

## Report to the Cabinet

Meeting to be held on Thursday, 8 August 2019

### Report of the Executive Director of Education and Children's Services

**Part I**

Electoral Division affected:  
(All Divisions);

### Developing the Approach and Provision for Children and Young People with Special Educational Needs and Disabilities

(Appendices 'A' - 'C' refer)

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#### Executive Summary

This report sets out the current position in relation to the number and placement of children and young people with special educational needs and disabilities in Lancashire and presents how need is met and the financial implications for the Council based on demand moving forward.

The report includes recommendations to support a framework for developing a needs led, cost effective approach to address demand and reduce unsustainable budget pressures for children and young people with special educational needs and disabilities.

#### Recommendation

Cabinet is asked to:

- (i) Consider the information set out in this report.
- (ii) Agree the principles set out in the report, as a framework to develop the operational approach and provision for children and young people with special educational needs and disabilities in Lancashire.
- (iii) Note that any significant changes to the nature and type of provision will be the subject of a future Cabinet report.

## **Background**

The Children and Families Act 2014 and the Special Educational Needs and Disabilities Code of Practice set out an expectation that the provision of education for most children and young people will be in mainstream schools, with additional support where appropriate.

Evidence and best practice nationally determine six key themes to support the development of a more inclusive, successful and cost-efficient way of working.

These are to:

- work in partnership with parents, carers and young people;
- work in partnership across education, health and care, including joint commissioning;
- ensure the effective identification, assessment and provision of support for children and young people's needs;
- enhance inclusive capacity in mainstream schools and settings;
- develop effective, sustainable local specialist provision that is responsive and flexible; and
- focus on preparation for adulthood.

These themes reflect the newly agreed vision for the Lancashire Children, Young People and Families Partnership, and align with the principles and priorities set out in the Lancashire Special Educational Needs and Disabilities Partnership Strategy 2019-2021, set out at Appendix A. The four priorities are:

- identifying and meeting need;
- working as equal partners;
- delivering accessible services; and
- ensuring improved outcomes.

## **Current context**

At the time of writing, Lancashire has approximately 7,300 children and young people with an Education Health and Care Plan; approximately 3.1% of the total population of young people under the age of 25, which is consistent with the national figure.

Around 80% of children and young people with an Education Health and Care Plan have one of the following primary needs:

- Autistic Spectrum Disorder; (ASD)
- Moderate Learning Difficulties; (MLD)
- Social Emotional Mental Health; (SEMH)
- Speech Language Communication Needs; (SLCN) and
- Severe Learning Difficulties. (SLD)

A breakdown of the most common special educational needs and disabilities categories of need of children and young people with an Education Health and Care plan, compared with national figures, is provided below in Figure 1.

<b>Figure 1: 2018/19 – Education Health and Care Plan Cohort</b>					
<b>SEND category</b>	<b>ASD</b>	<b>MLD</b>	<b>SEMH</b>	<b>SLCN</b>	<b>SLD</b>
Lancashire	28.8%	12.6%	15.9%	12.3%	9.9%
National	29.0%	11.5%	13.3%	15.0%	11.9%

As illustrated in Figure 1, the proportion of children and young people identified with autistic spectrum disorder as a primary need in Lancashire, is in line with the national position. The proportion of children and young people identified with moderate learning difficulties and social emotional mental health needs as a primary need is higher in Lancashire than nationally; additionally the gap to the national average for those with social emotional mental health needs has increased over the last 3 years. A lower proportion of children and young people in Lancashire are identified as having speech and language communication needs and severe learning difficulties compared with national figures.

A summary of education provision in Lancashire for children and young people with an Education Health and Care Plan compared with the national position is shown in Figure 2 below:

<b>Figure 2: Education Provision - Percentage of children and young people supported by an Education Health and Care Plan</b>	<b>Lancashire</b>	<b>England</b>
Mainstream Schools - maintained, academy and free	26.0%	33.2%
Special Schools – maintained, academy and free	42.1 %	33.6%
Special Educational Needs units/resourced provision	0.4%	5.0%
Non-maintained and independent special schools	6.3%	5.0%
Post-16, tertiary, further or higher education and sixth form	18.2%	14.7%

The national Special Educational Needs data for 2019 shows that there are 11.8% fewer children and young people educated in mainstream settings in Lancashire (including units/resourced provision), than is the case nationally which equates to 824 places.

Of those children and young people attending special schools, 42.1% attend state-funded special schools in Lancashire compared with 33.6% in England, and 6.3% attend non-maintained and independent non-maintained special schools, compared with 5% in England. Overall, this is 9.8% higher than nationally, equating to 690 places.

The percentage of young people with an Education Health and Care Plan attending college, sixth form and other Further Education/Higher Education provision post-16 in Lancashire is 18.2%; almost 4% higher than nationally. The proportion of young people attending specialist post-16 institutions is 1.4% compared with 0.7% nationally. Overall there are more young people in post-16 provision than is reported nationally.

The main categories of need for children and young people at SEN support (children and young people who have special educational needs, but who do not have an education, health and care plan) have some differences to those with Education Health and Care Plans. The main categories are in Figure 3 below:

<b>Figure 3: 2018/19 – SEN Support Cohort</b>					
<b>SEND category</b>	<b>ASD</b>	<b>MLD</b>	<b>SEMH</b>	<b>SLCN</b>	<b>SPLD</b>
Lancashire	5.9%	26.5%	17.3%	18.9%	14.6%
National	6.2%	22.9%	18.10%	23.40%	14.9%

When children and young people in Lancashire with special educational needs and disabilities support are considered separately, the main differences are:

- a higher proportion being identified with moderate learning difficulties; and
- a lower proportion being identified with speech and language communication needs.

The overall birth rate in Lancashire is declining, although in some areas housing developments and inward migration counter this. Consequently, the primary school population is expected to decline, or at least remain unchanged, except in areas of significant housing development such as Preston. This will be considered in planning future provision, and the assessment of need will include the proportion of affordable housing planned within each development.

However, the rise in births between 2007 and 2011, will result in a significant rise in pupil population in secondary schools, with an estimated additional 9,000 pupils over the next five years to 2023/24. It is likely that the number of young people with special educational needs and disabilities will increase by approximately 270, with an associated demand for 108 additional special school places based on the national average.

To summarise, the analysis of this data shows that across Lancashire, the balance of support for children and young people is weighted in the wrong direction with:

- too few children’s needs being met in mainstream provision, and
- additional resourced provision not being used to capacity.

The data relating to young people in post 16 provision as mentioned above, requires further investigation, in partnership with the Lancashire Colleges, to understand and determine the reasons for this profile.

## **Developing the approach and planning provision**

Whilst there are area differences across the county, the national comparators referred to above indicate that the approach to developing support and provision for special educational needs and disabilities in Lancashire needs to result in greater inclusion.

Too many children do not have the opportunity to attend mainstream schools and fewer children attend provision which is additionally resourced. The cost associated with meeting need in Special Schools and independent provision is significantly more than in mainstream schools and additionally resourced provision. Wherever possible, children should be educated in a mainstream school with their peers.

However, the combination of a drive to meet need in mainstream schools where appropriate, and an unsustainable budget pressure in the High Needs Block in the Dedicated Schools Grant, as detailed in the financial implications, means there is a need to broaden our strategic approach. This requires a framework to be agreed urgently so that the county council can commission the correct placements to support existing need and meet future need.

The following principles in the Special Educational Needs and Disabilities Partnership Strategy 2019-2021 set the foundations for this approach:

- ***Choice and control for children, young people and parents***
  - Taking children and young people's views seriously
  - Involving parents and carers in decision making
- ***Collaboration between education, health and social care***
  - Building trusting relationships
  - Ensuring coordination of support
- ***Quality provision and services***
  - Delivering consistently
  - Communicating clearly
- ***Inclusive practice and removing barriers to learning***
  - Behaving fairly and with compassion
  - Assuring children and young people's dignity
- ***Preparation for adulthood***
  - Being proactive and ambitious
  - Providing options and choices

An agreed framework will enable officers, working with relevant partners, to redefine and recommission provision, so that it is focused on and aligned with need. It is the Local Authority's duty to ensure there is sufficient provision available to meet a range of special educational needs, considering demographic growth and geographic differences.

Currently, there are 30 special schools in Lancashire, all of which are good or outstanding, except for one school for young people with social emotional mental health needs. Maps providing information about the location of special and short stay schools are set out at Appendix B; most children and young people attending these provisions live in the following areas:

- **East** - Oswaldtwistle, Nelson and Colne and the area on the border to the north west; Burnley and much of Rossendale
- **North** - Morecambe, Lancaster, Fleetwood, Thornton, Poulton-le-Fylde and Lytham
- **South** - Preston and a narrow band south of Preston towards and including Chorley, Ormskirk and Skelmersdale.

To support learning needs and autism there are 12 schools for General Learning Difficulties; three for Moderate Learning Difficulties; six for Severe or Profound and Multiple Learning Difficulties and one school to meet autistic spectrum disorder needs. Apart from one school for Profound and Multiple Learning Difficulties, all schools are at capacity or oversubscribed.

Within the General Learning Difficulties/Moderate Learning Difficulties/Severe Learning Difficulties/Profound and Multiple Learning Difficulties schools there are 2267 designated places across the county with 2385 currently being provided i.e. an additional 118 places.

There are seven schools for children and young people with social emotional mental health needs; apart from one school they all are at capacity or oversubscribed.

There is one school for hearing impairment which is currently undersubscribed.

In addition, 489 places are provided in the independent sector. Of those 489 places, 34 are to meet the needs of those with learning difficulties, 188 places are to meet Autistic Spectrum Disorder needs and 267 are to meet Social Emotional Mental Health needs.

In mainstream schools, there are 10 additionally resourced provisions across the age range for hearing impairment; speech, language and communication; and specific learning difficulties. These provisions are currently underutilised.

There are nine short stay schools, three primary and six secondary, with the majority oversubscribed. Six short stay schools are good or outstanding; one primary provision is inadequate with consultation on closure being undertaken, and a secondary provision requires improvement. In addition, there is one alternative provision which is an academy.

In 2018, which is the last date with comparable national data, there were 11 primary places per 10,000 pupils in alternative provision nationally, and 88 secondary places per 10,000. In Lancashire, this is similar in the primary phase although there are approximately 120 secondary places per 10,000 which reflects the higher than national rate of exclusion from Lancashire secondary schools. An external review of secondary provision took place in partnership with secondary head teachers and providers of alternative education during 2018/19. The outcome of the review recommends developing the future approach with education providers; the report is set out at Appendix C.

In the context of the data and the description of current specialist provision referred to earlier in the report, it is estimated that the Local Authority will need to secure:

- support for an additional 270 secondary aged young people with Special Educational Needs and Disabilities;
- the provision of additional special school places to meet current demand
- capacity to meet need through additional resourcing in mainstream schools;
- local provision for children and young people with a range of learning difficulties, Autistic Spectrum Disorder and Social Emotional Mental Health needs.

## **Recommendation**

Cabinet is asked to approve the following principles as a framework to develop the operational approach and provision for Special Educational Needs and Disabilities in Lancashire. Any significant changes to the nature and type of provision will be presented to Cabinet through a future report.

The principles are:

- a. Improving outcomes for children and young people with Special Educational Needs and Disabilities;
- b. Enhancing provision which supports children and young people attending a mainstream school;
- c. Implementing system led solutions to meet the needs of children and young people in their local community with support provided by education settings where possible;
- d. Securing integrated pathways across mainstream, alternative and specialist provision and into adult services to secure and improve good transition planning for young people as they move from placement to placement;
- e. Ensuring the efficient use of resources, maximising the capacity of good and outstanding local specialist provision and reviewing underutilised provision to address the unsustainable budget pressures within the High Needs Block;

- f. Developing a consistent offer, which provides choice and ensures equity of access;
- g. Sharing information to inform decision making and ensure accountability;
- h. Learning from and responding to the findings and recommendations of inspections and reviews;
- i. Considering capital investment opportunities to meet predicted increase in population growth and changing needs;
- j. Extending the size, age range and the school population served by existing special schools where possible to improve use of resources;
- k. Reducing the amount of travel to school time for children and young people where possible, engaging providers in developing and supporting travel arrangements; and
- l. Working collaboratively with neighbouring councils to seek to maximise efficient use of resources where possible.

## **Implications**

There is a presumption in the Children and Families Act 2014 and the Special Educational Needs and Disabilities Code of Practice 2014 that most children and young people will attend a mainstream school, with additional support where appropriate.

Whilst this is the case nationally and in Lancashire, there are larger numbers of children and young people in Lancashire currently attending specialist provision at significantly increased cost.

## **Risk management**

The county council and partners across education, health and care are required to work together to plan for and meet the needs of children and young people who have special educational needs and disabilities, in line with the Special Educational Needs and Disabilities Code of Practice 2014.

## **Financial Implications**

Funding to support provision for children and young people with special educational needs and disabilities is included as part of the Dedicated Schools Grant in the High Needs Block. This funding is to enable local authorities and education providers to meet their statutory duties under the Children and Families Act 2014.

Increasing pressure on the High Needs Block is not unique to Lancashire; the 2014 SEND reforms placed new statutory duties on all local authorities, including extending the age range to support for young people until they are 25, although this

is not necessarily in formal education and should be in the least restrictive environment possible as they transition to adult life.

The Local Government Association and the ISOS Partnership, an advisory and research company that works within the public sector, recently issued a joint research based on a review of funding for special educational needs and disabilities, with a prediction that "there could be a national deficit on high needs spending between £1.2 billion and £1.6 billion by 2021".

A preliminary financial forecast has been undertaken and, in this context, it is essential that High Needs Block expenditure is closely monitored to ensure it is used efficiently and to best effect.

### **Equality and Cohesion**

This proposal impacts on both the age (young people) and disability protected characteristics of the Equality Act 2010, and is designed to contribute positively to the Public Sector Equality Duty's general aim of advancing equality of opportunity and its related aim of increasing participation in public life for these children and young people, their families and carers. The information contained within the report indicates that there are fewer children and young people educated in mainstream schools in Lancashire than nationally. There are also more children educated in specialist provision and secondary alternative provision than nationally.

The lack of access to supported provision in mainstream schools and to local specialist provision of particular designations and for those with the most complex needs is resulting in some children and young people travelling to schools outside their community.

### **List of Background Papers**

Paper	Date	Contact/Tel
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None		
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Reason for inclusion in Part II, if appropriate		
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