

Report to the Cabinet

Meeting to be held on Thursday, 16 January 2020

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

Part I

Electoral Divisions affected:
All

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

(Appendices 'A' and 'B' refer)

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Executive Summary

This report set out a series of proposals that will enable the county council to fulfil its responsibilities for ensuring the sufficiency of provision for children and young people with special educational needs and disabilities over the next five years. It builds on an earlier report to Cabinet on 8 August 2019, setting out the current position with respect to the number and placement of children and young people in Lancashire with special educational needs and disabilities. The current proposals are consistent with the principles underpinning the approach to the development of special educational needs provision that were agreed at the August Cabinet meeting.

This is deemed to be a Key Decision and the provisions of Standing Order C19 have been complied with.

Recommendation

Cabinet is asked to:

- (i) Approve, for wider consultation, Special Educational Needs and Disabilities Sufficiency Strategy 2019-2024 set out at Appendix 'A', which sets out a range of medium and longer term actions.
- (ii) Approve the commencement of feasibility design work for two proposed capital projects for Broadfield Specialist College, Oswaldtwistle, and Sir Tom Finney Community High School, Preston as set out in the report.
- (iii) Approve the commencement of an informal process for seeking expressions of interest from mainstream schools to support the development of special

educational needs units in localities in need of additionally resourced mainstream provision.

- (iv) Approve the commencement of feasibility design work for the projects at Stepping Stones Short Stay School and on The Haven site in line with the statutory processes.
- (v) Implement the proposals identified within these recommendations where they are consistent with the priorities with the August Cabinet report and the Sufficiency Strategy.

Background and Advice

This report sets out how the county council will ensure the sufficiency of provision for children and young people with special educational needs and disabilities in Lancashire over the next five years, within the context of increased demand in particular areas of need and pressure on the High Needs Block budget.

To meet this growth in demand, a Special Educational Needs and Disabilities Sufficiency Strategy 2019-2024 has been developed and is set out at Appendix 'A' for approval, subject to consultation.

The Sufficiency Strategy sets out the proposed action to enable the county council to meet demand, as well as driving a change in practice in order to support more children and young people to remain in mainstream provision.

The Sufficiency Strategy aims to ensure there are a range of provision types available for children and young people with special educational needs and that the right support is provided at the right time and as far as possible within the local community.

The proposed Sufficiency Strategy includes a number of actions to:

- a) prevent demand from escalating further, by working more closely with key services so that needs are identified earlier;
- b) review decision making processes to ensure placements are needs led and provide value for money;
- c) improve the management of demand, by building capacity in mainstream provision;
- d) develop places where demand has grown;
- e) re-configure places to reflect demand.

These actions are set out in more detail in the Strategy at Appendix 'A'.

The Children and Families Act 2014 secures the general presumption in law of a mainstream education in relation to decisions about where children and young people with special educational needs should be educated. This means priority must be given to inclusive practice and the removal of barriers to learning in order to support children and young people's right to participation in mainstream education

within their local community. Whilst the strategy sets out Lancashire's ambition to ensure as many children as possible can enjoy mainstream provision, it is also very clear that in Lancashire there is insufficient specialist provision in the right places and therefore that the strategy also requires the development of additional special school places.

Local authorities are required to keep their education provision under review. This includes the sufficiency of that provision.

Informal discussion with headteachers and the Parent Carer Forum via their representative groups took place in October and November 2019. A range of views were presented during these meetings that included concerns about the lack of provision for children and young people presenting with social, emotional and mental health needs in the north of the county and more generally about the need for an increased focus on earlier intervention. These discussions have shaped the recommendations presented in this report.

Population

Nationally there has been a 47% increase in the number of education, health and care plans maintained in England over the last five years between 2014/15 and 2018/19. This is a 13% increase in comparison with the previous five years. In Lancashire, the increase in demand was 42% over the same period.

In January 2019, 7,042 children and young people in Lancashire had an education, health and care plan, this equates to 3.1% of the population. This is in alignment with the national figure of 3.1%.

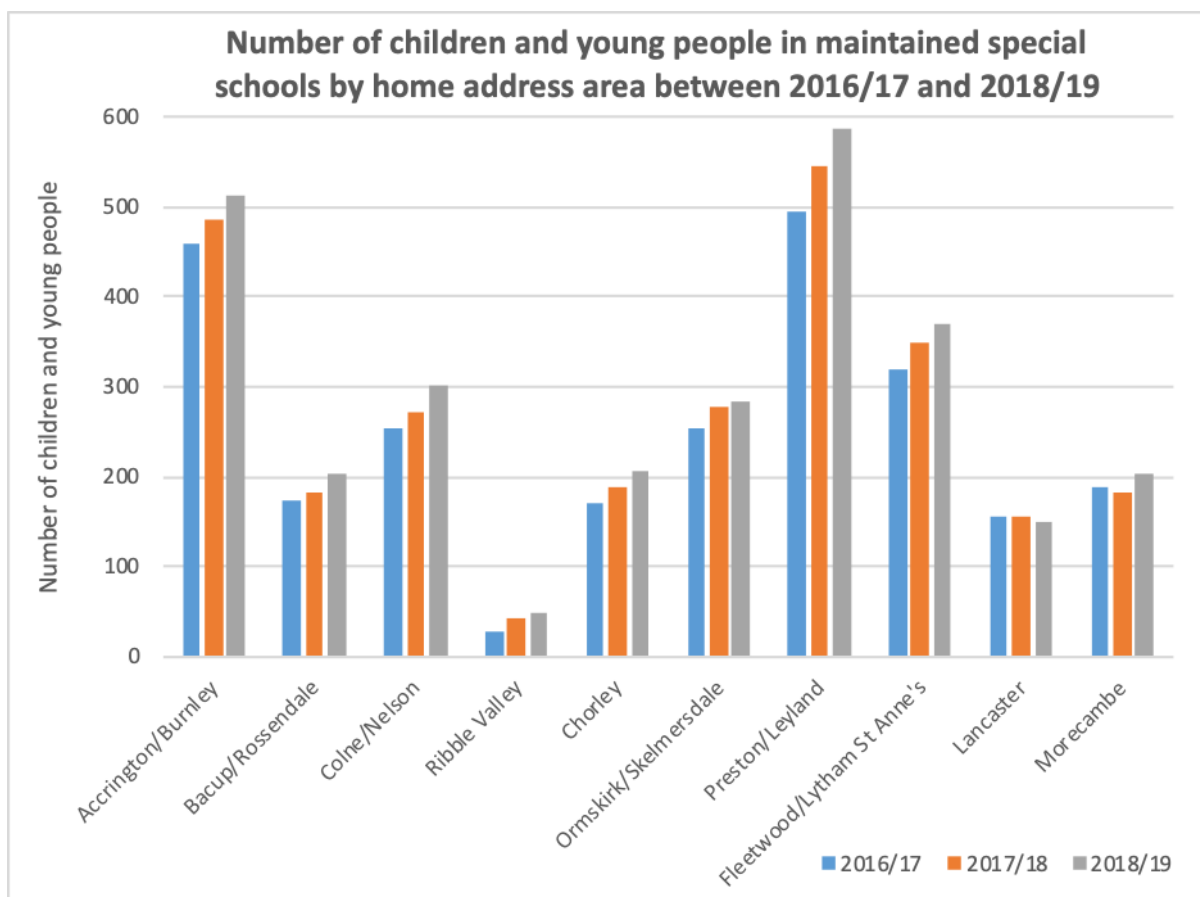
Just under 80% of children and young people with an education, health and care plan in Lancashire have a learning difficulty, an autism spectrum disorder, speech, language and communication needs or social, emotional and mental health needs.

The distribution of children and young people with education, health and care plans across different age ranges is provided below.

Location	Under 5 years	Aged 5-10 years	Aged 11-15 years	Aged 16-19 years	Aged 20-25 years
England	4.0%	33.1%	35.7%	21.9%	5.3%
Lancashire	4.8%	31.8%	34.4%	22.7%	6.3%

The greatest demand for places is in the following areas: Accrington/Burnley, Colne/Nelson, Fleetwood/Lytham, Lancaster, Morecambe, Ormskirk/Skelmersdale and Preston/Leyland.

The demand for special school places for children and young people living in each of these areas has remained fairly constant as set out in the chart below. Areas of historically high demand, such as Accrington/Burnley and Preston/Leyland continue to have the highest levels of demand and with the exception of one area there has been an increase in demand between 2016/17 and 2018/19 in all of these areas.



Education Places

49% of children and young people with education, health and care plans in Lancashire attend maintained or independent special schools. Nationally the proportion of children and young people attending special schools is 40%. If Lancashire was in line with the national figure, it would equate to 634 fewer places in special schools.

In Lancashire, 324 fewer pupils attend Special Educational Needs units or resourced provision within a mainstream setting when compared with the number that would be expected if Lancashire were in line with the average for England overall. Nationally, 5% pupils with Education, Health and Care Plans attend special educational needs units; in Lancashire this is 0.4%.

Special schools are largely full. Lancashire currently commissions 642 places, in addition to those available within the capacity of state-funded special schools, and include 373 within independent and non-maintained special schools.

Over 85% of the placements that are commissioned within independent and non-maintained special schools are for pupils with social, emotional and mental health needs (52% of the total with these needs) and those identified as having an autism spectrum disorder (33% of the total).

The cost of the independent and non-maintained special school placements in 2018/19 for pupils with social, emotional and mental health needs and autism spectrum disorders is in the region of £17 million per year.

An overview of the number of special schools by location and area is presented along with a map attached at Appendix 'B'.

Social, emotional and mental health needs

A summary of the number of special school places in each area for children and young people with social, emotional and mental health needs in September 2019 is presented below.

Education phase	East		North		South	
	Number of places	% of county total	Number of places	% of county total	Number of places	% of county total
Primary	64	42.7%	0	0%	86	57.3%
Secondary	68	22.4%	120	39.6%	115	38.0%

There are no special school places for primary aged children with social, emotional and mental health needs in the north of the county at the current time.

Learning difficulties and autism spectrum disorders

A summary of the current position with respect to special school places for children and young people with learning difficulties and autism spectrum disorders is presented in the table below.

Education phase	East		North		South	
	Number of places	% of county total	Number of places	% of county total	Number of places	% of county total
Primary	424	45.4%	206	22.1%	304	32.5%
Secondary	532	37.4%	373	26.2%	518	36.4%

These figures relate to the maximum capacity in special schools and show a relatively equitable distribution of special school places at secondary level in terms of the school aged population in each area. There are fewer places in the primary phase in the south than would be indicated by the school age population.

The location of special school places across the county in the primary phase is not entirely consistent with population size, demand or level of deprivation.

A review of decision making processes and systems in relation to the placement of pupils with special educational needs across the county is being undertaken in order to ensure greater consistency in the allocation of places.

Provision needed in the future

Nationally, there has been a 29% increase in demand for special school places over the last five years. Since the implementation of the special educational needs

reforms in 2014, there has been an increase in demand for special school places every year.

In 2019, the year on year rate of increase slowed for the first time, but crucially there was still an increase in demand.

The greatest percentage growth in demand is for specialist post-16 places; more than double that for children and young people below the age of sixteen, albeit from a smaller base. The development of post 16 provision is currently the subject of discussion with providers.

To ensure the county council has sufficient special educational needs and disabilities provision, an assumption has been made that demand for special school places will continue to increase by 24% in total over the next five years. Forecasts have predicted declining birth rates and it is therefore anticipated there will be a reduction in the primary population over this time period. Conversely, the higher birth rates between 2007 and 2011 are now beginning to affect secondary phase populations. When combined with housing developments in particular areas, for example in the south of the county in locations such as Preston, this is likely to lead to an increase in demand for secondary places.

Taking all of the above into consideration i.e. population estimates, increased demand for special school places, the number of places that are commissioned within state funded special schools above the maximum capacity and the over reliance on special school placements across Lancashire, it is anticipated that at least another 213 places will be required within the next five years.

Most of this shortfall will be in the east and south of the county, for children and young people with learning difficulties and autism spectrum disorders.

In the east, there will also be a shortfall of places for children and young people with social, emotional and mental health needs.

A summary of the impact of the proposed changes to special school places for children and young people with social, emotional and mental health needs is provided in the table below. The percentages relate to the future number of special school places and are broadly aligned with the 4 to 15 year old population in each area.

Education phase	East		North		South	
	Number of current places	Percentage of the total no. of special school places across the county	Number of places	Percentage of the total no. of special school places across the county	Number of places	Percentage of the total no. of special school places across the county
Primary	70	34.7%	46	22.8%	86	42.6%
Secondary	90	35.9%	60	23.9%	115	40.2%

A summary of the proposed changes in relation to special school places for children and young people with learning difficulties and autism spectrum disorders is provided in the table below. It is anticipated that some of the shortfall in the south will be addressed through the use of places in the centrally located Hillside Specialist School and College for children and young people with autism spectrum disorders.

Education phase	East		North		South	
	Number of places	Percentage of places across the county	Number of places	Percentage of places across the county	Number of places	Percentage of places across the county
Primary	393	42.7%	206	22.4%	321	34.9%
Secondary	533	35.3%	376	24.9%	599	39.7%

It can be seen from the data presented above that the recommendations will establish the predicted additional capacity for places in the east and south of the county and begin to address the lack of capacity in the north of the county. The latter will require further work to secure a solution.

Transport

Data reported by the County Councils Network in July 2019 indicates the special educational needs and disabilities transport spend per head in Lancashire is in the lower 50% of thirty-one local authorities which contributed to this research. Special schools in Lancashire are mostly located in areas of higher demand across the county. It is not anticipated these changes will have a significant impact on the transport budget.

Implications of the recommendations

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

Context

High needs funding within the dedicated schools grant supports provision for children and young people with special educational needs and disabilities. This funding enables local authorities and education providers to meet their statutory duties under the Children and Families Act 2014.

The escalating pressures on the high needs block are not unique to Lancashire; the special educational needs reforms introduced in 2014 placed new statutory duties on all local authorities, which included an extension in the age range from birth to twenty-five years; previously, this was up to school leaving age of sixteen for the majority of young people.

Nationally, the average spend on high needs has increased and high needs block allocations fall short of existing levels of expenditure, and this is despite increased funding and some significant transfers from the Schools Block.

The Local Government Association and ISOS Partnership recently published a joint piece of research reviewing the funding for children and young people with special educational needs and disabilities. This was a detailed research project drawing on large numbers of local authority databases and with which Lancashire County Council was involved. One of the key findings of this research was that: "If the system were to continue as now, and we project forward the current reported level of deficit, we estimate that there could be a national deficit on high needs spending between £1.2 billion and £1.6 billion by 2021."

The council has undertaken its own preliminary financial forecast. The initial findings indicated a potential shortfall of circa. £42 million by 2023/24 within a possible range of £30 million to £50 million. This forecast took into account national and local trends and assumes no additional funding would be made available from the government or

through the transfer of funds from the schools' block. This work is now being revisited given the recent increase in funding announced on the 19 December. This is expected to materially decrease but not eradicate the expected funding.

Capital Funding

Lancashire's allocation of the Special Provision Capital Funding provided by the government is £3.5 million. The purpose of this funding is to help local authorities ensure there are sufficient good school places for all pupils, including those with special educational needs and disabilities. This funding can be used to establish new school places.

An additional £6.5 million has been allocated from the basic needs grant for Lancashire to provide sufficient pupil places for children and young people with special educational needs and disabilities.

A summary of the number of places, funding required and funding source for each project is provided in the table below.

New provision	Educational phase	Additional places created	Estimated cost	Funding source
Move Broadfield Specialist College to Hameldon site	Secondary	60	£3 million	Special Provision Capital Funding
Increasing the number places at Sir Tom Finney Community High School	Secondary	88	£1.4 million	Special Provision Capital Funding (£0.5 million) plus basic needs funding (£0.9 million)
Addition of modular building to Stepping Stones Short Stay School site	Primary	20	£365,000	Basic needs funding
Refurbishment of the Haven site	Primary	30	£200,000	Basic needs funding
	Secondary	20		
12 SEND units attached to mainstream schools	Primary	72	£4.32 million	Basic needs funding
	Secondary	72		

Conclusion

The contents of this report and the attached appendix are part of a broader strategy, which from a financial perspective, will help ensure that:

- the expected financial shortfall will be narrowed; and

- current and additional forthcoming Dedicated Schools Grant funds are used more efficiently and effectively.

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
None		
Reason for inclusion in Part II, if appropriate		
N/A		