require an **Education, Health & Care Plan**. The LA carry out these assessments and determine their provision and placement.

1.2 There are significant statutory duties placed on the LA in relation to children and young people with SEND.

1.3 The LA is required to work in partnership with all stakeholders to deliver the overall duty placed on all, and defined clearly in the SEND Code of Practice.

1.4 The LA is funded through the Dedicated Schools Grant High Needs Block and this funding must support children and young people aged 0 – 25 years.

1.5 Numbers of children and young people in Norfolk identified and assessed as SEND are above the national average.

1.6 Provision in Norfolk's state-funded maintained complex needs / special schools is good or outstanding across the county.

1.7 Provision in Norfolk's mainstream schools can vary, with some schools more confidently meeting needs than others.

1.8 There are delays in placing children and young people who have been assessed as needing a complex needs / special schools place. The reason for this is that Norfolk's maintained, state-funded schools are at capacity.

1.9 A significant amount of funding, above the national average, is spent on children attending independent / alternative provision, as there are insufficient state-funded maintained places in Norfolk.

1.10 The number of children and young people with SEND continues to rise nationally and especially in Norfolk. Nationally this is attributed to greater complexity of need from birth. Locally we recognise this and we are also seeing a significant rise in the proportion of children with Autistic Spectrum Disorder (ASD) and Social, Emotional & Mental Health (SEMH) needs. Demand is outstripping funding. National funding is essentially flat with only a very modest annual uplift. Travel and transport costs are rising. This is exacerbated by small, incremental increases in special or complex needs school places. Building one new school at a time to meet a specialist need results in travel costs for children from all across the county.

2 Executive summary

The LA considers that it works well with partners and stakeholders to co-produce SEND provision. The recent addition of an Area SEND Leadership Board, chaired by the Director of Children's Services, has full membership, representation and accountability from all statutory agencies, partners and stakeholders.

- 2.1 The Norfolk landscape in terms of state funded maintained schools to meet special and complex needs is strong. It is consequently being expanded wherever possible and meets need very well. It is cost effective and high quality. Norfolk has had eleven special /complex needs schools for many years. Recently two new schools have opened. However, this total provision does not meet current demand. As a result there are too many children in independent provision which is too often high cost and not always local.
- 2.2 The rising SEND pupil numbers across Norfolk (also seen nationally) indicate greater need for more specialist and complex needs provision. However, this is costly, and even if capital funding is identified there are additional cost pressures as a result to both the High Needs Block for places and the Children's Services budget for transport.
- 2.3 Mainstream schools host most children with SEND. The majority may not have high needs or an Education Health and Care Plan. Most will be at SEN Support level. Much of the focus across the system has been on meeting need for those with an EHC plan, and there is more to do to improve access to high quality learning for those children at SEN Support. Schools are reporting budget pressures, and recent LA decisions to ensure that High Needs Block funding follows the child from mainstream to special, complex or alternative provision has resulted in an additional financial pressure for mainstream schools.
- 2.4 In order to a) meet demand, b) improve quality, c) meet needs more locally, d) bring down the overspend on the High Needs Block and e) reduce SEND travel spend - we need to:
 - **Plan for significant expansion of state funded special and complex needs provision, with 4 more special schools located strategically across the county and meeting rising demand in ASD and SEMH particularly**
 - **Increase the number of Specialist Resource Bases (SRB) across the county, located in mainstream schools so that every group of schools has access to a local SRB**
 - **Ensure travel time is significantly reduced through more local provision and provide more opportunities for children to travel independently where possible**

3 What must a Local Authority do in relation to SEND pupils

3.1 The Children & Families Act 2014 sets out our responsibilities for SEND. The Local Authority is the lead agency, but Clinical Commissioning Groups and all education providers have duties. The government sets out these responsibilities in the SEND Code within seven key principles:

- the participation of children, their parents and young people in decision-making
- the early identification of children and young people's needs and early intervention to support them
- greater choice and controls for young people and parents over support
- collaboration between education, health and social care services to provide support
- high quality provision to meet the needs of children and young people with SEN
- a focus on inclusive practice and removing barriers to learning
- successful preparation for adulthood, including independent living and employment

3.2 Over the last few years, working with partners, we have applied the seven principles in these ways:

- **Identification and Assessment**: making sure that individual children and young people who have SEN are assessed and their support is described well and provided in a way that impacts on improved outcomes
- **A 'Local Offer'**: all education providers and the LA, with health partners, must describe the services that are available across the county within a single website. Norfolk's SEND 'local offer' website contains all of this information here: www.norfolk.gov.uk/children-and-families/send-local-offer
- **Co-production**: we must work with parent/carers groups at all times to develop our services. We do this with health also and with Norfolk's early years settings, schools and colleges also. This is much more than simply carrying out consultations. Co-production is the direct input of partners in the design of services.
- **Joint Commissioning**: we have to continuously review all SEND services between education, social care and health services to find opportunities to jointly commission these.

3.3 The Local Authority has the duty to assess any child that is referred for an Education Health and Care Plan, and then write that Plan with the child and their family to describe how their needs can be met. We then have a duty to support parental preference, for mainstream or special school placement, and arrange the admission and identify and support the funding of that placement.

4 What does the current provision landscape look like and how does it compare locally and nationally?

4.1 More pupils identified as SEND in Norfolk than is the national average. The table below – table 1 – shows that the percentage is higher for both categories of SEND, those with SEN support and those with EHCPs.

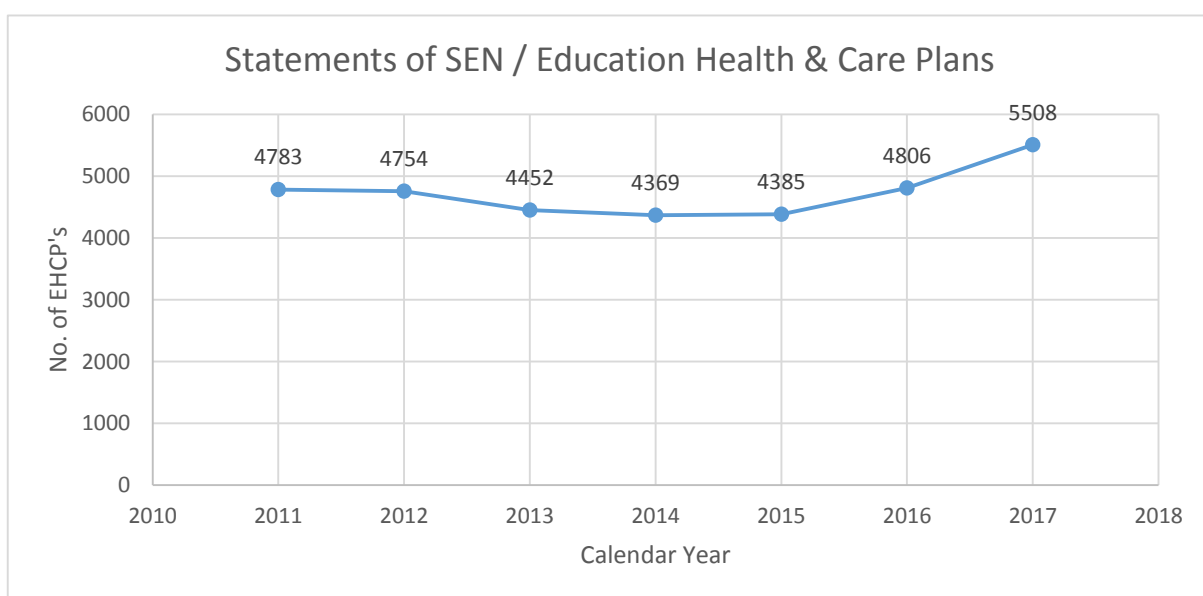
Table 1 – SEND numbers Norfolk and national

Area	Total pupils	%	%	%
National	8,669,080	2.79	11.6	14.35%
Norfolk	119,959	3.09	12.4	15.50%

[DfE, LA data tables, Jan 2017]

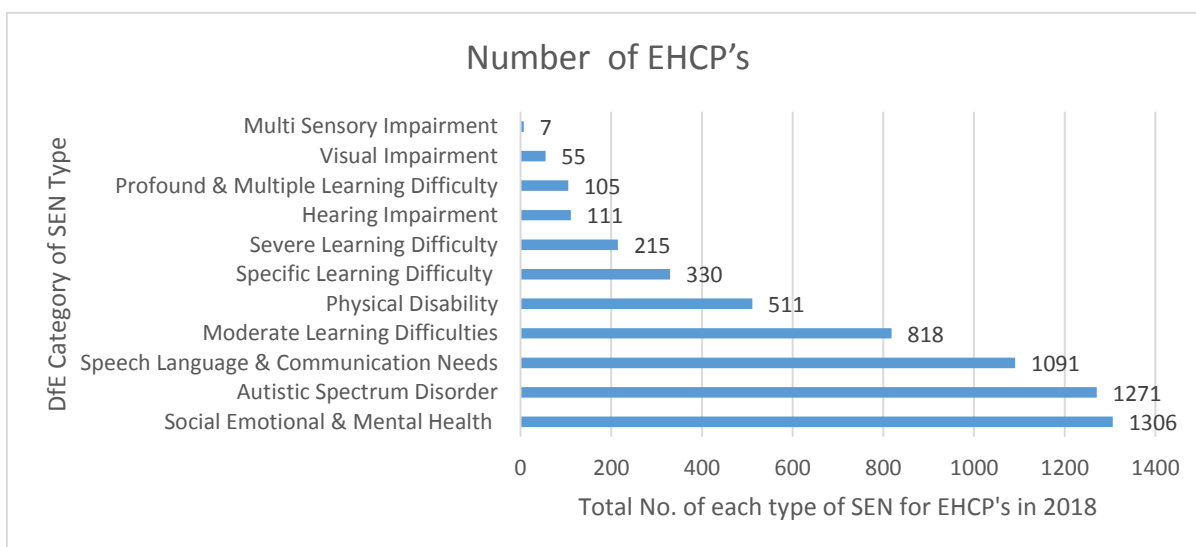
4.2 The number of children with an EHCP has risen year on year since 2014. This rise is mirrored nationally. The table below – table 2 – shows the trajectory since 2011 across the county.

Table 2 – Number of EHCPs (prior to 2014 known as Statements of SEN)



- 4.3 Pupils with SEND have a wide range of needs. The Department for Education (DFE) defines types of need. The table below – table 3 – shows the type of need and the Norfolk breakdown of pupils. The table indicates that 44% of all EHCPs are either for Autistic Spectrum Disorder (ASD), or Social, Emotional and Mental Health (SEMH). See Appendix 2 for further information about EHCPs in Norfolk

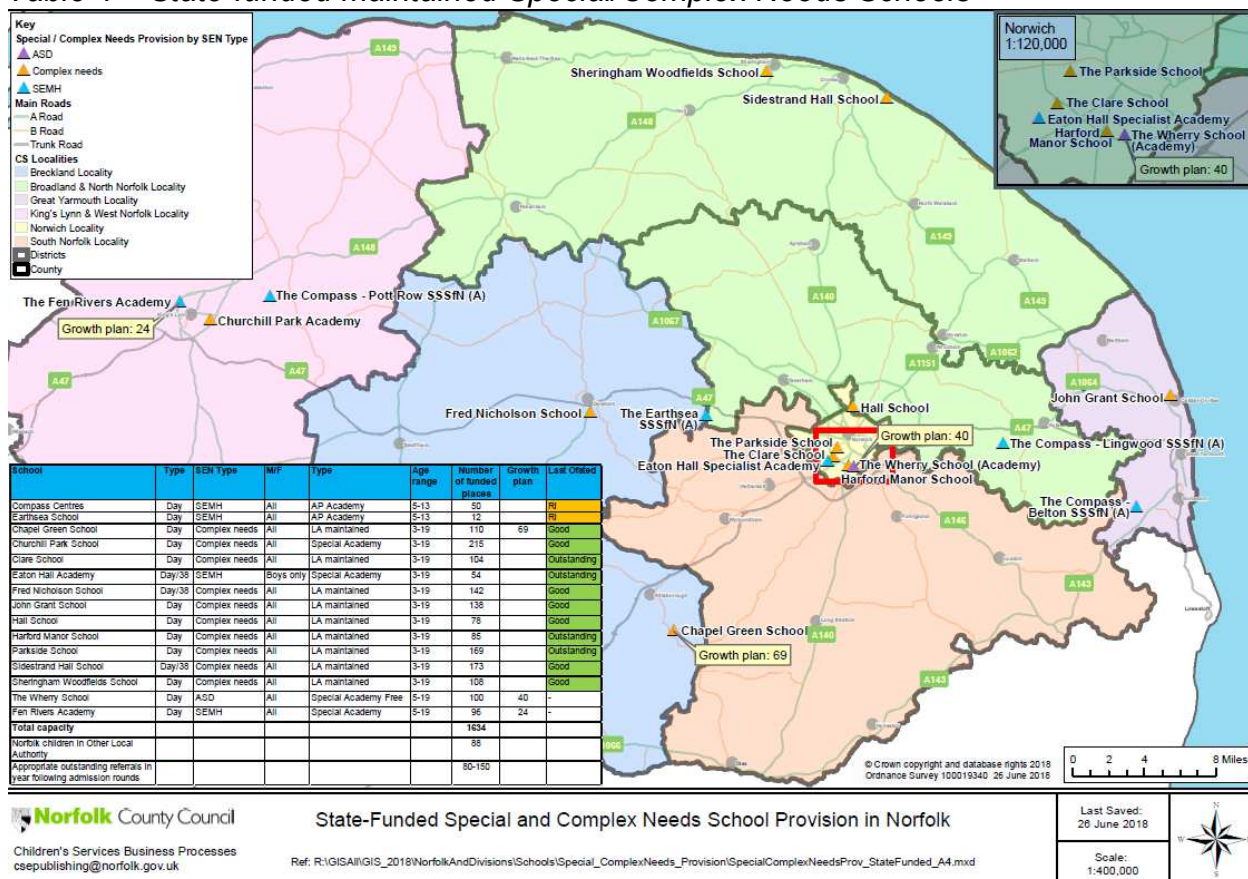
Table 3 – DFE type of SEN for children and young people with an EHCP in Norfolk



- 4.4 Approximately 16,000 pupils with SEND are in Norfolk mainstream schools. Of those approximately 2500 have an EHCP currently. The funding for SEND pupils in mainstream schools is largely from the Dedicated Schools Grant, Schools Block. Schools are funded through their main budgets, and notionally a proportion is identified to cover SEND pupils. This proportion is approximately £36million annually in Norfolk. There are locally agreed criteria that act as proxy indicators to determine this proportion of the overall school budget. Schools are required to use this proportion of their budget to meet the first notional £6,000 of need, over and above the per pupil weighted funding they receive. After that they can apply for top up funding to meet need. £5.3million is notionally identified from the Dedicated Schools Grant, High Needs Block, and managed by the LA.
- 4.5 The percentage of children with an EHCP educated in our mainstream schools is **lower** than the average for other local authorities.

- 4.6 There are thirteen state-funded maintained Special/Complex Needs Schools across Norfolk. Eleven of the schools have a current Ofsted judgement of good or outstanding. Two new schools have yet to be inspected. A full list of each school and its designation. i.e. meeting complex needs, offering residential is attached in [Appendix 1](#).

Table 4 – State-funded maintained Special/Complex Needs Schools



- 4.7 Across these schools Norfolk funds approximately 1600 places. On average the cost is £25,000 which is approximately **£23,000 less** than for an independent/non-maintained sector place.
- 4.8 The percentage of children educated in our state-funded maintained sector of special and complex needs schools is **lower** than the proportion across other local authorities.
- 4.9 There are a wide range of types of independent/ non-maintained schools. Some of these schools are registered as specialist schools and some have developed SEN specialisms in addition to offering small class sizes expected within independent schools. The placement costs are on average much **higher** at approximately £48,000. There are just over 300 pupils in these schools both within Norfolk, wherever possible, or in other LAs across the country. A number of those are residential. The most expensive annually is **£85,000** per pupil, which includes residential. Children in this provision are sometimes travelling further and longer than is acceptable.

- 4.10 The percentage of children in Norfolk, educated in the independent/non-maintained sector, is **significantly higher** than the average across other local authorities. This is because we have insufficient maintained places, and a legal duty, which if tested leads to direction to force a placement in this sector.
- 4.11 Specialist Resource Bases (SRBs) are funded by the LA and based in mainstream schools. They are set up to meet need more locally, within a mainstream school setting and usually they cater for a specific need i.e. ASD. For some pupils the placement in an SRB is short term and they remain on roll at their local school. For other pupils, i.e. those with autism, they transfer fully to the school that hosts the SRB. Approximately 200 children are in an SRB in Norfolk at any one time. The average cost per pupils is £11,000. The aim is to meet need and where possible reintegrate into the mainstream school setting.
- 4.12 The proportion of youngsters accessing an SRB is **lower** than the average in other local authorities.
- 4.13 Table 5 below - shows that overall the proportion of children and young people in state funded, cost effective provision is lower than the national average, i.e. mainstream schools, state-funded maintained special/complex needs schools and specialist resource bases. However, **the percentage in the higher cost independent/ non-maintained sector is more than double the national average. This is due to having too few state-funded special/complex needs schools, and insufficient specialist provision – i.e. SRBs located within mainstream schools.**

Table 5 – Type of school placement for children and young people with an EHCP

	Norfolk	Regional	Statistical	National
Mainstream 0-25				
Mainstream schools 5-16	30.9	39.5	41	34
SEN Units / Resourced provision	2.0	3.4	3.0	5.1
Subtotal	32.9	42.9	44	39.1
Early Years settings	0.9	0.5	0.4	0.5
Post 16 college / 6 th form / training	21.3	14.0	14.4	13.2
Mainstream grand total	55.1	57.4	58.8	52.8
Non mainstream 0-25				
Alternative provision academy / Pupil referral unit	2.0	1.2	1.1	0.7
State funded special school (including 6 th form)	25.7	32.3	27.6	34.8
Independent/non maintained schools (including 6 th forms)	10.3	4.5	5.1	5.9
Special independent post 16 institutions	0.0	0.4	1.5	1.3
Non mainstream grand total	38	38.4	35.3	42.7
Other	6.9	4.2	5.9	4.5

Provision overall for SEND children in Norfolk is often good, but can be variable. For those attending the state-funded special/complex needs schools in Norfolk it is good and outstanding in all schools. Whilst approximately 90% of Norfolk mainstream schools are judged good or outstanding by Ofsted, this is not an explicit judgement about the provision and outcomes for children with SEND. There is variability in the quality of provision for children with SEND and some are more able to demonstrate meeting need than others. Quality of provision and outcomes are also variable across the independent/ non-maintained sector both within and beyond Norfolk.

5 What do we need to do to improve quality and sufficiency?

5.1 The key activity to achieve this is to:

- Ensure that LA services are designed to intervene, challenge and support on behalf of SEND children, young people and their families
- Increase more cost effective, local specialist provision to meet high needs
- Increase mainstream schools' capacity to meet specialist need and drive down demand for higher cost provision
- Change the funding model to ensure funding follows children and is targeted to meet Need

LA Services

5.2 The quality of provision must improve across the county. Every child, wherever they live, whatever their need should have access to high quality local (wherever possible) education provision which meets their needs. This paper will not explore the specifics of the actions we are taking to improve the quality of provision for SEND pupils in our mainstream schools, as well as our independent/non-maintained sector. However, we have taken a key action in revising our LA Education Services to reflect this priority. Five out of six of new services, which came into force in January 2018, have SEND as a key focus of activity. Table 6 below shows the five services that focus on SEND and some of their key functions.

Table 6 – New LA services to support SEND

Education Achievement and Early Years Service	Education High Needs/SEND Service	Education Vulnerable Groups Achievement and Access Service	Education QA and Intervention Service	Education Participation, Infrastructure and Partnership Service
Head of Service: John Crowley	Head of Service: Michael Bateman	Head of Service: Mark Adams	Head of Service: Sue Smith	Head of Service: Seb Gasse
All data and information for SEND pupils/ EHCPs	All SEND assessment – i.e. EHCPs	Focus on all Vulnerable groups – including SEND	Intervention in schools causing concern identified by risk assessment against inclusion indicators	Oversight of capital place planning – and capital priorities – aligned with SEND sufficiency
Risk assessment of school using inclusion indicators	Placements for specialist, complex needs and alternative provision	New Virtual School for SEND – top up and exceptional needs funding	QA of alternative provision	Partnership with schools to develop new collaborations and models of provision

Cost effective specialist provision

- 5.3 More state-funded maintained provision to meet special and complex needs is needed in Norfolk. Expansion of some schools has maximised the opportunity to create additional places and two new special schools are currently on a trajectory to become fully occupied. Four new Special Schools are needed to meet existing and projected demand. In order to prevent even greater movement and travel time for Children and young people across Norfolk these would need to be built **simultaneously**.
- 5.4 The Department for Education (DfE) is providing £215 million of special provision fund allocations, nationally, for the financial years 2018-19 to 2020-21. Norfolk's allocation will be a total of £2,726,497 or £908,832 annually.
- 5.5 These allocations will support local authorities to create new places and improve facilities at existing schools. This funding is primarily intended to develop provision for pupils with more complex special educational needs (i.e. an Education, Health & Care Plan) in mainstream and/or special schools. The government capital grant of £2.7million is far too low to build a school.
- 5.6 The average capital cost to build a new special school, of between 100 and 150 places, is approximately £12 to £13.5 m. There is insufficient capital within the Schools Capital Programme to meet this cost. The two new special schools in Norfolk have been built using a combination of government 'targeted capital bid' (Free School) funding and LA Schools capital funding. An existing special school in Attleborough / Old Buckenham, has also been re-built as a brand new, and enlarged school, using LA capital funding.

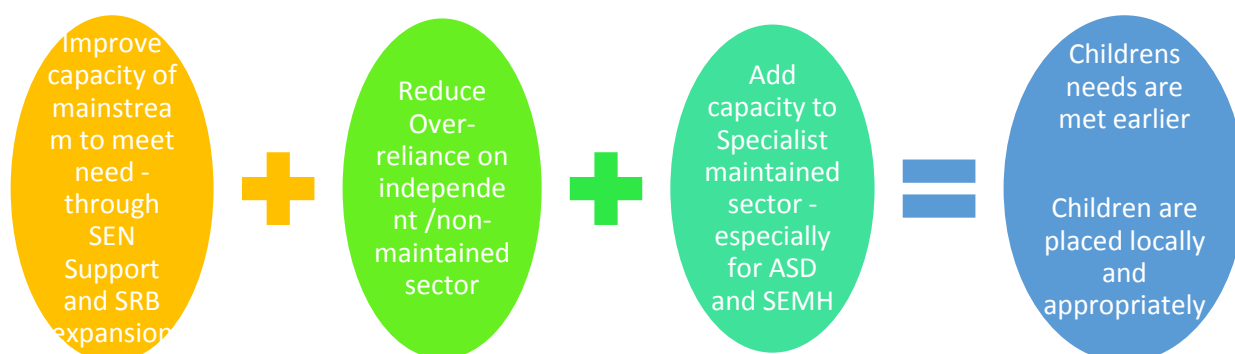
Specialist provision in mainstream schools (SRBs)

- 5.7 We need more Specialist Resource Bases based in mainstream schools. To increase the percentage of children in SRB provision, to be similar to that nationally we would need to create a further 170 places across Norfolk. This will keep children local, in the mainstream, and build capacity and expertise to meet need locally. Earlier this year we carried out a consultation with partners and stakeholders to assist our prioritisation for the use of the government's £2.7million capital funding. This has also helped to inform our plans for a more ambitious capital programme. We have published our initial plans via our SEND Local Offer website and submitted this to the DfE. We have determined to use the initial tranche of DfE capital funding to expand the Specialist Resource Base (SRB) model within mainstream schools.
- 5.8 The costs associated with establishing an SRB are approximately:
- 10 place primary school ASD SRB – £0.5m capital funding
 - 20 place secondary school ASD SRB - £0.8m capital funding

In summary

5.9 Our developing sufficiency strategy comprises three central aims shown below in table

Table 7 – Key themes of Norfolk Sufficiency Strategy



- 5.10 **If the cohort of pupils who are currently over-represented in high cost independent school placements (up to 10% of the overall EHCP cohort) were placed in an expanded number of places in Norfolk’s Good and Outstanding stated-funded maintained special schools there would be annual revenue savings in excess of £6.25 million, over time.**
- 5.11 In order to progress this, a fully costed viability / feasibility revenue and capital programme needs to be developed to determine the potential for a significant *invest to save* strategy, to increase state-funded specialist provision across Norfolk and reduce our reliance on high-cost independent / non-maintained sector placements. This will be overseen by the Capital Priorities Group.
- 5.12 A link to the full SEND Sufficiency Strategy consultation can be found in the Background Section of this report. A full version, SEND sufficiency strategy, that reflects the overview in this report will be published via the Local Offer following CS Committee.

6 What do we need to do to address the funding pressure?

6.1 In summary the actions need to be taken to resolve the funding pressure:

- Drive down demand
- Pay less for places

The LA has three key sources of funding to support SEND:

- (1) the Dedicated Schools Grant High Needs Block,
- (2) the SEND Capital allocation
- (3) the Schools Capital Fund (papers are brought routinely to CS Committee outlining the Capital Priorities Plan).

6.2 The funding pressure within the £80 million High Needs Block has been well documented over the past 18 months and the latest outturn position was reported to CS Committee in May this year. Essentially we are continuing to experience funding pressure / potential overspend in excess of £11million.

6.3 The High Needs Block pays for provision and placements in three main elements:

- Specialist Placements

Special Schools = £31.500 million
Independent Schools = £20.042 million
Alternative Provision = £4.912 million

- Mainstream Inclusion

Top-up funding = £5.300 million
Specialist Resource Bases = £3.042 million

- LA & Commissioned Services

Sensory Support Service = £1.600 million
Speech & Language Service = £0.774 million

6.4 For 2017/18 there was an overspend on the High Needs block of £10.594m. This is as a result of the pressure on demand for high needs placements in independent and out of county special schools and maintained special schools. The increase in school exclusions has led to an increase in demand for Alternative Provision placements and pressure on places at the Short Stay School for Norfolk, which has led to an overspend on both budgets. (See Appendix 3 for the actions taken to date to reduce the High Needs Block spend.)

7. Travel and transport, promoting independence where possible

- 7.1 The council has a statutory duty to offer travel and transport assistance for children and young people who have had their educational placement determined by the LA. This is in line with travel distance criteria in the same way as with mainstream transport entitlements.
- 7.2 In practice, this means that if it is agreed that a child should attend a special school and the distance from home is more than 3 miles, for children aged 10 and below, or 2 miles, for children aged 11 and upward, then an associated travel and transport offer is made. For the vast majority of placements in special schools / alternative provision placements these are well beyond those distances from home.
- 7.3 There are currently in excess of 2,900 children and young people receiving transport within this scheme. There are also a modest number of pupils / students who either use public transport, via independence travel training arrangements, or their parents are being reimbursed for arranging transport themselves.
- 7.4 Due to the significant number of long journeys for children and young people, and associated costs, there is a direct link to both the SEND Sufficiency Strategy and High Needs Block recovery plan and the travel and transport arrangements.
- 7.5 Last month Policy & Resources Committee received a report based on the work of Red Quadrant consultants who had been asked to consider Norfolk's current system and to recommended ways forward. P&R Committee have asked CS Committee to fully consider the proposals in that report.
- 7.6 To give Members of the CS Committee the best opportunity to consider those recommendations we are going to visit other LA's who have implemented similar travel schemes and then prepare recommendations. However, if we implement our SEND Sufficiency Strategy fully as described above, the need for some of those recommendations may change, i.e. if we develop a greater range of specialist provision across the county travel time, and related travel costs, could reduce significantly as a result.
- 7.7 We have written to a number of families who contacted the Council with concerns about the proposals in the report to P&R Committee last month; moving swiftly and decisively to reassure families that there are no reasons to be concerned and we will be considering implications carefully and would always assess individual family needs.

8. Financial Implications

- 8.1. The overall budget forecast, for the High Needs Block and SEN Transport Budgets are outlined in detail in the finance report to this committee. The forecast 2018/19 High Needs overspend is £3.142 m. The forecast 2018/19 home to school transport overspend is £0.450m.
- 8.2. Members have been asked to agree to full feasibility planning to progress and determine the scale, scope and impact of an ambitious capital programme on the basis of an invest to save SEND sufficiency strategy. This is intended to enable the needs of children and young people with SEND to be met, now and in the future, and to enable the High Needs Block to return to a balanced budget in the medium term.
- 8.3. Earlier in this report the need for initial planning for four new special/complex needs schools and more specialist resources bases has been described, with costs for special school capital build in the approximate range of £12 million per school; to illustrate the scale of investment required as part of this invest to save programme of work. Equally this report has explained the savings that can be made through investment in Good and Outstanding state funded specialist provision, with forecasts of annual revenue savings in excess of £6 million being possible.
- 8.4. Detailed financial impacts will be provided to future CS Committees following feasibility planning over the summer and first half of the autumn term.

9. Issues, risks and innovation

- 9.1. The financial risks, linked to the ongoing pressure within the High Needs Block and SEN Transport budgets, have been outlined within the Finance Monitoring Report earlier on the agenda for this committee and at previous meetings.
- 9.2. There are well documented pressures on all specialist SEN provision across the county, within both the state funded and non-maintained/independent sectors. There is a need to increase the availability of high quality SEN specialist provision whilst returning to a balanced budget (High Needs Block) and ensuring that all mainstream schools offer inclusion opportunities for those families who state this preference.
- 9.3. A detailed issues / risks analysis will be included in future reports to CS Committee following feasibility planning over the summer and first half of the autumn term.

10. Background

- 10.1 This is the link to Norfolk's Local Offer, which provides information for families, young people and professional regarding SEND support, services and provision across the county www.norfolk.gov.uk/children-and-families/send-local-offer
- 10.2 These links within Norfolk's Local Offer, provide background information on key elements of the summary information within this committee report, covering:
- SEND Sufficiency Capital Consultation Outcomes Summary:
www.norfolk.gov.uk/children-and-families/send-local-offer/support-for-learning/education-health-and-care-ehc-plans/send-provision-capital-funding
 - SEND Funding Guidance for Schools : www.norfolk.gov.uk/children-and-families/send-local-offer/education-and-training-0-25/schools/sen-funding-for-schools
 - SEN Support Expectations : www.norfolk.gov.uk/children-and-families/send-local-offer/education-and-training-0-25/special-educational-provision-we-expect
- Appendix 1 : Norfolk state funded special school provision map Reference
 - Appendix 2 : Education Health & Care Plans : Performance & Demand Management
 - Appendix 3 : High Needs Block : Funding pressures and mitigations

Officer Contact

If you have any questions about matters contained or want to see copies of any assessments, e.g. equality impact assessment, please get in touch with:

If you have any questions about matters contained in this paper please get in touch with:

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